

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

Date: Wednesday 31 January 2018
Time: 4.00 pm
Meeting Room: Council Chambers
Venue: 126-148 Oxford St
Levin

Council OPEN AGENDA

MEMBERSHIP

Mayor	Mr Michael Feyen	
Deputy Mayor	Mr Wayne Bishop	
Councillors	Mr Ross Brannigan	
	Mr Ross Campbell	
	Mr Neville Gimblett	
	Mr Barry Judd	
	Mrs Victoria Kaye-Simmons	
	Mrs Jo Mason	
	Mrs Christine Mitchell	
	Ms Piri-Hira Tukapua	
	Mr Bernie Wanden	
Reporting Officer	Mr Mark Lester	(Acting Chief Executive)
Meeting Secretary	Mrs Karen Corkill	
	Ms Sharon Bowling	

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Website: www.horowhenua.govt.nz

Full Agendas are available on Council's website
www.horowhenua.govt.nz

Full Agendas are also available to be collected from:
Horowhenua District Council Service Centre, 126 Oxford Street, Levin
Foxton Service Centre/Library, Clyde Street, 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

Notification to speak is required by 12 noon on the day of the meeting. Further information is available on www.horowhenua.govt.nz or by phoning 06 366 0999.

See over the page for further information on Public Participation.

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 Declaration 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 - Open 22 November 2017
Open & In Committee 27 November 2017**

6 Announcements

Foxton Community Board

There will be an update from the Chair of the Foxton Community Board.

Public Participation (further information):

The ability to speak at Council and Community Board meetings provides the opportunity for members of the public to express their opinions/views to Elected Members as they relate to the agenda item to be considered by the meeting.

Speakers may (within the time allotted and through the Chairperson) ask Elected Members questions as they relate to the agenda item to be considered by the meeting, however that right does not naturally extend to question Council Officers or to take the opportunity to address the public audience be that in the gallery itself or via the livestreaming. Council Officers are available to offer advice too and answer questions from Elected Members when the meeting is formally considering the agenda item i.e. on completion of Public Participation.

Meeting protocols

1. All speakers shall address the Chair and Elected Members, not other members of the public be that in the gallery itself or via livestreaming.
2. A meeting is not a forum for complaints about Council staff or Council contractors. Those issues should be addressed direct to the CEO and not at a Council, Community Board or Committee meeting.
3. Elected members may address the speaker with questions or for clarification on an item, but when the topic is discussed Members shall address the Chair.
4. All persons present must show respect and courtesy to those who are speaking and not interrupt nor speak out of turn.
5. Any person asked more than once to be quiet will be asked to leave the meeting.

Proceedings of the Hearings Committee 28 November 2017

File No.: 18/9

1. Purpose

To present to the Council the minutes of the Hearings Committee meeting held on 28 November 2017.

2. Recommendation

- 2.1 That Report 18/9 Proceedings of the Hearings Committee 28 November 2017 be received.
- 2.3 That the Council receive the minutes of the Hearings Committee meeting held on 28 November 2017.
- 2.4 That as recommended by the Hearing Committee, the Horowhenua District Council adopts the Local Easter Sunday Shop Trading Policy 2017 as an operative policy of Council.

3. Issues for Consideration

The following item requires further consideration by Council:

Draft Local Easter Sunday Shop Trading Policy 2017

Following hearing from submitters and considering the submissions received, the Hearings Committee passed the following resolution:

THAT after the consideration of submissions the Hearings Committee recommends to the Horowhenua District Council that the Draft Local Easter Sunday Shop Trading Policy 2017 be adopted as an operative policy of Council.

Council's adoption of the Local Easter Sunday Shop Trading Policy 2017 is now sought.

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 benefits and costs, 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)	Megan Leyland Consents Manager	
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Approved by	Nicki Brady Group Manager - Customer & Regulatory Services	
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Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Council Chambers, 126-148 Oxford Street, Levin, on Tuesday 28 November 2017 at 3.00 pm.

PRESENT

Chairperson Cr J F G Mason
Members Cr R J Brannigan
Cr B F Judd

IN ATTENDANCE

Reporting Officer Mr M E Lepper (Customer & Regulatory Services Manager)
Ms M J Leyland (Compliance Lead)
Mrs N Brady (Group Manager – Customer & Regulatory Services)
Mrs K J Corkill (Meeting Secretary)

ALSO IN ATTENDANCE

Submitters Mr B Wanden
Mrs S Freebairn Waitarere Beach Progressive & Ratepayers' Assn
Rev I Boddy Levin Uniting Church
Mr A Little Levin Uniting Church

Cr Mason welcomed everyone to the meeting convened to hear submissions on the Draft Local Easter Sunday Shop Trading Policy 2017 acknowledging the two recently appointed Hearing Committee Members, Crs Brannigan and Judd. She also acknowledged the Officers in attendance, particularly Mr Lepper as this would be his last meeting prior to retiring from Council.

1 Apologies

There were no apologies.

2 Declarations of Interest

There were no declarations of interest.

3 Confirmation of Minutes – 18 June and 27 October 2017

MOVED by Cr Judd, seconded Cr Brannigan:

THAT the Open and In Committee Minutes of the meetings of the Hearings Committee held on Wednesday 28 June 2017 and Friday, 27 October 2017, be confirmed as a true and correct record.

CARRIED

4 Announcements

There were no announcements.

5 Reports

5.1 Draft Local Easter Sunday Shop Trading Policy 2017 - Hearing of Submissions

Purpose

To provide the platform for the Hearings Committee (Committee) to hear and consider submissions received on the Draft Local Easter Sunday Shop Trading Policy 2017 and make a subsequent recommendation to Council in respect of the policy.

MOVED by Cr Judd, seconded Cr Brannigan:

THAT Report 17/581 Draft Local Easter Sunday Shop Trading Policy 2017 - Hearing of Submissions be received.

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

THAT late submissions be received and included in the consultation.

CARRIED

Submission 2 – Mr Bernie Wanden

Mr Wanden introduced himself and gave a background to his 33 years as a retailer in Levin, noting the various changes that had taken place over that time in terms of how and where people shopped.

With employees not able to be compelled to work should they choose not to, Mr Wanden said it should be up to a business owner to decide whether or not they wished to open, concluding that common sense told him that the local economy should be encouraged, not have barriers put in the way and it would be helpful to have consistency across the district.

Mr Wanden responded to queries from Hearings Members in relation to the recourse open to workers should they choose not to work, with there being the possibility of tension in the case of small business with few staff.

The very formal and specific process required to be undertaken by both parties (employer and employee) under the Shop Trading Hours legislation was referenced, with the law being clear that an employee could be asked to work but could not be compelled, and the process had to be done in writing and within a specific timeframe. Mr Wanden commented that for a small business owner like himself, it would be more likely, if he chose to open, to be him and his family working.

A copy of Mr Wanden's further submission is attached to the official minutes.

Submission 19 – Sharon Freebairn, Waitarere Progressive Association

Mrs Freebairn commenced her comments (copy provided) by saying the Association felt it was important to support the Policy and to qualify its submissions verbally. As a small community dependant on visitor numbers to boost its economy and also to make Waitarere Beach a tourist destination, it was important for the local businesses to have the opportunity to play their role in ensuring visitors enjoyed their time at the beach.

Saying that many of the existing exemptions for shop trading on Easter Sunday were outdated and created an unfair advantage for certain businesses and regions, Mrs Freebairn concluded her comments by saying that retailers needed to be able to have their businesses open if they so wished.

Responding to a query, Mr Lepper confirmed that the Sale of Liquor Act would still apply to liquor outlets.

Referring to a comment by Mr Wanden that shopping was an important recreational activity which people undertook as an outing, and referring to what she had described as outdated retail laws, Mrs Freebairn was asked if it was important for preferential areas to have retail availability. She said she had been on line and looked at Auckland which had voted against Sunday trading. She said she thought it was an individual situation and each TLA or City Council should be able to make their own decision as to what was best for their area.

In terms of people being asked to work, Mrs Freebairn said that most of the businesses in Waitarere were owner operated. Also for businesses like the Four Square and Café, there were young people who were more than willing to work so she did not think it would be an issue.

Submission 14 – Levin Uniting Parish / Rev Ian Boddy & Mr Allan Little

Mr Little introduced himself and also Rev Boddy. He particularly noted that Rev Boddy, prior to undertaking theological training, been a successful business operator in Palmerston North so, besides being a member of the clergy, he had a good knowledge of business activities.

In their submission, Mr Little said they had endeavoured to reflect on New Zealand's, as well as the district's, diversity when it came to considering this issue. Not everyone would have religious objections to trading on Easter Sunday, but there was a concern for the wellbeing of workers, the maintenance of family, and for improving the opportunities for leisure and a cohesive coming together of society. In expressing their views about Easter Sunday trading, their concerns could be summed up in one word "Why?" with the issues from a worker's viewpoint covered in the submissions from staff at the New World supermarket.

In adding to Mr Little's comments, Rev Boddy said that whilst the proposed policy permitted shops to open if they chose, it was believed there would be pressure for businesses to keep up with the competition. The proposed opening also went against Council's own March 2017 research in which 56% of respondents said 'No' to shops in the Horowhenua District opening on Easter Sunday. Also the small number of respondents (169) showed a general apathy for the subject and there was no great pressure or interest from the retail sector to change the status quo.

Rev Boddy further commented that retailers in New Zealand faced fierce competition from internet shopping but one more day would not gain retailers any advantage against the internet. Only a change in GST laws would give any relief in that regard. Also the word holiday came from 'Holy Day' with 'holiday' having a religious

connotation. There were only three Christian holy days remaining and Easter Sunday was when they celebrated life, new life out of death, meaningful life beyond the concern for money so they did have a religious objection to a change in the policy. He requested that Recommendation 3.4 be changed to “that shop trading **not** be permitted on Easter Sundays throughout the Horowhenua District”.

Mr Little reiterated his opening comments that the Levin Uniting Parish wanted to make sure that everybody understood the responsibilities they had as a Church for the care and wellbeing of the citizens of the community. Should this day be done away with, what would be next? There were excellent retail opportunities that people could avail themselves of before and after Easter Sunday and he requested the Committee to reflect on the silence in the community on the issue.

Cr Mason commented that one thing the Government had not done was make a decision about leave entitlements, noting that while there were already 12 statutory holidays, retail workers were not necessarily able to avail themselves of these, but did get compensated and did get a paid day off later. Legislation also provided for four week’s annual leave per year so employees could have an extended period to time to rest and recreate.

Responding to Cr Mason’s comments, Rev Body said that as a Minister he was entitled to five weeks leave a year so did appreciate that the balance was on the side of the person who was working. However, looking back when shops were open for five days, it had been a pleasure to go shopping on Friday night and he thought that there was a balance that needed to be restored and it was about stopping the erosion of compulsory closing days. When asked, he said he did not think that many members of the Levin Uniting Church would be affected by any change.

The submitters left the meeting and there was a brief adjournment (4.05 – 4.10 pm).

Speaking to her report, Ms Leyland said what had been presented by the submitters today was reflective of the submissions received generally and did show there was a real division in terms of people’s opinions which had made it difficult for her when making a recommendation. She said she thought it was important that Council made a decision either way and her decision to recommend adopting the Policy was to enable people to have a choice. Also, Easter Sunday was a restricted trading day but it was not a public holiday so statutory holiday provisions did not apply and employees did not get additional rates of pay unless it was provided for in individual contracts.

Deliberations

The Hearing Committee considered the submissions received and also:

- In relation to the individual submissions, it was noted that those from religious groups had been split, despite the holiday initially being on religious grounds;
- There was inconsistency in the current environment and the legislation was not clear with regard to who could and could not trade;
- There was an opportunity now for TLAs to make a policy and make a decision that suited their communities;
- The protection provided in legislation for employees should comfort those who had concerns;
- The Policy clearly offered choice and, referencing the submission from Matthew Rollinson, clearly some retailers had already made their decision;
- The Policy provided consistency which was helpful and took away the threat of being fined;
- The make-up of the Horowhenua District also needed to be considered.

- The fact that Easter Sunday was not a public holiday but was a restricted trading day was again noted;
- What was proposed did not erode workers' rights but it did provide business owners with the choice and provided clarity under the Act and good employers would look after their staff;
- Looking at the district's beach areas and the influx of visitors over Christmas/New Year and other long weekends, it would give business owners the opportunity to capitalise on that activity.

Having taken all the above into account, the consensus of the Hearings Committee was to recommend to Council that the Draft Local Easter Shop Trading Policy 2017 be adopted.

MOVED by Cr Brannigan, seconded Cr Judd:

THAT after the consideration of submissions the Hearings Committee recommends to the Horowhenua District Council that the Draft Local Easter Sunday Shop Trading Policy 2017 be adopted as an operative policy of Council.

CARRIED

4.43 pm

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

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE HEARINGS COMMITTEE
HELD ON

DATE:.....

CHAIRPERSON:.....

Local Easter Sunday Shop Trading Policy 2017

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**HOROWHENUA DISTRICT COUNCIL
LOCAL EASTER SUNDAY SHOP TRADING POLICY 2017**

1. INTRODUCTION AND EXPLANATORY MATERIAL

- 1.1 The Shop Trading Hours Act 1990 (the Act) provides for restricted trading days on Anzac Day morning, Good Friday, Easter Sunday and Christmas Day. The Act allows shops selling certain types of goods (for example, dairies, service stations, pharmacies, takeaway bars, restaurants, cafes, souvenir stores and garden centres) to remain open on the restricted trading days.
- 1.2 The Act was amended by the Shop Trading Amendment Act 2016 enabling territorial authorities to create local policies to allow shop trading across their entire district or in limited areas on Easter Sunday.
- 1.3 Horowhenua District Council recognises the importance of the retail trade to our District, and specifically the trade associated with passing traffic on state highways.
- 1.4 This Policy applies to the whole of the Horowhenua District – see map **attached**.

2. SCOPE OF THE POLICY

- 2.1 For the purposes of this policy, the meaning of a shop is the same as defined in section 2 of the Act:

- a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail, and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include:

- (a) a private home where the owner or occupier's effects are being sold (by auction or otherwise); or*
- (b) a building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or*
- (c) a building or place where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again.*

- 2.2 Under the Act, a local Easter Sunday Shop Trading Policy may not –

- (a) permit shops to open only for some purposes; or
- (b) permit only some types of shops in the area to open; or
- (c) specify times at which shops may or may not open; or
- (d) include any other conditions as to the circumstances in which shops in the area may open.

- 2.3 This Policy does not apply to the sale or supply of alcohol. Alcohol sale and supply is regulated under the Sale and Supply of Alcohol Act 2012.

3. SHOP TRADING PERMITTED

Shop trading is permitted on Easter Sundays throughout the Horowhenua District (see map **attached**).

4. SHOP EMPLOYEES' RIGHT TO REFUSE TO WORK

All shop employees have the ability to refuse to work on Easter Sunday without providing a reason to their employer. There are "right to refuse" provisions in the Act which means that all employees will have the ability to refuse to work on Easter Sunday without any repercussions for their employment relationship.

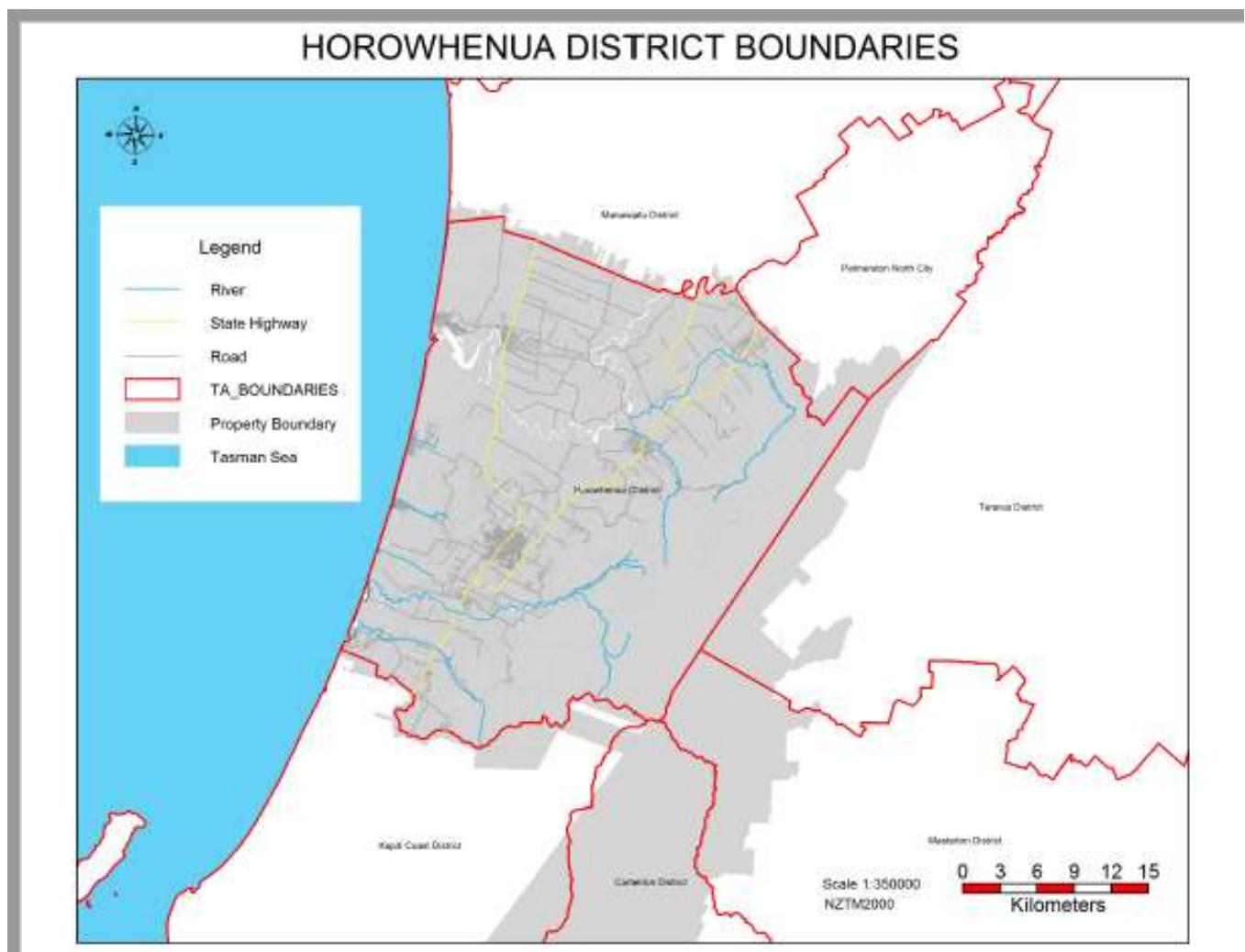
5. REVIEW

This policy will be reviewed within five (5) years of being adopted.

6. HAVE YOUR SAY

- Post to : Local Easter Sunday Shop Trading Policy Submission, Horowhenua District Council, Private Bag 4002 Levin 5540;
- Deliver To : Horowhenua District Council, 126 Oxford Street Levin;
- Email to : recordsprocessing@horowhenua.govt.nz;
- Fax to : (06) 366 0983.

Please note that submissions must be received by 5pm on Friday 6 October 2017.



Proceedings of the Foxton Community Board 11 December 2017

File No.: 18/8

1. Purpose

To present to the Council the minutes of the Foxton Community Board meeting held on 11 December 2017.

2. Recommendation

- 2.1 That Report 18/8 Proceedings of the Foxton Community Board 11 December 2017 be received.
- 2.2 That the Council receive the minutes of the Foxton Community Board meeting held on 11 December 2017.

3. Issues for Consideration

There are no items that require further consideration by Council.

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 benefits and costs, 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)	David Clapperton Chief Executive	
Approved by	David Clapperton Chief Executive	

Foxton Community Board

OPEN MINUTES

Minutes of a meeting of the Foxton Community Board held in the Te Awahou Nieuwe Stroom, 22 Harbour Street, Foxton, on Monday 11 December 2017 at 6.00 pm.

PRESENT

Chairperson	Mr D J Roache	(from 6.05 pm)
Deputy Chairperson	Ms P R Metcalf	
Members	Mr D A Allan	
	Cr N G Gimblett	
	Mr J F Girling	
	Ms J M Lundie	
	Miss M Davenport	(Student Appointee)

IN ATTENDANCE

Mr D M Clapperton	(Chief Executive)
Mrs K J Corkill	(Meeting Secretary)

PUBLIC IN ATTENDANCE

There were approximately 37 people in attendance at the beginning of the meeting.

Ms Metcalf, assumed the Chair for the commencement of the meeting.

The acknowledgement of Civic Award recipients, Christina Paton who had received a Civic Honour, and Meghan Davenport who had received a Youth Excellence Academia Scholarship received a round of applause.

1 Apologies

An apology was recorded for Mayor Feyen and for Mr Roache for lateness.

NOTED

2 Public Participation

- 7.1 Monitoring Report - 14/32 - Sand Dune Management (page 8)
Parking capacity at Thomas Place (page 9)
Christine Paton
- 7.2 CE's Report 3.4- 3,4 Foxton Beach Natural Hazards Working Party
Christina Paton
3.6 - Freeholding Account
Olaf Eady

- 7.3 Foxton & Beach Bowling Club - Oriel Martin, Foxton & Beach Bowling Club
John Barry
John Story
Dave Thomson

3 Late Items

There were no late items.

4 Declarations of Interest

There were no declarations of interest.

5 Confirmation of Minutes

MOVED by Mr Allan, seconded Ms Lundie:

THAT the minutes of the meeting of the Foxton Community Board held on Monday, 30 October 2017, be confirmed as a true and correct record.

CARRIED

Mr Roache assumed the Chair (6.05 pm).

8 Announcements

There were no announcements.

7 Reports

7.1 Monitoring Report to 11 December 2017

Purpose

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

MOVED by Mr Allan, seconded Ms Metcalf:

THAT Report 17/593 Monitoring Report to 11 December 2017 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 Item 14/32 – Sand Dune Management – Surf Club Carpark

Noting it was proposed that this matter be discussed as part of the LTP process, Mrs Paton urged Council to consider obeying the One Plan Rule 13-9 and save a considerable amount of money.

Mr Clapperton responded that Council had to determine whether it had the appetite to apply for changes to resource consents in place and feedback would be required from the community for that course of action.

Mr Allan commented that the item was on the Monitoring Report as a direct result of strong community support for the dunes to be lowered to provide visibility from the carpark. Whether that was still the community's view needed to be explored.

- Page 9 Increasing parking capacity in Thomas Place
Mrs Paton requested a timeline for this item. She had spoken to the Foxton Beach School Principal that morning and he had outlined the works that could be implemented. She queried if there was a reason this implementation could not occur.
Apologising for the lack of Officer comment in the report, Mr Clapperton said his understanding was that the design work was currently being undertaken by Officers. The next step would be to get an engineer's estimate of the cost prior to going out for tender. It was anticipated it would come within the existing road maintenance budget.
- Page 8 Item 16/59 – Toilet at the Foxton Cemetery
While the original issue re the toilet had been completed and would be removed from the report, it was requested that the Ashes Cemetery flooding remain a monitoring report item.
- Page 8/9 Item 16/16 – Kings Canal and Purcell Street Stormwater Catchment
Responding to a query as to a timeline for the anticipated report, Mr Clapperton said his understanding was that Horizons and Council staff were working together based on the two sets of information they had available. Both Councils had done some data gathering work around stormwater issues both in terms of rural and urban areas. Officers were now meeting to compare that information. February 2018 would be the earliest that something would be brought back. There was a lot of work to be done in terms of asset management plans, but it was possible that the information would be available for the LTP process.
- Page 9 Foxton & Foxton Beach Water
Mr Clapperton advised that the contract for the Foxton Beach Greensand Filter had been finalised and would be signed this week. The third week of June 2018 was the completion date. The long wait was due to the scramble for equipment from many other suppliers brought on by the issue at Havelock North and part of the delay was due to the need for a pilot scale trial.
- Item 16/341 – Foxton River Loop Working Party
Mr Clapperton reported that the working party had been meeting for the past 18 months to discuss getting the water back into the River Loop. There were two courses of action being considered, one of which was opening up the existing channel, which would not be a long term solution. The long term solution would require some infrastructure and they were working with some key stakeholders to see if support could be garnered to support opening up the Loop. Another key thing would be to develop a robust business case and some funding would be sought from MfE and possibly the new Environment Minister to assist.

7.2 Chief Executive's Report to 11 December 2017

Purpose

To present to the Foxton Community Board, for information, issues relating to the Foxton Community Board area.

MOVED by Ms Metcalf, seconded Mr Allan:

THAT Report 17/595 Chief Executive's Report to 11 December 2017 be received.

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

CARRIED

3.4 Foxton Beach Natural Hazards Working Party

Mrs Paton recommended that the Economic and Environmental Fora be included in the workshop to be held early in the New Year as there was professional expertise that could be tapped into for free. She outlined the immediately identifiable hazards (flooding events, predicted sea level rise, tsunami, liquefaction and monitoring of aquifers), noting that there was still not an accurate aquifer map for this region.

Mr Clapperton said he thought this was a much broader topic than natural hazards and the risk of the unknown around climate change also needed to be incorporated into the discussion as there was a need to understand what that impact may be.

3.6 Foxton Beach Freeholding Account

Mr Clapperton responded to a number of queries from Mr Eady with regard to the Foxton Beach Freeholding Account.

7.3 **Foxton and Beach Bowling Club**

Purpose

For the Foxton Community Board to consider the allocation of \$200,000 from the Foxton Beach Endowment Fund (aka the Foxton Beach Freeholding Account) to the Foxton and Beach Bowling Club Inc (FBBC) to enable work to proceed on the construction of an artificial bowling green and remedial works to the FBBC carpark.

MOVED by Ms Metcalf, seconded Mr Allan:

THAT Report 17/614 Foxton and Beach Bowling Club be received.

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

CARRIED

On behalf of the Foxton and Beach Bowling Club, Mr Oriel Martin spoke at some length and provided further information on the Club, its finances, its activities, its reach into the community and its vision for the future, to seek the Board's support for the provision of a grant to the Club of \$200,000 from the Foxton Beach Endowment Fund for construction of an artificial bowling green and remedial works to its carpark. He then responded to Board Members' queries with regard to how the Club would fare if the grant was \$153,000 (as provided in Option 2 of the Report); Club membership, with the majority of members being from Foxton Beach; and life expectancy of the proposed artificial turf.

Mr Martin tabled a letter from the Club's committee members in support of the application.

MOVED by Mr Allan, seconded Ms Metcalf:

THAT the letter in support from the Foxton and Beach Bowling Club's committee, as tabled, be received.

CARRIED

Speaking as an individual resident of the Foxtton Beach community, Mr John Barry said he supported the Bowling Club's planned improvements but he did object to use of the Freeholding Fund. He thought the grant being sought was unrealistic and, looking at the Club's finances, he believed they had enough money available to do the project. He would support seeking funding from charitable trusts.

With there being only six days' notice of the public meeting, Mr John Story said he did not think that enough time for adequate consultation. Looking at the summary of submissions, he queried where the 21 'other residents' lived. At the public meeting there had been no business plan, nor any financials. Whilst there had been submission forms available at the public meeting, there had not been any available through other avenues and they should have gone to all residents at the Beach so everyone could have a say. The Freeholding Fund's Policy also allowed for only 50% of a total project to be funded and it was not much use having policies if they were not adhered to. He suggested the Board should be supporting the project but not subsidising it.

Mr Dave Thomson said if the job was going to be done it should be done properly and he would prefer the Board recommended to Council Option 1 (approve a \$200,000 grant, as recommended). As a beach resident Mr Thomson said he would rather see the Endowment Fund's money spent at Foxtton Beach rather than in the town.

Board Members discussed the four options in the report explaining the reasoning behind their preferred choice.

Mr Clapperton also noted that should the Board choose option 3 it would have three days to come up with some further projects to be considered as part of the LTP process next year.

To progress the debate, it was:

MOVED by Mr Allan, seconded Cr Gimblett:

THAT the Foxtton Community Board does not approve a grant to the Foxtton and Beach Bowling Club pending further community consultation during the 2018-2038 LTP consultation process.

With there being three for the recommendation (Mr Roache, Cr Gimblett and Mr Allan), and three against, the Chair exercised his casting vote in favour of the resolution which was, therefore,

CARRIED

The meeting adjourned briefly (7.35-7.40 pm).

7.4 Foxton Main Street

Purpose

To allow the Foxton Community Board to confirm the roading and open space configuration for the northern end (Cenotaph) of Main Street, Foxton.

MOVED by Mr Allan, seconded Cr Gimblett:

THAT Report 17/616 Foxton Main Street be received.

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

CARRIED

Ms Metcalf commenced the discussion expressing her support for the 'connect north and west' concept giving her reasons. In looking at the options, she noted that they had arisen from workshops and had been proposed by the community. It was only after investigation that the first two options were ruled out, and then the roundabout in Option 3 was ruled as not workable by roading.

Ms Lundie said she thought the process had been flawed. She said she would be supporting option 3 as she did not support cutting off Ravensworth Place and she did not believe pushing traffic passed the school was a good thing.

Mr Allan said there was a need to recognise that the cenotaph would not move. He also said the visual aspect of option 4 was something special as significant public space would be created and it would also tie in with Seaview Gardens at the other end of Main Street. It was not his choice because it was the only option, but because he could see it working, and working well.

Mr Girling expressed his concern that option 4 was going to cause difficulties for the horse drawn tram and queried if they had been involved in discussion on the various options.

Beginning by acknowledging that any decision made was going to inconvenience someone and also commenting on the time that had elapsed since the street had last been upgraded, Cr Gimblett said that any decision made was not about now but was about the future. He would be supporting connecting north and west because it would provide the best future for the town.

Miss Davenport expressed her support for option 4 as there had been some problems for members of the public for cultural reasons with other options, and for pedestrian safety as well as it was a route she walked to school every day.

Mr Roache also expressed his views on the various options.

MOVED by Mr Allan, seconded Cr Gimblett:

THAT the Foxton Community Board endorses the 'connect north and west' concept for the final roading and open space configuration for the northern end (Cenotaph) of Main Street, Foxton.

CARRIED

For the recommendation: Ms Metcalf, Cr Gimblett Mr Allan and Mr Roache.

Against: Ms Lundie, Mr Girling.

7.5 Resource Consenting (Planning) Matters Considered Under Delegated Authority

Purpose

To present details of decisions made under delegated authority in respect of Resource Consenting (Planning) Matters.

MOVED by Mr Allan, seconded Cr Gimblett:

THAT Report 17/374 Resource Consenting (Planning) Matters Considered Under Delegated Authority be received.

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

CARRIED

Mr Roache acknowledged the great job done by Mr Clapperton and Council staff on the opening of Te Awahou Nieuwe Stroom. It was a pleasure to see people enjoying the facility and the comments received had been excellent. He requested that Mr Clapperton pass his comments back to the appropriate people. Te Awahou Nieuwe Stroom was a credit to Foxton and a credit to the Horowhenua.

8.00 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 Finance, Audit & Risk Subcommittee 13 December 2017

File No.: 18/6

1. Purpose

To present to the Council the minutes of the Finance, Audit & Risk Subcommittee meeting held on 13 December 2017.

2. Recommendation

- 2.1 That Report 18/6 Proceedings of the Finance, Audit & Risk Subcommittee 13 December 2017 be received.
- 2.2 That the Council receive the minutes of the Finance, Audit & Risk Subcommittee meeting held on 13 December 2017.

3. Issues for Consideration

There are no items that require further consideration by Council.

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 benefits and costs, 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)	Doug Law Chief Financial Officer	
Approved by	David Clapperton Chief Executive	

Finance, Audit & Risk Subcommittee

OPEN MINUTES

Minutes of a meeting of the Finance, Audit & Risk Subcommittee held in the Council Chambers, Horowhenua District Council, Levin, on Wednesday 13 December 2017 at 4.00 pm.

PRESENT

Chairperson

Mr P Jones

Members

Cr W E R Bishop

Cr R J Brannigan

Cr R H Campbell

Mayor M Feyen

Cr V M Kaye-Simmons

Cr J F G Mason

Cr C B Mitchell

Cr P Tukapua

Cr B P Wanden

IN ATTENDANCE

Mr D Law (Chief Financial Officer)

Mr D M Clapperton (Chief Executive)

Mr G Saily (Group Manager – Infrastructure Services)

Mrs N Brady (Group Manager – Customer & Regulatory Services)

Ms S Grant (Group Manager – Community Services)

Mr D McCorkindale (Group Manager – Strategy & development)

Mr G O'Neill (Projects Manager)

Mr D Gerrard (Alliance Manager)

Mr J Paulin (Finance Manager)

Mr S Grainger (Economic Development Manager)

Mrs D Weir (People & Capability Manager)

Ms L Wilson (Communications Manager)

Mr I McLachlan (Risk Management Lead)

Mr S Wood (Legal Counsel)

Mr M Lester (Group Manager – Corporate Services) (from 4.47 pm)

Mrs K J Corkill (Meeting Secretary)

MEDIA IN ATTENDANCE

Ms J Rankin (“Manawatu Standard”)

PUBLIC IN ATTENDANCE

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

1 Apologies

Apologies were recorded for Crs Judd and Gimblett.

MOVED by Deputy Mayor Bishop, seconded Mayor Feyen:

THAT the apologies from Councillors Judd and Gimblett be accepted.

CARRIED

2 Public Participation

There had been no requests to speak to Agenda items.

3 Late Items

There were no late items.

4 Declarations of Interest

There were no declarations of interest.

5 Confirmation of Minutes – 1 November 2017

The Chair advised that the In Committee minutes from the 1 November 2017 meeting would be discussed/confirmed during the public excluded portion of the meeting.

MOVED by Mayor Feyen, seconded Cr Campbell:

THAT the Open minutes of the meeting of the Finance, Audit & Risk Subcommittee held on Wednesday, 1 November 2017, be confirmed as a true and correct record.

CARRIED

6 Announcements

There were no announcements.

7 Reports

7.1 Financial Report for the four months to 31 October 2017

Purpose

To present to the Finance, Audit & Risk Subcommittee the financial report for the four months to 31 October 2017.

Speaking to the report, Mr Law advised that following the decision made at the last meeting in terms of mitigating the Standard and Poors perceived liquidity risk, Council had borrowed long term (\$5m at 2.632% until April 2020) and had invested short term (6 months, with advantage being taken of a BNZ special interest rate of 3.7%) which would net Council \$53,000 per year. No further information had been forthcoming from Standard and Poors with regard to the perceived risk, despite enquiries also being made by Council's Treasury Advisor.

Mr Law said the other good news was that Council's cost of funds had dropped below 4% and should get down to 3.99% until there were some resets. Council was also paying off \$4m of debt this month without refinancing due to the sale of the pensioner housing. Debt was being kept as low as possible and Council was well below the LGNZ Funding Agency benchmark.

MOVED by Cr Wanden, seconded Mr Jones:

THAT Report 17/610 Financial Report for the four months to 31 October 2017 be received.

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

CARRIED

7.2 Infrastructure Projects Update

Purpose

To provide the Finance, Audit & Risk Subcommittee with an update on projects being undertaken by the Infrastructure Projects Team.

Mr O'Neill gave a PowerPoint presentation updating the various projects covered in his report, noting a correction in the figures on page 23.

MOVED by Mayor Feyen, seconded Cr Mason:

THAT Report 17/612 on Infrastructure Projects Update be received.

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

CARRIED

7.3 Elected Members - Allowances and Recovery of Expenses Policy - 1 July 2017

Purpose

To present to the Finance, Audit & Risk Subcommittee the Draft Allowances and Recovery of Expenses Policy for Elected Members.

A query was raised in relation to partners accompanying elected members to conferences and how that may impact on other elected members being able to attend. This was discussed as it was suggested that missing out could mean also missing out on the benefit that could accrue from attending the event. An amendment to the Policy was proposed so that prior approval would be sought if Council was requested to fund Elected Members' partners to attend conferences, courses and seminars.

MOVED by Mr Jones, seconded Cr Campbell:

THAT Report 17/617 Elected Members - Allowances and Recovery of Expenses Policy - 1 July 2017 be received.

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

THAT the Elected Members' Allowances and Recovery of Expenses Policy be adopted, with an amendment to include prior approval from Council should reimbursement of an Elected Member's partner's expenses be requested.

CARRIED

7.4 Health & Safety - Quarterly Report

Purpose

To provide an update to Elected Members on health and safety matters at Horowhenua District Council for the previous four months.

People & Capability Manager, Mrs Weir, commented on the new layout for the report which was based on a template borrowed from another Council and which covered off legislative due diligence requirements.

Responding to a query on the recording of under-reporting, Mrs Weir said there was under-reporting in certain areas. There was a gap between PeopleSafe and Council's payroll system and it was something that would be improved for the next report with an MWLASS project looking at a new health and safety system. It was not a big risk for Council as there were not many lost time injuries. All of the accidents recorded were at the Aquatic Centre and most were third party incidents that required minimal first aid.

MOVED by Cr Campbell, seconded Cr Mitchell:

THAT Report 17/613 Health & Safety - Quarterly Report be received.

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

CARRIED

7.5 Update On Risk Policy Implementation

Purpose

To provide a brief update on progress officers have made with operational implementation of the Risk Policy (v1.9).

Mrs Brady and Mr McLachlan joined the table to speak to the report and answer any questions, with Mr McLachlan giving an explanation of how the "Heat Map" system worked.

MOVED by Cr Brannigan, seconded Cr Mitchell:

THAT Report 17/621 Update On Risk Policy Implementation be received.

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

CARRIED

8 Procedural motion to exclude the public

MOVED by Cr Wanden, seconded Deputy Mayor Bishop:

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 Advocate Emails

<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</i>	<i>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural</i>	<i>s48(1)(a) The public conduct of the part of the meeting would be likely to</i>

<p><i>information for which good reason for withholding exists under section 7.</i></p>	<p><i>persons, including that of a deceased person. s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied.</i></p>	<p><i>result in the disclosure of information for which good reason for withholding exists under section 7.</i></p>
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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

MOVED by Mr Jones, seconded Mayor Feyen:

THAT Mr Bruce Robertson of RB Robertson Limited attends the In Committee portion of the meeting as he is the author of the report being presented in relation to Item C1 Advocate Emails.

CARRIED

4.42pm 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.

5.39 pm

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

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE FINANCE, AUDIT & RISK
SUBCOMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....

Proceedings of the Community Wellbeing Committee 19 December 2017

File No.: 18/38

1. Purpose

To present to the Council the minutes of the Community Wellbeing Committee meeting held on 19 December 2017.

2. Recommendation

- 2.1 That Report 18/38 Proceedings of the Community Wellbeing Committee 19 December 2017 be received.
- 2.2 That the Council receive the minutes of the Community Wellbeing Committee meeting held on 19 December 2017.

3. Issues for Consideration

There are no items considered by the Community Wellbeing Executive that require further consideration by Council.

Attachments

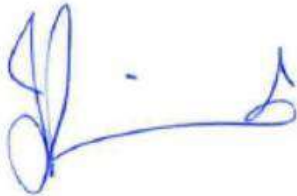

There are no attachments for this report.

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 benefits and costs, 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)	James Richmond Community Wellbeing Manager	
Approved by	Sharon Grant Group Manager - Community Services	

Community Wellbeing Committee

OPEN MINUTES

Minutes of a meeting of the Community Wellbeing Committee held in the Council Chambers, Horowhenua District Council, 126-148 Oxford Street, Levin, on Tuesday 19 December 2017 at 1.00 pm.

PRESENT

Chairperson	Cr Barry F Judd
Deputy Chairperson	Cr Jo Mason
Members	Ms Barbara Bradnock
	Ms Katie Brosnahan
	Mr Mike Fletcher
	Ms Eve Fone
	Ms Eleanor Gully
	Dr Betty-Lou Iwikau
	Mr Liam McLeavey
	Ms Tracey Merson
	Sgt Sarn Paroli
	Mr Patrick Rennell
	Ms Jo Smith
	Ms Margaret Williams
	Ms Delphi Winters
	Mr Murray Woodcock

IN ATTENDANCE

Reporting Officer	Mr James Richmond	(Community Wellbeing Manager)
	Ms Sharon Grant	(Group Manager - Community Services)
	Ms Helen Hayes	(Community Development Advisor)
	Mr Joshua Wharton	(Community Development Advisor)
	Ms Gloria Forouzandeh	(Community Development Advisor)

ALSO IN ATTENDANCE

Shane Royal	Raukawa Whanau Ora
Gavin Rooney	Local Management Group / Barnados

1 Apologies

Apologies were recorded for Sam Gilpin, Mark Robinson, Ella Travenor, Jacqui Moynihan, Di Rump and Debra Baker.

NOTED

2 Public Participation

There had been no requests for public participation.

3 Confirmation of Minutes

MOVED by Ms Winters, seconded Ms Williams:

That the minutes of the meeting of the Community Wellbeing Committee held on Tuesday, 17 October 2017, be confirmed as a true and correct record.

CARRIED

4 Announcements

Funding Situation in the Social Services Sector – Delphi Winters

Delphi Winters advised this is her last meeting as the Local Management Group (LMG) Chair as the position now sits with Barnados representatives Murray Woodcock and Gavin Rooney.

The last 2-3 months of LMG activity was briefly covered.

The year having been dogged with funding challenges with approx. \$1million funding not renewed due to budget restraints for areas covering family services, early intervention, social services, youth mentoring and older people. Where the funding has been allocated, or if it is still in region was unknown. Despite the loss of funding, on a more positive scenario, she advised that a strategic planning day is scheduled to review, collectively address and advocate for families using their services.

The Chair indicated that 2018 would mark an opportunity to assess where LMG is at, look at the community need and the challenge(s) around funding; with discussion around how we are progressing and reassessing of goals.

Mike Fletcher reminded the group that MSD are willing to share what funding is going into this community in terms of vulnerable young children, adults etc. (rather than individual NGOs). Also willing to have discussion around where the need is, adding that there may be a greater need elsewhere; as long it aligns with MSD priorities. He advised he would be attending the strategy planning meeting.

Interagency Partnerships – Family Harm Team, Sgt Sarn Paroli and Eve Fone

Sgt Paroli provided a brief of his background followed by an update on initiatives working locally in Horowhenua.

Effective processes have operated in Horowhenua for number of years, but a “formalisation” now exists between various agencies (e.g. Dept of Corrections, NZ Police, Oranga Tamariki) who have partnered with HALT in the form of an MOU at the local level – Horowhenua Interagency Family Harm Team – with dedicated resources for dealing with family harm/violence.

One evaluation meeting has been held (these will be ongoing), and despite the pilot being operational for only 6 months, early feedback has indicated a better process is in play.

Family harm is a complex problem with many aspects to it. However there are amazing people within the team, working hard to make a noticeable difference; the core aim being to ensure provision of effective response by the team for victims of family harm.

In addition, the team are also endeavouring to provide effective response to perpetrators; recognising the need to better engage with family violence perpetrators than is currently done.

Ms Fone added that when the opportunity arose to be involved in the pilot programme Oranga Tamariki were experiencing a resource shortage at the time; despite this it was too

compelling a piece of work to not be involved and so enabled a staff member to be available (who is now an effective advocate).

Oranga Tamariki funds the 22 week programme for perpetrators and the women's information support and education programme (WISE). They are also focusing on couples who are knowingly going to remain together as parents which she believes is working well.

The programme modelled on other pilots that operate nationally, a direction the organisation wanted to take. The programme requires no extra resource, it is simply a different way doing things – incidents are triaged quickly – and is reviewed regularly. Not wanting to limit the programme in terms of time or scope, the programme has no 'end date'.

It was queried if there were measurements that show the effectiveness of the programme in terms of delivery. Sgt Paroli said the police do not own any of that information but would be happy to provide statistics. Mike Fletcher added that initial assessment is via agencies, funded members and referrals; but assessing if people's lives are better as a result of the programme is an ongoing piece of work with monitoring and feedback on the agencies MSD work with – understanding what is effective and contracting those.

Despite it being early days, Tracey Merson said feedback is obtained from those families who have undergone the programme and expected that within six months the team will be in a position to assess the effectiveness from those participants.

The programme was nothing new in terms of referral pathways, it is mostly about agencies response to the incident.

Margaret Williams indicated she was eager to gain insight of the WISE programme. Helen Hayes said she would be happy to arrange a meeting with Women's Refuge for this purpose.

The Chair suggested there could be opportunities in 2018 to discuss some of the programmes offered within the community and how they operate to gain understanding.

The Chair also suggested that it would be beneficial for the CWC to have quarterly updates on the programme.

Star 4 – A brief overview – Jo Smith

Refer to round table update.

Community Wellbeing Strategy 2018 – CWC Chair

Referring to the Community Wellbeing Strategy and TOR, the Chair reiterated that the plan for the February 2018 meeting would be to address the CWC's function, priorities and strategic aims as well as key themes/other areas of focus for the coming year. He added that the Committee has ability to advocate and be influential in good community outcomes in Horowhenua; and to set some clear goals/measures would enable assessment of the committee's effectiveness within the community.

ACTION POINT: Chair will resend the email, requesting input from members

James Richmond highlighted the rebranded community wellbeing newsletter *Uplift Horowhenua* which will roll out in both hardcopy and online formats. Viewed as a valuable publication – an 'incidental pickup' – for community to become involved/engaged in, members were invited to contact HDC if they wished to contribute. The next issue is scheduled for March 2018.

5 Reports

5.1 Community Services Report to 19 December 2017

Purpose

To present to the Community Wellbeing Committee the Community Services Report 19 December 2017.

MOVED by Cr Mason, seconded Ms Grant:

THAT Report 17/619 Community Services Report to 19 December 2017 be received.

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

CARRIED

Mr Richmond spoke to the Community Services Report highlighting:

- The opening of Te Awahou Nieuwe Stroom (TANS) which has been the main focus and hugely successful. Co-design Youth programmes are now operating out of this site. To date great feedback has been received from locals and tourists alike, as well as positive national and international attention.
- Spark Jump: After completion of a short course this enables a free, pre-paid modem for use in homes for those who are unable to finance this resource; will roll out district wide in February 2018.
- Access & Inclusion Plan; gave thanks to the Officers work dedicated to this process.
- Capacity Building continues to be well received by the community.

Thanks were extended to Muaūpoko Tribal Authority for organising a Mihi Whakatau, formally welcoming Compassion Housing to the district.

Thanks were also extended to the agencies and HDC officers for their input in the Committee.

Community Development Advisors highlighted the following:

- A successful year for Education Horowhenua with a number of important matters covered, productive meetings and great attendance from a variety of sectors. Particularly beneficial to have all of the education providers and those involved around the table engaging in positive discussion.
- Moira Howard provided an update on the COL's (Community of Learners). Two COL's have been established in the district, and will allow for better support from the Ministry of Education, as well as a coordinated approach to learning needs.
- There have been a few areas of key focus discussed at Education Horowhenua this year: transitioning students from college into employment, particularly employment within the district; the electronic revolution and how to manage the asset of technology to assist learning, as well as avoiding some of the negative problems that can come with overuse of electronic devices (distraction, sleep patterns, etc.).
- House of Science initiative, that will result in shared science equipment with easy-to-run experiments for primary schools will launch in 2018. This initiative will not only reduce the cost of running classroom experiments, but also make running experiments for teachers far simpler. This will address the identified problem of scientific literacy in the district.

- Education Horowhenua supported the establishment of a Pasifika Education Liaison Officer (PELO) in the district, who will work full-time to support the positive growth in Pasifika students we have seen over the last three years.
- Arts, Culture and Heritage Action Plan: still in draft phase; invitations are extended to all those interested in the review, or in arts, culture, or heritage in the district, to make contact with Joshua Wharton.
- Holiday Programme: three initiatives – activities with inflatable football field; conducting daily activities in collaboration with Life to the Max (LTTM) and colleges; and running a Te Awahou Nieuwe Stroom (TANS) youth photography camp.

Advising that this is his last CWC meeting, Liam McLeavey provided a summary of Youth Voice accomplishments for the year e.g. Makahika Camp exercise; Elections; giant inflatable football field; the appointment of Manawatū College student Meghan Davenport to the Foxton Community Board; as well as supporting/volunteering for various agency events. In all, a big successful year.

6 Agency Updates

Jo Mason, Elected Member – Acknowledging the Family Harm Team presentation, it highlighted and recognised the importance of the CWC itself; adding that the work done is highly respected by Council and does impact and influence decisions – contributions of all are critical.

Referring to a media reports, despite the unemployment status, that growth is occurring in the district and in the long term reaps benefits.

Acknowledged the huge amount of work by Council and Council Officers; Margaret Williams as recipient of a Civic Award; and the number of youth awarded.

E-waste services now operating in Foxton.

The district has been on the 'knife edge' regards the expressway/roading uncertainty, but is hopeful this will be settled in the New Year.

Thanks expressed to CWC members, including work of HDC Officers.

Delphi Winters, SuperGrans – Up to 39 now working with SuperGrans around life skills, in homes and in-house; with 10 volunteers mentoring this. Have a Board of 5 and staff of 3.

Gavin Rooney, Barnados – Local Management Group (LMG) has had tough year with funding gaps, now working to explore those. Also reviewing the LMG and its function, with a focus on keeping the membership involved.

Margaret Williams, Older Persons Network – comprises 50 community organisations which meets monthly. In February the 'Age Friendly Communities Working Party' was established and have had a series of meetings. In May the full membership of the forum were consulted with a series of priority projects identified for action; now have a draft TOR for the group and agreed to mobilise resources on behalf of the OPN to ensure projects come to fruition.

Membership of the working party includes representatives from local Iwi, Grey Power, Age Concern, Breatheasy, MSD, Mid-Central Health, ACC, Alzheimer's Manawatū, Pink Ladies and Friends of the Library.

Projects identified: Enduring Power of Attorney Education programme (in partnership with Public Trust and Age Concern); Jack Allen Community Hub; Live Well Horowhenua; Haeremai Horowhenua. Noting that projects that have existed under the OPN will continue in partnership with the AFC working party.

Ms Hayes acknowledged Ms Williams' involvement in the biggest achievement, the Levin-Waikanae bus service; and personally acknowledged Civic Awards recipients Margaret Williams, Lew Rohloff and Allen Little (all present and past members of the CWC).

Eleanor Gully, Disability – An extremely productive year and extended thanks to Helen Hayes re: relocation of Jack Allen House and the Access and Inclusion Plan. Hard copies of the A&I Plan are being circulated and liaison has occurred with Muaūpoko Tribal Authority regards Māori translation of the Plan.

A blessing of the new Jack Allen Community Hub is to be organised, formal leases have been signed, an MOU with HDC formed, and contracts drafted for existing tenants; move in date is 01 March 2018. A street party farewell planned at the old JAH site.

HDCs Emergency Management Officer Andrew Howard presented to the A&I Forum. The working party will proceed with initiatives undertaken to improve resilience and preparedness; the most significant initiative to date being the promotion of Life Tubes. HDC has distributed these to various agencies.

Looking ahead, A&I will be collaborating with Pathways Horowhenua, Life to the Max and Youth Network on employment opportunities for those who identify as disabled youth. Forum attendance/representation has increased from 6 members to more than 20 organisations.

Congratulations to the Horowhenua Special Olympics for gaining the Mayoral Award.

Mention was made that the group also undertakes the distribution of newsletters (e.g. Elderberries, Uplift) to those who are unable to obtain them.

Jo Smith, MCDHB – Gave a background to the reasoning behind circulation of the STAR 4 documentation to the Committee (ref email of 04 October 2017) – the great public interest generated within the community around the future of the Horowhenua Health Centre, and a fear that the services provided would disappear. This is not the situation.

With the Horowhenua district having the lowest number of GPs and staff resource shortages there is a real need to grow that capability as well as capacity for the growing ageing population; thus the decision to change the medical model to best meet the needs of the community. The preferred options decided on outline the initial direction, with work coming into play in 2018.

With her DHB hat on, a brief update was provided, commenting that there is a great deal happening in the older persons sector, with key focus around ACC fall/fracture work. Echoed the great work of the CWC.

Katie Brosnahan, MSD – Shared the success of the services centre supporting clients into work, providing statistics around these services (largely reductions). Noted there has been a slight increase of health conditions/disabilities. Overall the statistics reflect the strengths of the economy and labour market.

Barbara Bradnock, MCDHB – Largely BAU. Reminded all that both whooping cough and mumps are circulating the community.

Mike Fletcher, MSD – Working on contract extensions to 2020; beginning the planning process for funding (not extended in the family violence area) in MSD and across other agencies in that space. Extended thanks to Crs Jo Mason and Victoria Kaye-Simmons for their community response.

Betty-Lou Iwikau, Raukawa Whanau-Ora – Working hard around strategy partners, particularly Iwi to work collaboratively across that spread.

Rangatahi Symposium confirmed for March 2018 which aims to inspire rangatahi Māori (Y10-13) to engage/create leaders. Invitations have been circulated to our kura and will be dispatched to the workforce including targeting local education providers (e.g. HLC, sports and aged care).

The entire workforce (staff through to management and board level) of Raukawa Whanau-Ora have undertaken training to understand the RBA (Results Based Accountability) framework; believes the RBA will assist with engagement and provision of services.

Eve Fone, Oranga Tamariki – Undergoing a third name change with the removal of “vulnerable” from the Ministry of Vulnerable Children. BAU coming into Christmas. Always on the lookout for caregivers, with publicity around this need being planned for the New Year.

Tracey Merson, HALT – 25 agencies in Horowhenua. About to come into a traditionally busy time but prepared for the daily triage, as are the Police; noting that most NGOs do close down over the Christmas period.

Patrick, HLC – Provided statistics for the year: 220 students graduated, for many this is their first qualification achieved. In partnership with MSD, HLC have supported 120 people back into workforce. Evident that qualifications make a notable change in their lives and a key driver. With the support of Tertiary Education Commission (TEC) and MSD 12 tertiary programmes offered and continuing to work with long-term unemployed. Funding dependent, an initiative in 2018 is to champion driver licensing in partnership with the colleges and LTTM. An invitation was extended to other agencies if interested in partnering.

Deborah Campbell, Neighbourhood Support – Gave a brief introduction on what her role entails and the agencies she works with as the newly appointed Horowhenua district development coordinator.

Sarn Paroli, NZ Police – Spoke of the good news stories that the community is delivering of which the Police are happy to be part of, with tangible outcomes that have been achieved throughout the year motivating the team. Road policing is a critical focus over the holiday period. The big themes to communicate with families is patience; also, dwelling burglaries. In relation to family harm, the Shoe Box initiative really makes a real difference and can prevent some of the triggers that leads to violence in the home.

The Chair closed the meeting by thanking the Committee’s contribution over the year and looked forward to 2018. Acknowledged Liam McLeavey as a person and for his participation and the value he contributed to the CWC forum. Wished everyone a good Christmas and happy break.

3:00 pm

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

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

DATE:.....

CHAIRPERSON:.....

Monitoring Report to 31 January 2017

File No.: 18/2

1. Purpose

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

2. Recommendation

- 2.1 That Report 18/2 Monitoring Report to 31 January 2017 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	42

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 benefits and costs, 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)	David Clapperton Chief Executive	
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Approved by	David Clapperton Chief Executive	
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MONITORING REPORT

HOROWHENUA DISTRICT COUNCIL

Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
14/585	2 July 2014	District Plan: Plan Change Timing	<p><i>THAT the preparation and processing by officers of the following plan changes to the District Plan be postponed from the 2014/15 financial year and be undertaken within 2015/16 financial year:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Sites of Cultural Significance</i> <input type="checkbox"/> <i>Historic Heritage</i> <input type="checkbox"/> <i>Dunefields Assessment</i> <input type="checkbox"/> <i>Coastal Hazards.</i> 	D McCorkindale			<p>Historic Heritage Plan Change 1 has publicly notified 3 November 2017. Submissions closed 5 December 2017. The Summary of Submissions will be notified in February 2018 for Further Submissions (cross submissions).</p> <p>Paiaka Camp will be considered in the next (second) phase of heritage assessments subject to the agreement of the land owner for its inclusion. The second phase will commence after the first plan change has been completed. The focus of this phase will be on the residential heritage features that were previously nominated.</p> <p>Research is continuing on</p>

MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL

Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
							the Sites of Cultural Significance.
17/335	30 August 2016	Proceedings of the Foxton Community Board 26 June 2017 – Nash Parade and Bond Street Upgrade Project	<i>THAT, subject to the approval of a Business Case by NZTA, up to \$432,000 (+/- 10%) be made available from the Foxton Beach Freeholding Account for the purpose of funding the local share of the Nash Parade and Bond Street upgrade project.</i>	G Saily			This is in the final stages of design. Tender documents are being prepared. It is proposed that construction will start early in the New Year.
17/160	30 August 2017	Draft Easter Sunday Shop Trading Policy	<i>THAT Council resolves that it wishes to implement an Easter Sunday Shop Trading Policy that allows trading throughout the Horowhenua District area.</i> <i>THAT the hearing of submissions following consultation be heard by the Hearings Committee of Council acting under</i>	M Leyland		Completed	Consultation closed 6 October 2017. The Hearings Committee considered this on 28 November 2017. The Hearings Committee minutes are included in the 31 January 2018 Council Agenda.

MONITORING REPORT							
HOROWHENUA DISTRICT COUNCIL							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<i>delegation of Council, for a subsequent recommendation from the committee to Council.</i>				
17/386	30 August 2017	Class 4 Gambling Venue Policy 2014 and NZ Racing Board (TAB) Venue Policy 2014 – Review	<i>THAT 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, THAT the hearing of submissions be undertaken by the Hearing Committee acting under delegated authority, for a subsequent recommendation to Council.</i>	M Leyland		Completed	Consultation closes 29 September 2017. Heard by the Hearings Committee on 27 October 2017. Included in agenda for 22 November 2017 meeting for adoption.
17/321	30 August 2017	Draft Local Alcohol Policy Adoption	<i>THAT the Horowhenua District Council resolves to continue with the process of implementing</i>	M Leyland		Dec 2017 Completed	Appeal period closed 30 September 2017. A report will come to the November Council meeting.

MONITORING REPORT							
HOROWHENUA DISTRICT COUNCIL							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<p><i>a Local Alcohol Policy (LAP).</i></p> <p><i>THAT Council adopts the draft policy as a Provisional Local Alcohol Policy effective 31 August 2017.</i></p>				
17/507	11 October 2017	Provision of Loan to Levin Cricket Foundation Inc	<p><i>THAT Council provides a loan of \$100,000 to Levin Cricket Foundation Incorporated at 0% interest, or such other interest rate as agreed, to be repaid over a term of no more than 10 years and subject to such terms and conditions as determined by Council's Chief Executive Officer and subject to Levin Cricket Foundation showing its ability to repay the loan.</i></p> <p><i>THAT the loan be subject to a condition requiring any grant</i></p>	D Clapperton		Dec 2017 Completed	Loan documents executed and loan advanced

MONITORING REPORT							
HOROWHENUA DISTRICT COUNCIL							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<i>money raised by Levin Cricket Foundation Incorporated for the purpose of this development be used for the repayment of the loan in the first instance, unless otherwise agreed by Council's Chief Executive Officer.</i>				
17/574	27 November 2017	Proceedings of the Strategy Committee 8 November 2017	<i>THAT as recommended by the Strategy Committee, Horowhenua District Council sponsors the establishment of a charitable community trust with the Chief Executive mandated to provide appropriate advice and assistance as the Trust is established.</i>	D Clapperton			Currently working through establishment programme, including developing the partnership agreement which will outline the relationship between Council and the Trust.
17/582	27 November 2017	Notices of Motion – Reintroduction of Development and/or Financial Contributions	<i>THAT in light of the District's current and potential growth, discussion on the reintroduction of Development and/or</i>	D Clapperton			December 2017 Strategy meeting was cancelled; therefore this item will be presented to the February meeting for consideration.

MONITORING REPORT							
HOROWHENUA DISTRICT COUNCIL							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<i>Financial Contributions commences through the Strategy Committee at its December 2017 meeting.</i>				
17/368	27 November 2017	Chief Executive's Report – Foxton and Beach Bowling Club – Grant of \$200,000 from the Foxton Beach Freeholding Fund	<i>THAT the Horowhenua District Council approves the allocation of \$200,000 from the Foxton Beach Endowment Fund to the Foxton and Beach Bowling Club Incorporated (FBBC) to enable work to proceed on the construction of an artificial bowling green and remedial works to the FBBC carpark, subject to the Foxton Community Board recommending as such at the Foxton Community Board meeting to be held on 11 December 2017.</i>	D Clapperton	Dec 2017	Dec 2017 Completed	This matter was considered by the Foxton Community Board on 11 December 2017 and the Board resolved: <i>THAT the Foxton Community Board does not approve a grant to the Foxton and Beach Bowling Club pending further community consultation during the 2018-2038 LTP consultation process.</i> Accordingly further consultation will occur during the 2018-2038 LTP process.
17/534	27 November 2017	Provisional Local Alcohol Policy – Appeals	<i>THAT Council resolves that the Hearings Committee of Council be</i>	V Miller			

MONITORING REPORT							
HOROWHENUA DISTRICT COUNCIL							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<i>directed to act on behalf of Council on this matter as may be required following notification by the Licensing Authority.</i>				

Chief Executive's Report to 31 January 2018

File No.: 18/5

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 18/5 Chief Executive's Report to 31 January 2018 be received.
- 2.2 That these matters or decisions be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That, as requested by Fire and Emergency New Zealand, the Horowhenua District Council rolls over its Prevention of Spread of Fire Involving Bylaw 2007 through to 30 June 2018

3. Chief Executive Updates

3.1 Economic Update

Summary Economic Indicators

Indicator (Annual average % change)	Horowhenua District	Wellington Region	Manawatu-Whanganui Region	New Zealand
Gross Domestic Product	4.5%	2.1%	3.2%	2.5%
Traffic flow	4.0%	3.0%	3.7%	2.3%
Residential consents	17%	15%	28%	3.0%
Non-residential consents	-26%	24%	1.7%	5.9%
House prices*	18%	15%	16%	3.1%
House sales	-5.5%	-15%	0.8%	-17%
Guest nights	22%	0.2%	4.5%	2.6%
Retail trade	13%	3.4%	5.5%	3.8%
Car registrations	16%	7.6%	16%	9.4%
Commercial vehicle registrations	3.1%	23%	21%	19%
Jobseeker Support recipients	0.2%	-1.5%	1.2%	0.6%
Tourism Expenditure	23%	2.7%	6.9%	6.4%

*Annual percentage change (latest quarter compared to a year earlier)

Source: Infometrics

- The final publication of the Quarterly Economic Update for 2017 was released in December. The update covered data over the year to September 2017. Highlights included sustained GDP growth at 4.5%, along with impressive increases in retail spending and the number of guest nights.
- 2017 brought a number of business expansions and relocations to the district. This momentum is set to continue through 2018 with several projects, such as the new purpose built medical centre, in the pipeline.

3.2 **Drinking Water Audit**

Last year Council was advised that the Office of the Auditor General (OAG) was intending doing a performance audit on territorial authorities' provision of reliable and sustainable drinking water.

As part of the performance audit, OAG will audit whether territorial authorities:

- (i) have operational management strategies to manage their reticulation networks efficiently and effectively; and
- (ii) influence consumer demand to support sustainability.

This work is part of OAG's wider Water Management work programme which is detailed on its website at www.oag.govt.nz/2017/water-management .

OAG is considering a selection of local authorities for their drinking water audits, which would happen this year. Horowhenua District Council, together with Manawatu, Kapiti and Palmerston North are entities in this region that the OAG has identified.

3.3 **Prevention of Spread of Fire Involving Vegetation Bylaw 2007**

The Fire and Emergency New Zealand Act 2017 came into force on 1 July 2017. As a result the Rural Fire functions previously managed by Council are transitioning in responsibility to Fire and Emergency New Zealand (FENZ).

From July 2018 FENZ is planning to become the single issuing authority for Urban and Rural permits but until then their processes and resources will not be in place. Consequently FENZ has requested Horowhenua District Council to maintain its current fire related bylaw and permit management through to the end of June 2018.

It is proposed that Council resolves to roll over the Prevention of Spread of Fire Involving Vegetation Bylaw 2007 through to 30 June 2018.

3.4 **Te Awahou Nieuwe Stroom**

Since the opening of Te Awahou Nieuwe Stroom in November last year we have hosted many exciting activities and events, giving the Foxton public opportunities they have never had before.

Ruth Oliphant, a Cook Whānau glass artist, flew in from Canberra to lead glass artwork workshops with local schools. Manawatu College, Foxton Primary, Te Pa Harakeke, Coley Street School and St Mary's School took part in these workshops, which were really well received. This workshop was held to complement the Cook Whānau window artwork, which was installed prior to opening, and is a beautiful feature of the Piriharakeke Generation Inspiration Centre.

On 25 November, the Manawatu Dutch Society held its 'Sinterklaas' at Te Awahou Nieuwe Stroom. This is a traditional Christmas celebration for children, and involves St. Nicholas attending to give the children presents. This was a well-attended event, allowing both children and their families to be immersed in the rich Dutch culture present in Foxton.

Te Awahou Nieuwe Stroom has played host to various different tour groups. This includes fifty year 10 students from Manawatu College, who were shown around Te Awahou Nieuwe Stroom as a part of their activities week. Also, starting in December last year, Foxton Day Tours were established. Starting in Kapiti, the tour makes its way up to Foxton, stopping along the way to look at the sights. Once in Foxton, the shopping can begin at de Molen Dutch Windmill. The Dutch Oven café then provides a beautiful lunch, followed by a tour through Oranjehof (Dutch Museum located inside Te Awahou Nieuwe Stroom).

At the end of the school year, various local schools such as Foxton Primary, Coley Street School, and Foxton Beach School, came to visit Te Awahou Nieuwe Stroom, and donated to the 'Fill a Shoe Box' project. This project allowed around one thousand Levin children to receive a Christmas present all thanks to the generosity of the Horowhenua people. Also featuring in Te Awahou Nieuwe Stroom recently has been the artwork of four local schools. Pieces of art from students attending Foxton Primary, Coley Street School, St Mary's School, and Foxton Beach School were displayed in the Shared Gallery and the Foxton Hub area. This gave these students an opportunity to broadcast their artistic skills and unique talents. Their artwork has been seen not only by local people from Foxton, but also by international travellers visiting Te Awahou Nieuwe Stroom.

We continued to host Holiday Programmes at Te Awahou Nieuwe Stroom. As a part of these programmes, storyteller sessions were held. In the past, the library was too small to accommodate this event, so they had to be held offsite. These holidays, due to Te Awahou Nieuwe Stroom having more space and a bigger capacity, we are able to offer this event to the public, and not just those that are in the summer reading programme.

Lastly, Te Awahou Nieuwe Stroom proved the local people use the local attraction, when it played host to a wedding. The ceremony was held in the Teal Room, the dinner at the Millside Café, and the light reception in the Community Space.

These events highlight the diversity of what Te Awahou Nieuwe Stroom can host. It will be exciting to see what events are hosted there in the future.

Visitor statistics: 18 November – 30 November 2017 15,728 visitors
December 2017 14,314 visitors
January (up to 18 January) 2018 8,191 visitors

Donations:

Te Awahou Nieuwe Stroom encourages donations to be made through a four ball process. Visitors can choose between a \$2 ball, \$5 ball, \$10 ball, and a \$20 ball. Overall, November saw \$1,288 worth of donations being given, with the \$20 ball proving to be the most popular donation choice. This figure rose in December to an overall donation of \$1,857, but with the \$5 being most popular. Despite it only being halfway through the month of January, Te Awahou Nieuwe Stroom has already been donated \$1,373, again with the \$5 ball being most popular. To date, the running total of donations Te Awahou Nieuwe Stroom has been given is \$4,518. This works out to be an average of \$72.80 per day.

Book issues:

December was the first month a whole month of library issues could be measured. In total **2,757 items**, were issued which was a 78% increase as compared to **1,547 items** issued for the same time in December 2016.

Broken down:

	2016	2017	%
Adults	1044	1937	86%
Youth	32	55	76%
Childrens	369	630	71%
Rental items	102	135	32%

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 benefits and costs, 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)	David Clapperton Chief Executive	
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Approved by	David Clapperton Chief Executive	
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Documents Executed and Electronic Transactions Authorities Signed

File No.: 18/4

1. Purpose

To present to Council the documents that have been executed, Electronic Transactions Authorities and Contracts that have been signed by two elected Councillors, which now need ratification.

2. Recommendation

- 2.1 That Report 18/4 Documents Executed and Electronic Transactions Authorities Signed 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 the Horowhenua District Council hereby ratifies the signing of documents and Electronic Transaction Authorities as scheduled:
 - (a) Electronic Transaction Authority relating to the purchase of Ohau Vineyard Village Green, Pinot Crescent, Ohau from Bishops Vineyard Owners Association Incorporated, contained in Certificate of Title 404851.
 - (b) Electronic Transaction Authority relating to the partial surrender of restrictive land covenants on The Village Green Pinot Crescent, Ohau, contained in Certificate of Titles 404853 & 404856.
 - (c) Electronic Transaction Authority and Lease Instrument for the renewal of the lease for 13 Robbie Street, Foxton Beach, contained in Certificate of Title WN11A/477.
 - (d) Electronic Transaction Authority amending the name on the Certificate of Title for the Tokomaru Water Treatment Plant from Horowhenua County Council to Horowhenua District Council, contained in Certificate of Title WN25B/390.

3. Issues for Consideration

This report provides a mechanism for notifying the execution of formal documents by two elected Councillors and signing of Electronic Transactions Authorities.



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 benefits and costs, 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)	David Clapperton Chief Executive	
Approved by	David Clapperton Chief Executive	

File No.: 18/1

Appointment of Commissioners for Resource Management Hearings

1. Purpose

To approve a 'live' list of Commissioners, with Ministry for the Environment (MfE) accreditation, from which persons may be nominated to act as Independent Commissioners (in accordance with Council policy), with full delegated authority to hear and determine resource management hearings (e.g. resource consent applications and submissions on the District Plan and Plan Changes) as and when required.

2. Executive Summary

- 2.1 Section 34A(1) of the Resource Management Act 1991 (RMA) provides for a local authority to delegate various functions, powers and duties to a hearings commissioner to hear and determine resource management hearings (with some exceptions).
- 2.2 It is recommended that Council resolves to appoint Commissioners from the Ministry for the Environment lists of approved certificate holders and delegates authority to those persons to hear and determine;
- applications for resource consent
 - notice of requirements given under section 168 or 189
 - requests under clause 21(1) of Schedule 1 for a change to be made to a plan
 - reviews of resource consents
 - applications to change or cancel resource consent conditions
 - proposed policy statements and plans that have been notified, and
 - any hearing of an objection under section 357C of the RMA.

3. Recommendation

- 3.1 That Report 18/1 Appointment of Commissioners for Resource Management Hearings be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That in accordance with the provisions of Section 34A of the Resource Management Act (Attachment A), any person listed on the Ministry for the Environment lists of 'certificate holders - local body elected members' and 'certificate holders - non-local body elected members' with a valid 'Making Good Decisions' certificate may be appointed as a Commissioner for resource management hearings, with full delegated authority, to hear and determine any applications under the Resource Management Act including submissions on the District Plan and Plan Changes.
- 3.4 That the Chair of the Hearings Committee (or, in their absence, the Deputy Chair) together with the Group Manager – Strategy and Development, Group Manager - Customer and Regulatory Services, or the Chief Executive be authorised to nominate one or more of the persons listed on the Ministry for the Environment lists to act as Independent Commissioner/s in future Horowhenua District Council Hearings as required.

- 3.5 That the guidelines for the appointment of Commissioners for Hearings under the Resource Management Act (Attachment B) are adopted and nominations are carried out in accordance with the guidelines.

4. Background / Previous Council Decisions

- 4.1 Council adopted a list of “approved” Independent Commissioners at a meeting on 1 October 2008 (Ref report 3654/2008).
- 4.2 Independent Commissioners from the list have previously been appointed to hear and determine both Resource Consent applications and submissions on the District Plan (including Plan Changes). Commissioners not on the adopted 2008 list have also been appointed by specific resolution of Council to hear and determine both Resource Consent applications and submissions on the District Plan (including Plan Changes).
- 4.3 Council delegated authority to the Chair of the Hearings Committee (or, in their absence, the Deputy Chair) together with the Group Manager – Strategy and Development, Group Manager - Customer and Regulatory Services, or the Chief Executive to nominate independent Commissioner/s from the “approved” list at a meeting on 27 November 2017 (Ref report 8901/2017).
- 4.3 New names have been added to the 2008 “approved” list by resolution of Council.
- 4.4 The “approved” list is now out of date and it is likely that many people on the list no longer meet the accreditation requirements to act as Commissioners.

5. Discussion

- 5.1 Under Section 39B the Resource Management Act requires that appointees on hearing panels must have accreditation to make decisions on:
- applications for resource consent
 - notice of requirements given under section 168 or 189
 - requests under clause 21(1) of Schedule 1 for a change to be made to a plan
 - reviews of resource consents
 - applications to change or cancel resource consent conditions
 - proposed policy statements and plans that have been notified
 - any hearing of an objection under section 357C of the RMA.
- 5.2 This applies to members of the Council’s Hearings Committee and Independent Commissioners. Accreditation is achieved by the completion of the Making Good Decisions qualification.
- 5.3 The Ministry for the Environment maintains a ‘live’ and updated list of independent commissioners and councillors (including their fields of expertise and areas of practice) who have achieved certification under the Making Good Decisions programme. A different level of accreditation is required to be chair of a hearing. The Ministry for the Environment lists can be viewed on their website through the following links:
<https://www.mfe.govt.nz/rma/resources/making-good-decisions-programme/certificate-holders-non-local-body-elected-members> and
<https://www.mfe.govt.nz/rma/resources/making-good-decisions-programme/certificate-holders-local-body-elected-members>

- 5.4 In order for commissioners to sit on a Council Hearing Panel it is necessary to delegate them the necessary authority to hear and determine resource management applications on behalf of Council.
- 5.5 Council has by earlier resolution adopted guidelines for the appointment of Commissioners for Hearings under the Resource Management Act (report 2179), these guidelines have been updated (Recommendation 3.5, Attachment B).
- 5.6 Under general delegations Council has delegated Group Manager – Strategy and Development, Group Manager - Customer and Regulatory Services, or the Chief Executive to nominate one or more commissioners from the “approved” list of commissioners appointed by the Council for hearings. This delegation needs to be amended to allow commissioners to be nominated from the Ministry for the Environment lists (Recommendation 3.4). The current challenge is that the 2008 adopted list is a static list and therefore is no longer up to date. It has meant as new commissioners become accredited they can currently only be utilised by Council following a specific resolution. This has proved to prevent Council from being agile and has meant that hearings have on occasions needed to be delayed until a Council meeting has been held and the necessary resolution has been passed.
- 5.7 Authorising the appointment of commissioners from the Ministry for the Environment lists (i.e. a live list) would negate the requirement for Council to adopt and continually update an “approved” list in order for it to remain current. The fact that only commissioners who have been accredited can be on the list provides reassurance of the ability for those on the list to be able to undertake the role on the hearing panel.
- 5.8 It is worth explaining that the need for using an independent commissioner can arise for a variety of reasons. In some cases it may be necessary to involve a commissioner with specific technical expertise when that expertise is not held by members of Council’s Hearing Committee. On other occasions it may be necessary due to the time at which a hearing needs to be held which may not be possible for members of the Hearings Committee to attend or the duration of the hearing may extend over several days. A further example is where Council is the applicant for a consent application or a Notice of Requirement, and using an independent commissioner can avoid any perceptions of a conflict of interest or bias.
- 5.9 Use of an independent commissioner can involve them sitting as part of the Hearing Committee with members of the Hearings Committee (e.g. this was the model used for the District Plan Review hearings), or it can involve the commissioner sitting alone or with one or more independent commissioners.

6. Options

The options are to either:

- A) Adopt the recommendations and approve the appointment of commissioners from the Ministry for the Environment lists of accredited persons – OR –
- B) Do not adopt the recommendations and the previously appointed commissioners may be appointed to hearings if they have maintained accreditation or if Council has previously resolved to appoint the commissioner and they have maintained accreditation.

6.1 Cost

There is no cost to Council. Commissioners’ costs are recoverable from the applicant in Resource Consent applications and private plan changes. Where Commissioner’s are used for Council led plan changes the costs sit with Council.

6.1.1 Rate Impact

There will be no Rate impacts arising.

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.

6.4 LTP Integration

There is no LTP programme

7. Consultation

There was no consultation required to be undertaken.

8. Legal Considerations

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

9. Financial Considerations

There is no financial impact.

10. Other Considerations

There are no other considerations.

11. Next Steps

Following adoption of the recommendations, independent commissioners will be appointed from the Ministry for the Environment's "live" list when required, in accordance with the guidelines (Attachment B).


12. Supporting Information

Strategic Fit/Strategic Outcome - Not Applicable
Decision Making - Not Applicable
Consistency with Existing Policy - Not Applicable
Funding - Not Applicable
<u>Confirmation of statutory compliance</u> 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 benefits and costs, 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.

13. Appendices

No.	Title	Page
A	Resource Management Act 1991	60
B	Guidelines for the Appointment of Commissioners for Hearings under the RMA	62

Author(s)	Megan Leyland Consents Manager	
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Approved by	Nicki Brady Group Manager - Customer & Regulatory Services	
	David McCorkindale Group Manager - Strategy & Development	

ATTACHMENT A

RESOURCE MANAGEMENT ACT 1991

<http://www.legislation.govt.nz>

34 Delegation of functions, etc, by local authorities

- (1) A local authority may delegate to any committee of the local authority established in accordance with the [Local Government Act 2002](#) any of its functions, powers, or duties under this Act.
- (2) A territorial authority may delegate to any community board established in accordance with the [Local Government Act 2002](#) any of its functions, powers, or duties under this Act in respect of any matter of significance to that community, other than the approval of a plan or any change to a plan.
- (3) Subsection (2) does not prevent a local authority delegating to a community board power to do anything before a final decision on the approval of a plan or any change to a plan.
- (3A) A unitary authority may delegate to any local board any of its functions, powers, or duties under this Act in respect of any matter of local significance to that board, other than the approval of a plan or any change to a plan.
- (3B) Subsection (3A) does not prevent a unitary authority delegating to a local board power to do anything before a final decision on the approval of a plan or any change to a plan.
- (4) [Repealed]
- (5) [Repealed]
- (6) [Repealed]
- (7) Any delegation under this section may be made on such terms and conditions as the local authority thinks fit, and may be revoked at any time by notice to the delegate.
- (8) Except as provided in the instrument of delegation, every person to whom any function, power, or duty has been delegated under this section may, without confirmation by the local authority, exercise or perform the function, power, or duty in like manner and with the same effect as the local authority could itself have exercised or performed it.
- (9) Every person authorised to act under a delegation under this section is presumed to be acting in accordance with its terms in the absence of proof to the contrary.
- (10) A delegation under this section does not affect the performance or exercise of any function, power, or duty by the local authority.
- (11) In subsections (3A) and (3B), **Auckland Council** and **local board** have the meanings given in [section 4\(1\)](#) of the Local Government (Auckland Council) Act 2009.

34A Delegation of powers and functions to employees and other persons

- (1) A local authority may delegate to an employee, or hearings commissioner appointed by the local authority (who may or may not be a member of the local authority), any functions, powers, or duties under this Act except the following:
 - (a) the approval of a proposed policy statement or plan under [clause 17](#) of Schedule 1:
 - (b) this power of delegation.
- (1A) If a local authority is considering appointing 1 or more hearings commissioners to exercise a delegated power to conduct a hearing under [Part 1](#) or [5](#) of Schedule 1,—
 - (a) the local authority must consult tangata whenua through relevant iwi authorities on whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū; and
 - (b) if the local authority considers it appropriate, it must appoint at least 1 commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū, in consultation with relevant iwi authorities.
- (2) A local authority may delegate to any other person any functions, powers, or duties under this Act except the following:
 - (a) the powers in subsection (1)(a) and (b):
 - (b) the decision on an application for a resource consent:
 - (c) the making of a recommendation on a requirement for a designation.
- (3) [Repealed]
- (4) [Section 34\(7\), \(8\), \(9\), and \(10\)](#) applies to a delegation under this section.
- (5) Subsection (1) or subsection (2) does not prevent a local authority delegating to any person the power to do anything before a final decision on a matter referred to in those subsections.

ATTACHMENT B

Guidelines for the appointment of Commissioners for Hearings under the Resource Management Act 1991

1. Circumstances where an independent commissioner must be used:
 - The applicant, and/or a submitter to a notified resource consent application requests that the application is heard and decided on by at least one independent commissioner.

2. Circumstances where consideration should be given to the use of independent commissioners:
 - Where Council or an individual elected representative may have an actual or perceived conflicts of interest.
This may include situations where:
 - a) Council or an individual elected member is the owner of any property which is the subject of any application under the RMA.
 - b) Council or an individual elected member is the owner of any property in the vicinity of an application site where it is considered that the property may be materially affected in any environmental way by the approval or otherwise of the application.
 - c) Council may be the financial beneficiary of the approval of any application excepting that benefit which may arise in the normal course of events including:
 - rates revenue
 - financial/development contributions
 - vesting of roads and/or reserves
 - Where one or more members of the hearings committee may have an actual or perceived bias. This may include situations where the member has publicly stated opinions on a proposal in the media or at public meetings before it is heard.
 - Where a quorum of the Hearings Committee cannot be available for a particular date requested by an applicant.
 - Where the nature of an application is of such complexity that a commissioner with specialized technical knowledge or experience is justified.
 - Where the applicant is objecting to council charges under s357.
 - Where a hearing is expected to run for an extended period (e.g. more than one day) and it may not be a practical for the whole of the Hearings Committee to be present for period of time the hearing is expected to take.

3. Consideration should be given to the use of Māori commissioners for pproposals likely to be of significant interest to Māori.

4. It may be appropriate to appoint more than one independent commissioner in situations where it is not possible to appoint one commissioner with appropriate technical expertise spanning several disciplines e.g. law & engineering.

5. In selecting independent commissioners, consideration should be given to the skills and experience of the commissioner in relation to the nature, scale and technical complexity of the issues on which a decision is being made.

File No.: 18/40

Priority Buildings - Draft Statement of Proposal for Consultation

1. Purpose

To seek Council's approval to publicly consult on Priority Buildings as required by the Building (Earthquake-prone Buildings) Amendment Act 2016 through the Special Consultative Procedure. Included for Council's approval is a Summary of Information and Statement of Proposal as required as part of the Special Consultative Procedure.

2. Executive Summary

- 2.1 The system for identifying and managing earthquake-prone buildings changed on 1 July 2017. The new system prioritises identification and remediation of earthquake-prone buildings that either pose a high risk to life safety, or are critical to recovery in an emergency.
- 2.2 Section 133AE(1)(e) of the Building Act 2004 prescribes that a priority building includes: (e) Any part of an unreinforced masonry building (URM) that could-
 - (i) Fall from the building in an earthquake (for example, a parapet, an external wall, or a veranda), and
 - (ii) Fall onto any part of a public road, footpath, or other thoroughfare that a territorial authority has identified under section 133AF(2)
- 2.3 Council must consult on whether buildings are priority buildings due to their location, and the potential impact of their failure in an earthquake on people. Specifically, vehicular and pedestrian thoroughfares with sufficient traffic to warrant prioritisation
- 2.4 Priority buildings must be identified and remediated in half the usual time, to reduce the risks to life safety more promptly. This means that Council must identify potentially earthquake-prone priority buildings in this district within 2.5 years, and building owners must strengthen or demolish earthquake-prone priority buildings within 7.5 years.
- 2.4 Council has proposed areas in Levin, Foxton and Shannon which it considers have sufficient vehicular or pedestrian access to warrant prioritisation.

3. Recommendation

- 3.1 That Report 18/40 Priority Buildings - Draft Statement of Proposal for Consultation be received.
- 3.2 That this decision is recognised as significant in terms of S76 of the Local Government Act
- 3.3 That Horowhenua District Council resolves that the Special Consultative Procedure as required by s156(1) of the Local Government Act 2002 be used for consultation purposes, and
 - (i) The Statement of Proposal, as required by s83(1)(a)(i) and 86(2)(a)(i), Local Government Act 2002 is sufficient for consultation.

- (ii) The Summary of Information, **attached** as Attachment B, reflects sufficient information contained in the Statement of Proposal as required by s89 of the Local Government Act 2002, namely:
 - is a fair representation of the major matters in the Statement of Proposal; and
 - is in a form determined by Council; and
 - (iii) That the Summary of information (Attachment B) will be distributed as reasonably practicable as the basis for general consultation; indicates where the Statement of Proposal may be inspected and how a copy may be obtained; and states the period within which submissions on the proposal may be made to the Council s83(1)(a)(ii) Local Government Act 2002.
- 3.5 That the hearing of submissions be undertaken by the Hearings Committee acting under delegated authority for a subsequent recommendation to Council.

4. Background / Previous Council Decisions

- 4.1 The Horowhenua District Council is responsible for adhering to, and implementing the provisions of the Building Act 2004.
- 4.2 On 30 August 2017 Council adopted the Policy on Dangerous and Insanitary Buildings 2017 of which the Earthquake-prone Buildings section of the policy was removed as it was superseded by the Building (Earthquake-prone Buildings) Amendment Act 2016.
- 4.3 The Building Act 2004 contains the earthquake-prone building provisions.
- Section 133AA of the Building Act 2004 sets out the scope of buildings to which the earthquake-prone building provisions apply. All priority buildings must also be within this scope.
- Section 133AE of the Building Act 2004 contains the definition of priority buildings. This is also set out in Appendix A of this guidance and includes two broad categories of priority building:
- those that are prescribed in the Building Act 2004 – these include certain hospital, emergency and education buildings, and
 - those that are described in the Building Act 2004 and determined with community input
 - this category includes parts of URM buildings that could fall in an earthquake onto certain thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation, and buildings that could collapse and impede transport routes of strategic importance.
- 4.4 Council must undertake public consultation to identify the thoroughfares with sufficient vehicular and pedestrian traffic where there are parts of URM buildings that could fall in an earthquake.
- 4.5 Council has discretion to identify certain buildings for prioritisation. If a territorial authority identifies that there are buildings that could impede transport routes of strategic importance if they were to collapse in an earthquake, the special consultative procedure needs to be undertaken to identify routes for the purpose of prioritising those buildings.
- 4.6 If only part of a building fits the definition of a priority building, then only that part would be considered as a priority building.
- 4.7 Priority buildings should be identified by Council through application of the EPB methodology, and in the first instance through identification of potentially earthquake-prone

buildings via profile categories as set out in the EPB methodology. This process is set out in more detail in section 5 of this document.

5. Discussion

- 5.1 The system for identifying and managing earthquake-prone buildings changed on 1 July 2017. The new system prioritises identification and remediation of earthquake-prone buildings that either pose a high risk to life safety, or are critical to recovery in an emergency.
- 5.2 Council must consult on whether buildings are priority buildings due to:
- their location beside vehicular and pedestrian thoroughfares with sufficient traffic to warrant prioritisation; and
 - the potential impact of their failure in an earthquake on people.
- 5.3 Priority buildings must be identified and remediated in half the usual time, to reduce the risks to life safety more promptly. This means that Council must identify potentially earthquake-prone priority buildings in this district within 2.5 years, and building owners must strengthen or demolish earthquake-prone priority buildings within 7.5 years.
- 5.4 Council has proposed areas in **Levin, Foxton and Shannon** which it considers have sufficient vehicular or pedestrian access to warrant prioritisation. See **attached** Summary of Proposal.
- 5.5 Council would be seeking comment on the following questions:

Questions

1. Do you agree with the thoroughfares identified for prioritisation?
2. If not, which thoroughfares do you disagree with and why?
3. Are there any other thoroughfares that meet the criteria but are not listed?

6. Options

Options are described in the Statement for Proposal.

6.1 Cost

Consultation can be implemented using existing budgets.

6.1.1 Rate Impact

Consultation on Priority Buildings – Earthquake-prone Buildings will have no impact on rates

6.2 Community Wellbeing

The Summary of Information and Statement for Proposal of which will be consulted on is in the interest of public safety. The community has an opportunity to express its views and thoughts via the Special Consultative Procedure.

6.3 Consenting Issues

There are no consenting issues

6.4 LTP Integration

As there are no significant financial or service level considerations for the Council to consider in supporting the consultation of Priority Buildings, a provision for it is not included in the LTP.

7. Consultation

7.1 Sections 133AE(1)(e) and (f) of the Building Act 2004 describe when certain buildings should be prioritised based on community consultation. These are:

- parts of URM buildings that could fall in an earthquake onto certain thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation, and
- buildings that could collapse and impede transport routes of strategic importance.

7.2 Territorial authorities must undertake public consultation to identify the thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation onto which part of a URM building could fall in an earthquake

7.3 Community input is important to decide on the thoroughfares and routes to be prioritised due to the variation in local circumstances between territorial authorities. Undertaking public consultation enables communities to decide the appropriate level of risk to accept as a community, informed by its knowledge of the local economy, portfolio of buildings and their uses.

7.4 The special consultative procedure is described under section 83 of the Local Government Act 2002 and is the statutory procedure a territorial authority must follow when making these decisions.

7.5 Proposed Consultation Plan

The period of community engagement will be a minimum of four weeks, followed by analysis and reporting back to Council, subsequent amendment (if required) and final adoption.

Key project stages	Completion date
Draft proposal developed	19 January 2018
Draft proposal approved for community engagement	14 February 2018
Community engagement	21 February – 26 March 2018
Analysis of Submissions	26 -30 March 2018
Oral and written submissions considered by Council	Hearings TBC
Amendments made, proposal adopted.	Council Meeting TBC
Proposal published	TBC

7.6 Communities to be engaged with:

- The entire Horowhenua District community
- Relevant Community Boards and Community Committees
- Prescribed priority building owners/occupiers
- Potentially affected building owners/occupiers
- Iwi.

7.7 Engagement tools and techniques to be used

Community Group or Stakeholder	How this group will be engaged
Horowhenua District community	<ul style="list-style-type: none"> • Website • Horowhenua Chronicle, Horowhenua Mail • Community Connection • Attending LTP workshops • Displays in Community Centres • Facebook
Foxton Community Board	Officer report
Ratepayers and Residents Associations and other Community Committees	Email and meeting attendance if viable
Building owners/occupiers	Letter / Email - invite to meeting/relevant CC/CB meeting
Prescribed priority building owners/occupiers	Letter / Email / Meetings
Local real estate agents	Letter / Email – invite to meeting.
Iwi	Letter / Email and meeting attendance if viable

8. Legal Considerations

Consultation and identification of any priority buildings as a result must be completed within the priority building time frames provided in section 133AG of the Building Act 2004.

9. Financial Considerations

There are financial issues for consideration.

10. Other Considerations

There are no other considerations

11. Next Steps

If the Draft Statement of Proposal is adopted, consultation will occur.

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 benefits and costs, 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.

13. Appendices

No.	Title	Page
A	Earthquake Prone Buildings - Priority Buildings - Consultation - Statement of Proposal - 18 January 2018 <i>(Under Separate Cover)</i>	
B	Earthquake Prone Buildings - Priority Buildings - Consultation - Summary of Information - 18 January 2018 <i>(Under Separate Cover)</i>	
C	Earthquake Prone Buildings - Priority Buildings - Consultation - Submission Form - January 2018 <i>(Under Separate Cover)</i>	

Author(s)	Cathryn Pollock Project Coordination Lead	
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Approved by	Nicki Brady Group Manager - Customer & Regulatory Services	
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Review of Delegations - Customer & Regulatory Services

1. Purpose

To propose a series of officer delegations in respect of the Customer & Regulatory Services arm of Council, for the resolution of Council.

2. Executive Summary

- 2.1 Council delegates various functions to officers to allow them to conduct their duties both legally and in accordance with legislation, and as a consequence it is important that these delegations are reaffirmed from time to time.
- 2.2 Delegation means the assignment of a duty, or power, or action to another, with the authority to carry out that duty or complete the action assigned together with the responsibility for the outcome.
- 2.3 There have been internal changes to a number of roles in the Regulatory area as a result of the retirement of the Customer & Regulatory Services Manager. It is therefore necessary that delegations in place are reviewed and updated, hence this Report.

3. Recommendation

- 3.1 That Report 18/41 Review of Delegations - Customer & Regulatory Services be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act 2002.
- 3.3 That Council resolves the delegations, attached as **Attachment A**, effective 1 February 2018.

4. Background / Previous Council Decisions

Regulatory delegations have been reviewed from time to time –they were last reviewed and resolved by Council on 27 November 2017.

5. Discussion

In December the Customer and Regulatory Services Manager retired, as a result a number of changes were made to the Customer and Regulatory Services leadership roles.

This report is purely to ensure that up-to-date delegations are in place for officers of the Customer & Regulatory Services Department to carry out Council duties, and that those delegations reflect the prevailing legislation.

6. Options

- 6.1 Option 1 – Approve by resolution Updated Delegations -
This will ensure delegations in place reflect accurate legislation and that duties and functions conducted are within approved and accurate delegations of Council.
- 6.2 Option 2 – Not approve by resolution Updated Delegations -

Administrative incumbents in that officers may not have correct and legal delegations to conduct their duties, hence a 'risk' exposure to Council and the inability of staff to conduct their duties.

6.3 Preferred Option – Option 1 – hence recommendation 3.3.

7. Consultation

There are no consultation requirements in respect of this matter – it is purely and administrative functional requirement.

8. Legal Considerations

8.1 If the appropriate and legally correct delegations are not in place, duties may be carried out by staff that they do not have the legal basis (delegation) to do so, and as a result leave any action or decision that may be taken in the normal course of their duties open to challenge.

8.2 The delegations attached as **Attachment A** are made in accordance with the Local Government Act 2002 and any other statutory authority permitting delegation such as the Building Act 2004 or Resource Management Act 1981 (the appropriate authority is as shown in Attachment A).

9. Financial Considerations

There are no financial considerations applying to this matter.

10. Other Considerations

There are no other matters that need to be considered.

11. Next Steps

Following adoption of the delegations attached, Officer Warrants of Appointment, and the Horowhenua District Council Delegations Register will be updated.

12. Supporting Information

Strategic Fit/Strategic Outcome – Not Applicable
Decision Making – Not Applicable
Consistency with Existing Policy – Not Applicable
Funding – Not Applicable

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 benefits and costs, 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.

13. Appendices

No.	Title	Page
A	HDC Delegations Regulatory Updates as at 18 January 2018	72

Author(s)	Megan Leyland Consents Manager	
	Vaimoana Miller Compliance Manager	

Approved by	Nicki Brady Group Manager - Customer & Regulatory Services	
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Group Manager Customer & Regulatory Services

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- | | | |
|-----|-------------|---|
| (a) | Section 168 | Power to dispose of property seized and impounded |
| (b) | Section 171 | General powers of entry |
| (c) | Section 172 | Power of entry for enforcement purposes |
| (d) | Section 173 | Power of entry in cases of emergency |
| (e) | Section 174 | Authority to act |
| (f) | Section 177 | Power to appoint enforcement officer |

2. Building Act 2004

- | | | |
|-----|-------------|--|
| (a) | Section 83 | Removing section 78 Notices (buildings constructed over title across boundaries) |
| (b) | Section 377 | Lay information for prosecution |

3. Dog Control Act 1996

- | | | |
|-----|----------------|---|
| (a) | Section 22(4) | To give written notice – decision on a probationary owner objection |
| (b) | Section 27(2) | To give written Notice – Decision on a disqualified owner objection |
| (c) | Section 31(5) | To give written Notice – Decision on a Dangerous Dog objection |
| (d) | Section 33D(4) | To give written Notice – Decision on a Menacing Dog objection |
| (e) | Section 35 | Supply of Register Information |
| (f) | Section 66 | Power to Waive Infringement Notice |

4. General

- | | |
|-----|---|
| (a) | Authorise Legal proceedings in respect of any area of responsibility. |
|-----|---|

Consents Manager

Compliance Manager

Customer Experience Manager

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- | | | |
|-----|-------------|---|
| (a) | Section 168 | Power to dispose of property seized and impounded |
| (b) | Section 171 | General powers of entry |
| (c) | Section 172 | Power of entry for enforcement purposes |
| (d) | Section 173 | Power of entry in cases of emergency |
| (e) | Section 174 | Authority to act |

2. Building Act 2004

- | | | |
|-----|------------------|---------------------------------------|
| (a) | Sections 121,124 | Insanitary Buildings Provisions |
| (b) | Section 220 | Carrying out building work on default |
| (c) | Section 377 | Lay information for prosecution |

3. Dog Control Act 1996
 - (a) Section 21(1), (2) & (4) Classifying a Probationary Owner
 - (b) Section 25(1), (3) & (4) Disqualification of Dog Owners
 - (c) Section 31(1) & (2) Classifying Dog as Dangerous
 - (d) Section 32(1)(f) Consent to Dispose of Dangerous Dog
 - (e) Section 33A & 33C Classifying Dog as Menacing
 - (f) Section 35 Supply of Register Information
 - (g) Section 22(4) To give written Notice – Decision on a probationary owner objection
 - (h) Section 27(2) To give written Notice – Decision on a disqualified owner objection
 - (i) Section 31(5) To give written Notice – Decision on a Dangerous Dog objection
 - (j) Section 33D(4) To give written Notice – Decision on a Menacing Dog objection
 - (k) Section 66 Power to Waive Infringement Notice
4. Local Government Act 1974
 - (a) Section 356 Abandoned Vehicles Removal
5. Horowhenua District Council Bylaws and Policies
 - (a) Land Transport Bylaw
 - (b) Dog Control Policy
 - (c) Food Premises Grading Policy
 - (d) Public Places Bylaw
 - (e) Dog Control Bylaw
 - (f) Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw
 - (g) Insanitary & Dangerous Buildings Policy
 - (h) Gambling Class 4 Venue Policy
 - (i) TAB Venue policy
 - (j) Local Alcohol Policy
 - (k) Psychoactive Substances Policy
 - (l) Infringement Policies
6. The Sale and Supply of Alcohol Act 2012
 - (a) Section 64 Issue of licences, certificates and authorities
 - (b) Section 65 Set up and maintain registers
 - (c) Section 66 Keep record of Applications
 - (d) Section 196 Perform function of Secretary of Licensing Committee (delegated under section 198 to Compliance Manager or in their absence the Consents Manager).
7. Litter Act
 - (a) Section 5 Litter Control Officer
8. General
 - (a) Authorise Legal proceedings in respect of any area of responsibility

9. Food Act 2014
 - (a) To carry out any functions as the registration authority as detailed in the Act.
10. Regulations
 - (a) To issue and decline certificates of registration, grant certificates of exemption and issue notices under Regulation 9 of the Health (Registration of Premises) Regulations 1966, including those for the purposes of the Health (Hairdressers) Regulations 1980; Food Hygiene Regulations 1974; Camping Ground Regulations 1985.
 - (b) Functions as detailed in the Food Fees & Changes Regulations 2015 (exempt, waive, or refund fees).
11. Traffic & Parking
 - (a) To waive Stationary Vehicle Infringement Offence Notices in accordance with defined policy.
 - (b) To authorise parking exemption/permit requests in accordance with defined policy.
12. Health Act 1956 (subject to the officer holding a qualification recognised under the Environmental Health Officers Qualifications Regulations 1993)
 - (a) Section 28 Be appointed as an Environmental Health Officer
 - (b) Section 41 Issue Cleansing Orders
 - (c) Section 42 Issue Repair Notices
 - (d) Section 81 and 83 Powers in relation to cleaning and disinfecting
 - (e) Section 128 Entry onto premises for Inspection

Animal Control Officer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 171 General powers of entry
 - (b) Section 172 Power of entry for enforcement purposes
 - (c) Section 173 Power of entry in cases of emergency
 - (d) Section 174 Authority to act
2. Dog Control Act 1996
 - (a) Section 11 To carry out all or any of the functions and powers of a Dog Control Officer
 - (b) Section 12 To carry out all or any of the functions and powers of a Dog Ranger
 - (c) Section 14 Power of Entry
 - (d) Section 15 Power to Feed and Shelter Dogs
 - (e) Section 19 & 19A Power to Request Information
 - (f) Section 31(1) and (2) Classifying Dog as Dangerous
 - (g) Section 33A and 33C Classifying Dog as Menacing
 - (h) Section 66 Issue of Infringement Notices
 - (i) Section 69 To give written notice to the owner of an impounded dog
 - (j) Section 69 To sell, destroy or otherwise dispose of a dog

3. Stock Impounding Act 1955
 - (a) Section 8 Appointed as a Pound Keeper
 - (b) Section 13(k) Authorised to keep records required to be kept by a Local Authority

4. Horowhenua District Council Bylaws and Policies
 - (a) Land Transport Bylaw
 - (b) Dog Control Bylaw
 - (c) Public Places Bylaw
 - (d) Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw

Environmental Health Officer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 171 General powers of entry
 - (b) Section 172 Power of entry for enforcement purposes
 - (c) Section 173 Power of entry in cases of emergency
 - (d) Section 174 Authority to act

2. Building Act 2004
 - (a) Section 121 and 124 Insanitary Building Provisions
 - (b) Section 222 Carry Out Inspections

3. Health Act 1956
 - (a) Section 28 Be appointed as an Environmental Health Officer
 - (b) Section 41 Issue Cleansing Orders
 - (c) Section 42 Issue Repair Notices
 - (d) Section 81 and 83 Powers in relation to cleaning and disinfecting
 - (e) Section 128 Entry onto premises for Inspection

4. Resource Management Act 1991
 - (a) Section 38 Appointed as an Enforcement Officer
 - (b) Section 332 Power of Entry for Inspection

6. Food Act 2014 To carry out any functions as the registration authority as detailed in the Act

7. Regulations
 - (a) To issue and decline certificates of registration, grant certificates of exemption and issue notices under Regulation 9 of the Health (Registration of Premises) Regulations 1966, including those for the purposes of the Health (Hairdressers) Regulations 1980; Food Hygiene Regulations 1974; Camping Ground Regulations 1985.
 - (b) To register Funeral Directors and premises under the Health (Burial) Regulations 1946.

- (c) Take actions under Food Act Regulations 2015.

8. Horowhenua District Council Bylaws and Policies

- (a) Land Transport Bylaw
- (b) Dog Control Bylaw
- (c) Food Premises Grading Policy
- (d) Public Places Bylaw
- (e) Insanitary and Dangerous Buildings Policy

9. Local Government Act 1974

- (a) Section 356 Abandoned Vehicle Removal

Building Advisory Officer
TA Building Compliance Officer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Building Act 2004

- (a) Section 12 Functions incidental and related to or consequential upon the functions in section 12(a) to (k)
- (b) Section 34 Issue Project Information Memorandum
- (c) Section 48(2) Suspend a building consent because of lack of information
- (d) Section 49 Grant building consent
- (e) Section 50 Refuse building consent
- (f) Section 51 Issue building consent
- (g) Section 52 Lapse building consent
- (h) Section 62 Recover unpaid levies from building consent applicant
- (i) Section 67 Grant building consent subject to waivers or modifications of Building Code
- (j) Section 71 Refuse to grant consent on land subject to natural hazards
- (k) Sections 72 and 73 Grant building consent on land subject to natural hazards
- (l) Section 74 Removing Section 71 Notices
- (m) Sections 75 and 77 Permit construction of building on two or more allotments
- (n) Section 83 Grant authority to remove entry under section 78
- (o) Section 90 Inspect building work
- (p) Sections 91 - 95 Issue Code Compliance Certificate
- (q) Section 95A Refuse to issue Code Compliance Certificate
- (r) Sections 96, 98 and 99 Issue Certificate of Acceptance
- (s) Sections 102 and 106 Issuing and Amending of Code Compliance Certificate
- (t) Section 108 Administering Annual Building Warrant of Fitness
- (u) Section 109 Consider recommendation to amend Compliance Schedule
- (v) Section 111 Inspections in relation to Building Warrant of Fitness
- (w) Section 112 Approve or Waive requirement for building alterations to comply with Building Code

-
- | | | |
|------|-------------------------|---|
| (x) | Sections 113, 115 & 116 | Grant consent for alterations to building with Specified Intended Life |
| (y) | Section 116A | Grant of Certificate under section 224(f) of Resource Management Act 1991 |
| (z) | Sections 121 - 130 | Seek advice and perform functions in relation to Dangerous and Insanitary Buildings |
| (aa) | Section 126 | Apply for Order to carry out building work |
| (bb) | Sections 129 and 130 | Take measures to avoid immediate danger or to fix insanitary conditions |
| (cc) | Section 162D | Inspection of Residential Pools |
| (dd) | Section 164 | Issue Notice to Fix |
| (ee) | Section 167 | Inspect building work under Notice to Fix |
| (ff) | Section 177 | Make application for Determination |
| (gg) | Section 212 | Act as Building Consent Authority |
| (hh) | Section 220(2) | Make application to District Court for order to carry out building work |
| (ii) | Section 221(2) | Recovery of costs for carrying out work |
| (jj) | Section 222 | Carry out Inspections |
| (kk) | Section 363A | Issue of Certificate for Public Use of Premises |
| (ll) | Section 372 | Issue Infringement Notices |
| (mm) | Section 377 | Lay information for prosecution |
| (nn) | Section 381 | Apply to District Court for Injunction |
| (oo) | Schedule 1 | Exempting work from need to obtain building consent |
3. Amusement Device Regulations 1978
- | | | |
|-----|------------------|--------------------------------|
| (a) | Regulation 11(3) | Inspection of Amusement Device |
| (b) | Regulation 11(5) | Issue of Permit |
4. Horowhenua District Council Bylaws and Policies
- | | |
|-----|---|
| (a) | Public Places Bylaw |
| (b) | Insanitary and Dangerous Buildings Policy |
5. Resource Management Act 1991
- | | | |
|-----|----------------|--|
| (a) | Section 224(f) | Power to certify compliance with building code provisions. |
|-----|----------------|--|

Liquor Licensing Inspector

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
- | | | |
|-----|-------------|---|
| (a) | Section 171 | General powers of entry |
| (b) | Section 172 | Power of entry for enforcement purposes |
| (c) | Section 173 | Power of entry in cases of emergency |
| (d) | Section 174 | Authority to act |
2. The Sale and Supply of Alcohol Act 2012
- | | | |
|-----|----------------|---|
| (a) | Section 197(1) | Appointed as District Licensing Inspector |
| (b) | Section 197(3) | Carry out functions and duties of inspector |
| (c) | Section 262(1) | Issue specified infringement notices |

- (d) Section 267 Powers of Entry on Licensed Premises
- (e) Section 268 Power to seize samples of Alcohol
- (f) Section 279 Building not complying with Building Act 2004
- (g) Section 280 Variation, suspension, or cancellation of licences other than special licences
- (h) Section 283 Variation, suspension, or cancellation of special licences.
- (i) Section 285 Suspension or cancellation of Manager's Certificates

4. Resource Management Act 1991

- (a) Section 38 Appointed as an Enforcement Officer

Parking Enforcement Officers

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Traffic & Parking

To exercise the powers, functions and duties of an Authorised Officer under the Horowhenua District Council Land Transport Bylaw as it relates to Traffic & Parking.

3. Land Transport Act 1998

- (a) Section 128D Appointment of Parking Warden
- (b) Section 128E Powers of Parking Warden
- (c) Section 139(1) Issuing of Infringement Notices

Customer Support Officer Consents (Planning)

Customer Support Officer Consents (Building)

Customer Support Officer Compliance

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. The Sale and Supply of Alcohol Act 2012

- (a) Section 66 Keep record of Applications
- (b) Section 65 Set up and maintain register

3. General

- (a) Conduct administrative needs as it relates to the Food Act 2014, Registration & Premises Regulation, Building Act 2004, RMA 1991, and any other relevant legislation and bylaws.
- (b) Conduct administrative and any other needs as it relates to illegal parking and abandoned vehicles (Support Officer Compliance only).

RMA Compliance Officer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Resource Management Act 1991

- (a) Section 38 Appointment as an Enforcement Officer
- (b) Section 332 Power of Entry for Inspection

3. Horowhenua District Council Bylaws and Policies

- (a) Land Transport Bylaw
- (b) Dog Control Bylaw
- (c) Public Places Bylaw
- (d) Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw

4. Litter Act

- (a) Section 5 Litter Control Officer

5. Local Government Act 1974

- (a) Section 356 Abandoned Vehicles Removal

Resource Management Planner

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 1974

- (a) Section 348 Powers with respect to private roads and ways
- (b) Section 327A Building Line Restrictions.

2. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Resource Management Act 1991
 - (a) Section 38 Appointment as an Enforcement Officer
 - (b) Section 332 Power of Entry for Inspection
3. Building Act 2004
 - (a) Section 37 Issue certificate if resource consent required.
4. Horowhenua District Council Bylaws and Policies
 - (a) Land Transport Bylaw
 - (b) Dog Control Bylaw
 - (c) Public Places Bylaw

Main Security Officers

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
 - (a) Section 171 General powers of entry
 - (b) Section 172 Power of entry for enforcement purposes
 - (c) Section 173 Power of entry in cases of emergency
 - (d) Section 174 Authority to act
2. Resource Management Act 1991
 - (a) Section 38 Appointment as an Enforcement Officer
 - (b) Section 16 and 17 Noise Control provisions
 - (c) Section 327 Issue of Excessive Noise Direction
 - (d) Section 328 (3) and (4) Seizure and Removal of excessive noise equipment
 - (e) Section 338 Issue Infringement Notices - failing to comply with excessive noise direction
3. Litter Act
 - (a) Section 5 Litter Control Officer
4. Horowhenua District Council Bylaws and Policies
 - (a) Land Transport Bylaw (Traffic and Parking Bylaw)
 - (b) Dog Control Bylaw
 - (c) Public Places Bylaw

Beach Wardens, Foxton Beach & Waitarere Beach

To exercise responsibilities, powers, duties and functions as a warranted Beach Traffic Control Warden and Litter Control Officer under the authority of Council.

The following are specific delegations to the Chief Executive, Group Manager Customer & Regulatory Services, Group Manager Strategy & Development, Consents Manager, Compliance Manager, Strategic Planner, and Resource Management Planners

Section or Clause Number	Delegation Description	Delegated To (Acronym)	Notes
		Council Chief Executive (CE),	1. Delegations include temporary Acting CE, GMCRS, SPSM, or SP when relevant or required.
		Group Manager Customer & Regulatory Services (GMCRS)	2. The notation (ICWC) requires any officers exercising powers under the relevant section to obtain the consent of the Chairperson of the Hearing Committee before exercising any authority. Where the delegations refer to consultation with the Chairperson, the Chairperson shall retain the discretion to require such matters to be referred back to the Hearing Committee.
		Group Manager – Strategy and Development (GMSD)	
		Consents Manager (CL)	
		Compliance Manager (CPL)	
		Strategic Planner (SP)	
		Resource Consents Planners (P) (including any Enforcement Officer)	
		In consultation with the Chairperson of the Hearing Committee (ICWC). See notes	

LOCAL GOVERNMENT ACT 1974			
327A	Cancellation of building line restrictions	CE, GMCRS, GMSD, CL, SP, SP	
348	The power to exercise all powers of Council in respect of private roads and private ways	CE, GMCRS, GMSD, CL, SP, P	
319(i)	To name (alter name) of roads	CE	
319	General powers in respect of roads	CE, GMCRS, GMSD, CL, SP, P	
LOCAL GOVERNMENT ACT 2002			
171	The power to approve entry to any land or building other than a dwelling house (and to sign a warrant to that effect) for doing anything that the Local Authority is empowered to do under this Act or any other Act and to issue a warrant under the seal of Council authorising that the person is so authorised.	CE, GMCRS, GMSD, CL, SP	See RMA S332/333
177	The power to appoint an enforcement officer.	CE, GMCRS	
215	The power to approve an application for a removal order.	CE, GMCRS, GMSD	

UNIT TITLES ACT 2010			
32(2)	The power to provide certification pursuant to subsection (2)	CE, GMCRS, GMSD, CL, SP	

RESOURCE MANAGEMENT ACT 1991			
10(2)(b)	Time extension to existing use	CE, GMCRS, GMSD, CL, SP, P	

34(A)(1) & (2) and 100(A)	The nomination of one or more commissioners from the list of commissioners appointed by the Council for hearings (Ref. report No 3654 / 2008 adopted 1/10/2008).	CE, GMCRS, GMSD, CL, SP (ICWC)	
36(5)	Power to reduce or waive fees or deposits for charitable or community organisations or in other situations deemed appropriate.	CE, GMCRS	
37(1)	Power to waive or extend time limits as specified in this section.	CE, GMCRS, GMSD, CL, SP, P	
37(2)	Waive compliance with the requirement to submit information as outlined in Section 37(2) and the power to set new terms for the rectification or the omission of the inaccuracy.	CE, GMCRS, GMSD, CL, SP, P	
37A(6)	Power to determine and notify those persons who are directly affected by the extension or waiver of compliance with a time period, method of service, or service of document.	CE, GMCRS, GMSD, CL, SP, P	
38	Power to authorise an Enforcement Officer/s to carry out all or any of the functions and powers as an enforcement officer under this Act.	CE, GMCRS	
41B	The power to direct an applicant to provide briefs of evidence to the authority	CE, GMCRS, GMSD, CL, SP, P (ICWC)	
41C	The power to request further information prior to or at a Hearing.	CE, GMCRS, GMSD, CL, SP, P	

42	The power to make an order that a hearing be held with the public excluded. The power to make an order prohibiting or restricting the publication or communication of any information supplied or obtained in the course of any proceedings.	CE, GMCRS, GMSD, CL, SP, P (ICWC).	
42A(1)	The power to commission a report by an officer or consultant for hearing.	CE, GMCRS, GMSD, CL, SP, P	
42A(5)	The Authority to waive compliance with service of documents requirements.	CE, GMCRS, GMSD, CL, SP, P (ICWC)	
86D(2)	The power to make an application to the Environment Court for a rule to have legal effect.	CE, GMCRS, GMSD (ICWC).	
87AAB(1) & (2)	New Consent Exemption under this section	P	Effective 18/10/17
87BB	Exemption of activities from resource consent for marginal or temporary breaches	P	Effective 18/10/17
87(E)	Decision on whether to allow an application to be determined by the Environment Court and authority to determine an application for referral to the Environment Court is incomplete.	CE, GMCRS, GMSD (ICWC).	
88	The power to determine that an application is incomplete and to return the application with written reasons for the determination.	CE, GMCRS, GMSD, CL, SP, P	
91	The power to defer an application pending additional consents.	CE, GMCRS, GMSD, CL, SP, P	
92(1)	The power to request further information relating to an application.	CE, GMCRS, GMSD, CL, SP, P	
92(2)	The power to commission a report on any matter relating to the application.	CE, GMCRS, GMSD, CL, SP, P	

92A (2)	The power to set a time limit within which further information requested by a territorial authority should be provided.	CE, GMCRS, GMSD, CL, SP, P	
92A(3)	The power to decline an application for failure to meet requirements under this subsection.	CE, GMCRS, GMSD, CL, SP, P	
92B(2)	The power to decline an application in accordance with this section.	CE, GMCRS, GMSD, CL, SP, P	
95 and 95(A)–(F)	The power to determine when applications shall be non-notified, limited notified or publicly notified.	CE, GMCRS, GMSD, CL, SP, P	
99	The power to convene a pre-hearing meeting and exercise all powers under this section.	CE, GMCRS, GMSD, CL, SP, P	
99A	The power to refer applicants and persons who made submissions on the application to mediation and the authority to appoint a mediator under section 34A.	CE, GMCRS, GMSD, CL, SP, P (ICWC).	
100	The power to determine that a hearing is not needed.	CE, GMCRS, GMSD, CL, SP, P (ICWC)	
101	The power to fix a hearing date and time and place of the hearing.	CE, GMCRS, GMSD, CL, SP, P	
102	Functions in relation to joint hearings.	CE, GMCRS, GMSD, CL, SP, P	
103	Functions in relation to combined hearings for resource consents in relation to the same proposal.	CE, GMCRS, GMSD, CL, SP, P	

104 104A, 104B, 104C, 104D	The power to grant or refuse non notified resource consents and the power to decide on applications made with full or limited notification but only where such applications: (i) Have not attracted any, or only relatively minor submissions in opposition or where such submissions have been resolved between parties, and; (ii) Where the issues are clear cut, and; (iii) Where policies are clear cut, and; (iv) Which have a favourable officer report, and; (v) The applicant and/or submitters support this decision.	CE, GMCRS, GMSD, CL, SP, P (ICWC)	Consultation with the Chairperson is required in respect of any application involving full or limited notification before a decision on the application is made.
106	The power to refuse to grant a subdivision taking in consideration the issues specified in S106.	CE, GMCRS, GMSD, CL, SP, P (ICWC)	
108	The power to determine conditions of a resource consent	CE, GMCRS, GMSD, CL, SP, P	
108A (1), (2) &(3)	Bonds	CE, GMCRS, GMSD, CL, SP, P, CML	
109	The power to authorise Council use of bond funds	CE, GMCRS, GMSD, CL, SP, P (ICWC)	
124(2)(e)	The power to permit an existing consent to continue while applying for a new consent.	CE, GMCRS, GMSD, CL, SP, P	
125	The power to extend the period within which a resource consent lapses.	CE, GMCRS, GMSD, CL, SP, P (ICWC).	Consultation with the Chairperson shall only be required in respect of applications which have been the subject of a hearing.

126	The power to cancel unexercised resource consents.	CE, GMCRS, GMSD, CL, SP, P (ICWC).	Consultation with the Chairpersons shall only be required in respect of applications which have been the subject of a hearing.
127	The power to decide on an application for change to or cancellation of consent conditions.	CE, GMCRS, GMSD, CL, SP, P (ICWC)	Consultation with the Chairperson shall only be required in respect of applications which have been the subject of a hearing.
128-132	The power to initiate and determine a review of conditions of a resource consent.	CE, PSM, SP (ICWC)	Consultation with the Chairperson shall only be required in respect of applications which have been the subject of a hearing.
133A	Power to approve an amended resource consent within 20 working days of the granting of the original.	CE, GMCRS, GMSD, CL, SP, P	
138	The power to grant or refuse partial or full surrender of a resource consent.	CE, GMCRS, GMSD, CL, SP, P (ICWC)	Consultation with the Chairperson shall only be required in respect of applications which have been the subject of a hearing.
139	The power to grant or refuse an application for a certificate of compliance.	CE, GMCRS, GMSD, CL, SP, P	
139A	The power to grant or refuse an application for an existing use certificate.	CE, GMCRS, GMSD, CL, SP, P	
149Z	The power to process applications referred from the Minister for the Environment or the EPA.	CE, GMCRS, GMSD, CL, SP, P	
169	The power to process notices of requirement from a requiring authority.	CE, GMCRS, GMSD, CL, SP, P	
170	The power to decide whether to include a notice of requirement in a proposed plan change.	CE, GMCRS, GMSD, CL, SP, P (ICWC)	

171	Ability to make a recommendation to a requiring authority on a notice requirement – see s169 above	CE, GMCRS, GMSD, CL, SP, P	
174	The power to appeal to the Environment Court against the whole or any part of a decision of a requiring authority.	CE, GMCRS, GMSD, CL, SP, P (ICWC).	
176A(2)	The power to waive the requirement for an outline plan.	CE, GMCRS, GMSD, CL, SP, P	
176A(4)	The power to request changes to an outline plan.	CE, GMCRS, GMSD, CL, SP, P	
176A(5)	The power to Appeal against the decision of a requiring authority to the Environment Court.	CE, GMCRS, GMSD, CL, SP, P (ICWC).	
181	The power to alter a designation.	CE, GMCRS, GMSD, CL, SP, P (ICWC)	
184(1)(b) and 184(2)(b)	The power to extend the expiry period of a designation that has not been given effect to.	CE, GMCRS, GMSD, CL, SP, P (ICWC).	
190	The power to process notices of requirement for a heritage order from a heritage authority.	CE, GMCRS, GMSD, CL, SP, P	
191	Ability to request changes	CE, GMCRS, GMSD, CL, SP, P	
195A	The power to alter heritage orders.	CE, GMCRS, GMSD, CL, SP, P (ICWC).	
198C	The power to decide whether a notice of requirement application will be determined by the Environment Court as requested by applicant.	CE, GMCRS, GMSD, CL, SP, P (ICWC)	
198I	The power to decide whether a notice of requirement application will be determined by the Environment Court	CE, GMCRS, GMSD, CL, SP, P (ICWC)	

220	The power to impose conditions on subdivision consents.	CE, GMCRS, GMSD, CL, SP, P	
221(1)	The power to impose a condition requiring the issuing of a consent notice.	CE, GMCRS, GMSD, CL, SP, P	
221(3)(b)	The power to review, vary or cancel any consent notice.	CE, GMCRS, GMSD, CL, SP, P (ICWC)	A variation of a consent notice approved by the Hearing Committee may only be approved after consultation with the Chairperson of the Committee.
222	The power to extend a completion period and to issue a completion certificate.	CE, GMCRS, GMSD, CL, SP, P	
223	The power to approve any survey plan	CE, GMCRS, GMSD, CL, SP, P	
224(c)	Power to certify compliance with specified conditions prior to deposit of survey plan.	CE, GMCRS, GMSD, CL, SP, P	
224(f)	Power to certify compliance with building code provisions.	CE, GMCRS, GMSD, CL, SP, P	
226(e)	Power to issue a certificate in accordance with this Section.	CE, GMCRS, GMSD, CL, SP, P	
S232.	The power to approve the creation of an esplanade strip in accordance with S232 (1) and (2).	CE, GMCRS, GMSD, CL, SP, P	
S234(6)	The power to grant (with or without modifications) or decline an application to vary or cancel an instrument creating an esplanade strip.	CE, GMCRS, GMSD, CL, SP, P	
234(7)	The power to certify a varied or cancelled esplanade strip.	CE, GMCRS, GMSD, CL, SP, P	
235	Power to agree to create an esplanade strip with the agreement of the registered proprietor.	CE, GMCRS, GMSD, CL, SP, P	

237	The power to approve survey plans where esplanade reserves or esplanade strips are required.	CE, GMCRS, GMSD, CL, SP, P	
237B	The power to authorise the creation, variation, or cancellation of easements.	CE, GMCRS, GMSD, CL, SP, P	
240(1) and (3)	The power to endorse survey plans with covenants and to approve the covenant instrument.	CE, GMCRS, GMSD, CL, SP, P	
240(4) and (5)	The power to approve the cancellation of a covenant imposed under this Section or under the corresponding provision of any former enactment for non-notified applications.	CE, GMCRS, GMSD, CL, SP, P	
241	The power to approve the individual disposal of land or the holding of land in separate titles which have previously been amalgamated.	CE, GMCRS, GMSD, CL, SP, P	
241 continued	The power to cancel in whole or in part any condition described in Subsection (2).	CE, GMCRS, GMSD, CL, SP, P	
243	The power to revoke an easement in whole or in part.	CE, GMCRS, GMSD, CL, SP, P	
274	The power to nominate an officer or other person to attend a proceeding of the Environment Court.	CE, GMCRS, GMSD, CL, SP, P	
299	The power to appeal against the decision or report and recommendation of the Environment Court to the High Court on a point of law.	CE (ICWC)	
311	The power to apply for a declaration in accordance with this Section.	CE, GMCRS, GMSD, CL, SP, P (ICWC)	

316	The power to apply for an enforcement order or interim enforcement order.	CE, GMCRS, GMSD, CL, SP, P	
325A(2)	The power to cancel an abatement notice.	CE, GMCRS, GMSD, CL, SP, P	
325A(5)	The power to determine an application to review and/or amend an abatement notice.	CE, GMCRS, GMSD, CL, SP, P (ICWC)	A variation of an abatement notice may only be approved after consultation with the Chairperson of the Committee.
330	The power to make the necessary determinations and undertake such actions as are provided for in subsections (1) - (3) inclusive	CE, GMCRS, GMSD, CL, SP, P	Applies to emergency work and the power to take preventative or remedial action.
334	The power to seek a search warrant from a District Court Judge or any duly authorised Justice or any Community Magistrate or Registrar for entry for search.	CE, GMCRS, GMSD, CL, SP, P	
357C	The power to grant an extension of time to lodge an objection under sections 357 to 357B hear and determine any matters under this Section.	CE, GMCRS, GMSD, CL, SP, P (ICWC)	
First Schedule, Part one, Clause 5 and 5A	Power to decide on whom public notice shall be sent in relation to a policy statement or plan or a change thereto	CE, GMCRS, GMSD	
First Schedule Part One Clause 6 and 6A	The power to make a submission on a proposed policy statement or plan that was notified under Clause 5.	CE, GMCRS, GMSD (ICWC)	
First Schedule, Part one, Clause 8AA	The power to refer to mediation issues raised by persons who have made submissions on the proposed plan or policy statement and the power to appoint an independent mediator in accordance with this Clause.	CE, GMCRS, GMSD (ICWC)	

First Schedule, Part One, Clause 14	The power to authorise an appeal against any aspect of a requiring Authority's or heritage protection authority's decision.	CE, GMCRS, GMSD (ICWC)	
First Schedule, Part two, Clause 23	The power to require further information from an applicant.	CE, GMCRS, GMSD	
First Schedule, Part three, Clause 32	The power to certify as correct copies of material to be incorporated by reference into a plan or proposed plan.	CE, GMCRS, GMSD	

Resource Consenting (Planning) Matters Considered Under Delegated Authority

File No.: 18/3

1. Purpose

To present details of decisions made under delegated authority in respect of Resource Consenting (Planning) Matters.

2. Recommendation

- 2.1 That Report 18/3 Resource Consenting (Planning) Matters Considered Under Delegated Authority be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

3. Issues for Consideration

The following decisions were made under delegated authority:

- (i) Subdivision and Land Use Consents Approved:

Subdivision Resource Consents Approved – 08/11/17 – 09/01/18

Approved Date	File Ref	Applicant	Address
09/11/2017	2017/63	Okau Farms 2 Ltd	376-378 Ridge Road, Foxton/Himatangi
09/11/2017	2017/64	John Retalic Easterbrook & Barbara Jane Easterbrook	327-335 Kuku East Road, Levin Rural
14/11/2017	2017/54	TGTC Limited	24 Forest Road, Waitarere Beach
21/11/2017	2017/65	Callum Gareth Dunsmore & Faenza Maria Eugene Dunsmore	40-42 MacArthur Street, Levin
05/12/2017	2017/66	Janis Ashley Windleburn & Valda Gweneth Windleburn	269 Kimberley Road, Levin Rural
05/12/2017	2017/67	Brett Edward Ellis & Deirdre Ellen McGhie	17 Norbiton Road, Foxton
13/12/2017	2017/68	Marie Louise Henry	31-37 Tawa Street, Tokomaru Township
14/12/2017	2017/69	Karina Diane Wilkinson	158 Weraroa Road, Levin
19/12/2017	2017/71	Great Dane Developments Ltd	35 Sussex Street, Levin
20/12/2017	2017/70	Glynn Charlton Theobald & Michele Wendy Theobald	33 Nash Parade, Foxton Beach
08/01/2018	2017/76	Richard John Baird Shiel	95 MacArthur Street, Levin

Land Use Resource Consents Approved – 08/11/17 – 09/01/18

Approved Date	File Ref	Applicant	Address
08/11/2017	2017/76	Shaun Vos	5 Quinn Road, Levin
16/11/2017	2017/75	Craig Warren Diffey	19 Fairfield Road, Levin
16/11/2017	2017/77	Horowhenua District Council	726 Makerua Road, Tokomaru

08/12/2017	2017/81	Warren Andrew Hall	27 Sheehan Street, Shannon
13/12/2017	2017/78	Andrew Humphries	29 Edinburgh Terrace, Foxton Beach
20/12/2017	2017/79	David John Saunders & Joanne Mary Saunders	36 Muhunoa West Road, Ohau Township
21/12/2017	2017/80	Troy Joseph Hobson & Clair Maree McCall	12 Rua Avenue, Waitare Beach
21/12/2017	2017/82	Blair Murray & BJAZ Properties Ltd	5 Julyan Street, Shannon
21/12/2017	2017/63	Andrew Peter Collins & Morag Collins	170 Gladstone Road, Levin Rural

(ii) Road Names Approved

None during the reporting period.

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 benefits and costs, 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)	Megan Leyland Consents Manager	
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Approved by	Nicki Brady Group Manager - Customer & Regulatory Services	
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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 Finance, Audit & Risk Subcommittee 13 December 2017

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. s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied.	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 2018 Tertiary Scholarship Recipients

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. s7(2)(j) - The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.	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 Property Purchase

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
<p>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.</p>	<p>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>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).</p>	<p>s48(1)(a)</p> <p>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.</p>