
Council

OPEN MINUTES

Minutes of a meeting of Council held in the Council Chambers, 126-148 Oxford St, Levin, on Wednesday 31 January 2018 at 4.00 pm.

PRESENT

Mayor	Mr M Feyen	
Deputy Mayor	Mr W E R Bishop	
Councillors	Mr R J Brannigan	
	Mr R H Campbell	(to 6.05 pm)
	Mr N G Gimblett	
	Mr B F Judd	
	Mrs V M Kaye-Simmons	
	Mrs J F G Mason	
	Mrs C B Mitchell	
	Ms P Tukapua	
	Mr B P Wanden	

IN ATTENDANCE

Mr M J Lester	(Acting Chief Executive)
Mr D Law	(Chief Financial Officer)
Mr G Saidy	(Group Manager – Infrastructure Services)
Ms S Grant	(Group Manager – Community Services)
Mr D McCorkindale	(Group Manager – Strategy & Development)
Ms M Leyland	(Consents Manager)
Ms V Miller	(Compliance Manager)
Mrs A Pakau	(Customer Experience Manager)
Mrs C Pollock	(Project Coordination Lead)
Mr I McLachlan	(Risk Management Lead)
Ms L Wilson	(Communications Manager)
Mr S Wood	(Legal Advisor)
Mrs K J Corkill	(Meeting Secretary)
Ms S Bowling	(Meeting Secretary)

MEDIA IN ATTENDANCE

Ms S Beckman	(“Chronicle”)
Ms J Rankin	(“Horowhenua Mail”)

PUBLIC IN ATTENDANCE

There were 10 members of the public in attendance at the commencement of the meeting.

1 Apologies

There were no apologies.

2 Public Participation

9.2 Priority Buildings – Draft Statement of Proposal for Consultation

Bryan Ten Have
Christina Paton

3 Late Items

There were no late items.

4 Declarations of Interest

In relation to 7.1, Proceedings of the Hearings Committee 28 November 2017 – Local Easter Sunday Shop Trading Policy, Cr Wanden advised he had a conflict of interest as he had been a submitter and Cr Kaye-Simmons noted that whilst she had not taken part in the process, she had filled out a survey for retail business owners.

5 Confirmation of Minutes – 22 November 2017

Cr Campbell queried the comment (at the bottom of page 5) that the document that he had tabled directly to the Mayor did not form part of the official record of the meeting as it had not been furnished to the Chief Executive and suggested that that needed correction.

Mr Lester responded that for a document to become part of the official record it had to be tabled to the entire Council. In that instance it had only been given to the Mayor so the minutes were correct. It was also noted the document had not been provided to the Chief Executive.

Mayor Feyen said he noted the point and while he regarded it as fully tabled, he would have further discussion on the matter.

MOVED by Cr Brannigan, seconded Cr Wanden:

THAT the minutes of the meeting of the Council held on Wednesday, 22 November 2017, be confirmed as a true and correct record.

CARRIED

Mayor Feyen and Cr Campbell ABSTAINED from voting.

Confirmation of Open & In Committee Minutes – 27 November 2017

MOVED by Cr Campbell, seconded Cr Judd:

THAT the Open & In Committee minutes of the meeting of the Council held on Monday, 27 November 2017, be confirmed as a true and correct record.

CARRIED

6 Announcements

Foxton Community Board Update

In his update, Board Chair, David Roache, commented:

- Te Awahou Nieuwe Stroom continued to be a great success over Christmas and great feedback was still being received. It was disappointing that the signage on the state highway had been removed.
Responding to a query, Mr Roache said he had been advised signage had been removed because of dangerous positioning, but a replacement was in the planning stage.
- The upgraded Main Street was looking very attractive and he was looking forward to the final stage being completed. He did have a concern that the Cenotaph (northern) end might not be completed in time for Anzac Day.
- The Pump Track was started on 15 January. He had received calls from two local residents opposite the Pump Track site who felt that Council could have communicated better with them. He had gone to meet with them and found about 30 people present. A report on that meeting had been forwarded to the CEO.
- The Foxton Beach Bowling Club had been unsuccessful with its application because it did not meet the Freeholding Fund criteria which stated that all applications should go through the LTP.
- He believed the contract for the greensand filtration of Foxton Beach's water was underway.
- Council and Save Our River Trust continued to work tirelessly on the opening of the river loop. The signs were looking more positive with the new Minister for the Environment taking a keen interest.

Mayor Feyen took the opportunity, under announcements, to articulate in some detail how he saw his position as Mayor, as well as some good positive things. He commenced by saying he truly did believe that Horowhenua was a great district to live in. He fully realised that he was a minority mayor which would have an impact on the district, but he intended to carry on trying to implement what he told people he was going to do.

There were Points of Order raised by Crs Brannigan and Gimblett in relation to some of the Mayor's comments, with the Acting Chief Executive providing clarification or guidance in terms of process where appropriate. In particular the meeting was made aware that, at this point in time, there were no known investigations or enquiries in to the governance or management of Council. Further, the Acting Chief Executive made it clear that the Mayor's written response to the report on the role of the Mayor's Advocate would be kept confidential as the original report was considered In Committee by the Finance, Audit & Risk Subcommittee.

7 Proceedings of Committees

Having declared a conflict of interest in relation to the following item, Cr Wanden withdrew from the table.

7.1 Proceedings of the Hearings Committee 28 November 2017

Purpose

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

MOVED by Cr Mason, seconded Cr Judd:

THAT Report 18/9 Proceedings of the Hearings Committee 28 November 2017 be received.

THAT the Council receive the minutes of the Hearings Committee meeting held on 28 November 2017.

CARRIED

Following Councillors indicating their views on the policy, with some wishing to retain the status quo and others supporting business owners having the choice of opening or not, it was:

MOVED by Cr Judd, seconded Cr Brannigan:

THAT as recommended by the Hearings Committee, the Horowhenua District Council adopts the Local Easter Sunday Shop Trading Policy 2017 as an operative policy of Council.

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

For:

Councillors: Ross Brannigan
Ross Campbell
Neville Gimblett
Barry Judd
Victoria Kaye-Simmons
Joanna Mason
Christine Mitchell
Bernard Wanden

Against:

Mayor: Michael Feyen
Deputy Mayor: Wayne Bishop
Councillor: Piri-Hira Tukapua

The division was declared CARRIED by 8 votes to 3.

Cr Wanden rejoined the table.

7.2 Proceedings of the Foxton Community Board 11 December 2017

Purpose

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

MOVED by Cr Campbell, seconded Cr Gimblett:

THAT Report 18/8 Proceedings of the Foxton Community Board 11 December 2017 be received.

THAT the Council receive the minutes of the Foxton Community Board meeting held on 11 December 2017.

Mr Roache provided some clarification around the status of the Foxton and Beach Bowling Club's request for funds from the Freeholding Account saying that the Board supported an application being made to the LTP as was required by the Policy.

Mr Gimblett further noted that the Community Board had felt there had been insufficient consultation on the project and that was reflected by a number of submitters at the Board Meeting. The Board, therefore, felt it was best to follow the guidelines set out in the Policy and allow the community to submit during the LTP process.

Also raised and discussed was the 'connect north and west' concept for the final roading and open space configuration for the northern end of Main Street, with a query on what that configuration entailed. It was noted that full consultation had been undertaken with the community and Council had agreed it would go to the Foxton Community Board for ratification, which had occurred.

Mayor Feyen, whose residence in Liddell Street would be affected, raised concerns about the impact on properties in Ravensworth Place and Liddell Street arising from

the 'connect north and west' concept. As he said he believed the matter warranted more discussion, he proposed a resolution.

Moved: Mayor Feyen Seconded: Cr Campbell

"That the matter in relation to the northern end of Foxton Main Street come back to a full Council meeting for a final resolution".

After a lengthy discussion which covered impacted residents, the length of time and comprehensive consultation that had been undertaken, the positive effect the endorsed concept would have on traffic in Main Street, the effect on the Horse Drawn Tram, and a point of order from the Deputy Mayor in relation to the time that had been taken just to receive the FCB minutes, a division was called for Mayor Feyen's motion:

For:

Mayor: Michael Feyen
Councillors: Ross Campbell

Against:

Deputy Mayor: Wayne Bishop
Councillors: Ross Brannigan
Neville Gimblett
Barry Judd
Joanna Mason
Piri-Hira Tukapua
Bernard Wanden

Crs Victoria Kaye-Simmons and Christine Mitchell abstained.

The division was declared LOST by 2 votes to 7.

7.3 Proceedings of the Finance, Audit & Risk Subcommittee 13 December 2017

Purpose

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

MOVED by Cr Mitchell, seconded Cr Wanden:

THAT Report 18/6 Proceedings of the Finance, Audit & Risk Subcommittee 13 December 2017 be received.

THAT the Council receive the minutes of the Finance, Audit & Risk Subcommittee meeting held on 13 December 2017.

CARRIED

Cr Tukapua queried the wording of the resolution amending the Elected Members' Allowances and Recovery of Expenses Policy as she suggested it did not accurately reflect the issue she had raised at the meeting in relation to Conference attendance. She was requested to have it addressed at the next Finance, Audit & Risk Subcommittee meeting.

7.4 Proceedings of the Community Wellbeing Committee 19 December 2017

Purpose

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

MOVED by Cr Mason, seconded Cr Judd:

THAT Report 18/38 Proceedings of the Community Wellbeing Committee 19 December 2017 be received.

THAT the Council receive the minutes of the Community Wellbeing Committee meeting held on 19 December 2017.

CARRIED

8 Executive

8.1 Monitoring Report to 31 January 2017

Purpose

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

MOVED by Cr Mitchell, seconded Cr Judd:

THAT Report 18/2 Monitoring Report to 31 January 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 43 17/335 – Nash Parade and Bond Street Upgrade Project
Mayor Feyen said he was pleased to see this progressing and looked forward to seeing the final design.

8.2 Chief Executive's Report to 31 January 2018

Purpose

For the Chief Executive to update Councillors, or seek endorsement on, a number of matters being dealt with.

MOVED by Cr Judd, seconded Deputy Mayor Bishop:

That Report 18/5 Chief Executive's Report to 31 January 2018 be received.

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

CARRIED

3.1 Economic Update

Noting the increase in Tourism Expenditure, Cr Campbell queried where the information had come from.

Mr Lester said the information was not gathered by Council, but had come from its usual source and the figure could well have been impacted by Te Awahou Nieuwe Stroom.

MOVED by Cr Brannigan, seconded Cr Gimblett:

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

CARRIED

8.3 Documents Executed and Electronic Transactions Authorities Signed

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.

MOVED by Cr Judd, seconded Cr Wanden:

THAT Report 18/4 Documents Executed and Electronic Transactions Authorities Signed be received.

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

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.*

CARRIED

9 Customer and Regulatory Services

9.1 Appointment of Commissioners for Resource Management Hearings

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.

MOVED by Cr Mitchell, seconded Deputy Mayor Bishop:

THAT Report 18/1 Appointment of Commissioners for Resource Management Hearings be received.

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

CARRIED

The meeting adjourned briefly (6.05-6.10 pm) following which Cr Campbell left the

meeting due to a family emergency.

Ms Leyland and Mr McCorkindale joined the table to speak to this report and respond to any Councillor queries, with Ms Leyland saying that what was proposed would mean that Council would always have an up to date list of people to select from for Resource Management hearings rather than a static list which went out of date very easily.

Cr Mason, as Chair of the Hearings Committee, spoke in support of what was proposed as it would allow choosing the best person for the job.

MOVED by Cr Mitchell, seconded Cr Mason:

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.

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.

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.

CARRIED

9.2 Priority Buildings - Draft Statement of Proposal for Consultation

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.

MOVED by Cr Tukapua, seconded Cr Gimblett:

THAT Report 18/40 Priority Buildings - Draft Statement of Proposal for Consultation be received.

THAT this decision is recognised as significant in terms of S76 of the Local Government Act.

CARRIED

In speaking to this item, Mr Ten Have queried if the right legislation was referenced in the report as he suggested the 2004 Code was defunct and there was a 2017 amendment.

Points of Order were raised by Crs Gimblett and Brannigan (25.2(c) Irrelevance) when Mr Ten Have's comments went off topic as the report was in relation to unreinforced masonry buildings not the matters Mr Ten Have raised.

Mrs Paton recommended that any further upgrades proposed for main thoroughfares that may be affected by significant demolition and/or reconstruction of building be put on hold as it would be appropriate to implement works in relation to priority buildings and then consider such upgrades which may also include underground infrastructure.

Responding to Mr Ten Have's query re legislation, Mr Lester said the 2004 Building Act was not obsolete, but had been amended in 2016. Also it was the 2004 Act that was referenced, not the building code.

Mr Lester also responded to Mrs Paton's comments explaining that the Levin Town Centre Strategy was cognisant of the earthquake prone building issue and the concerns she raised would be covered in the consultation with property owners, tenants and the wider community.

Mrs Pollock and Mr McLachlan joined the table to speak to the report. Mrs Pollock reiterated that it was the Building Act 2004, which was amended in 2016, that was being used for the draft Statement of Proposal and anything referenced was in accordance with legislation. She noted that the purpose of the documentation provided was to seek Council's approval to publicly consult as required by legislation and there had been a full Council briefing on the topic.

MOVED by Cr Tukapua, seconded Cr Gimblett:

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, as attached, 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, as attached, 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.*

THAT the hearing of submissions be undertaken by the Hearings Committee acting under delegated authority for a subsequent recommendation to Council.

CARRIED

9.3 Review of Delegations - Customer & Regulatory Services

Purpose

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

MOVED by Cr Judd, seconded Cr Mitchell:

THAT Report 18/41 Review of Delegations - Customer & Regulatory Services be received.

THAT this decision is recognised as not significant in terms of S76 of the Local Government Act 2002.

THAT Council resolves the delegations, as attached, effective 1 February 2018.

CARRIED

9.4 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 Cr Wanden, seconded Cr Brannigan:

THAT Report 18/3 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

10 Procedural motion to exclude the public

MOVED by Deputy Mayor Bishop, seconded Cr Mitchell:

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

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

	<p><i>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>	
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C2 2018 Tertiary Scholarship Recipients

<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>
<p><i>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</i></p>	<p><i>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</i></p> <p><i>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.</i></p>	<p><i>s48(1)(a)</i></p> <p><i>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</i></p>

C3 Property Purchase

<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>
<p><i>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</i></p>	<p><i>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</i></p> <p><i>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).</i></p>	<p><i>s48(1)(a)</i></p> <p><i>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</i></p>

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

6.45 pm The public were excluded.

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

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 COUNCIL HELD ON

DATE:.....

CHAIRPERSON:.....