

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

**Date:** Monday 27 November 2017  
**Time:** 8.30 am  
**Meeting Room:** Council Chambers  
**Venue:** 126-148 Oxford St  
Levin

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## Council OPEN AGENDA

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### MEMBERSHIP

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

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Website: [www.horowhenua.govt.nz](http://www.horowhenua.govt.nz)

**Full Agendas are available on Council's website**  
[www.horowhenua.govt.nz](http://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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# Requisition for Extraordinary Council Meeting

File No.: 17/598

## 1. Purpose

To present to Council a requisition under clause 22(1)(b)(ii) Schedule 7 of the Local Government Act (LGA 2002), calling an Extraordinary meeting of the Horowhenua District Council.

## 2. Recommendation

- 2.1 That Report 17/598 Requisition for Extraordinary Council Meeting 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 as proposed by the requisition received, the requested Extraordinary Meeting of Council consider the remaining business contained on the agenda for the Ordinary Council Meeting held on Wednesday 22 November 2017 (not considered at that meeting due to lack of a quorum) and other late items that require Council decision prior to the Christmas break.

## 3. Issues for Consideration

With the majority of business from the Ordinary Council Meeting held on Wednesday 22 November 2017 not being considered because of lack of a quorum, and with it being the final Council meeting for the year, there are a number of items on that Agenda that require decisions/ratification.

The attached requisition has been received so that the remaining business contained on the 22 November 2017 Agenda, and other late items, can be considered and decided upon prior to the Christmas break.

## Attachments


No.	Title	Page
A	Requisition for Extraordinary Council Meeting - 22 November 2017	5


### 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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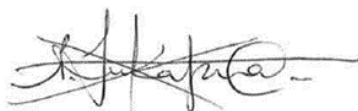
Approved by	David Clapperton <b>Chief Executive</b>	
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Requisition for Extraordinary Council Meeting

22/11/17



- This is a requisition under clause 22(1)(b)(ii) Schedule 7 of the Local Government Act 2002 (LGA 2002), calling an Extraordinary meeting of the Horowhenua District Council.
- The Extraordinary meeting is to be held on Monday 27 November at 8:30am, in the Horowhenua District Council Chambers, Oxford Street, Levin.
- The general nature of business to be considered at the meeting is the remaining business contained on the agenda for the Ordinary Council Meeting held on Wednesday 22 November 2017 (not considered at that meeting due to lack of quorum) and other late items that require Council decision prior to the Christmas break.



22 November 2017



**1 Apologies**

**2 Public Participatoin**

Notification to speak is required by 12 noon on the day of the meeting. Further information is available on [www.horowhenua.govt.nz](http://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 Declarations 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.

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 Community Wellbeing Committee 17 October 2017

File No.: 17/565

## 1. Purpose

To present to the Extraordinary Meeting of Council the minutes of the Community Wellbeing Committee meeting held on 17 October 2017; and, to seek Council adoption of the Access and Inclusion Plan.

## 2. Recommendation

- 2.1 That Report 17/565 Proceedings of the Community Wellbeing Committee 17 October 2017 be received.
- 2.2 That the Extraordinary Meeting of Council receive the minutes of the Community Wellbeing Committee meeting held on 17 October 2017.
- 2.3 That on the recommendation of the Community Wellbeing Committee, the Horowhenua District Council endorses the Horowhenua Access and Inclusion Plan.

## 3. Issues for Consideration

The following item considered by the Community Wellbeing Committee meeting requires further consideration by the Horowhenua District Council:

### Horowhenua Access and Inclusion Plan

The Community Wellbeing Committee passed the following resolution:

*“THAT the Access and Inclusion Plan be endorsed by the Community Wellbeing Committee for adoption by Council.”*

Council’s adoption of the Access and Inclusion Plan is now sought.

## Attachments

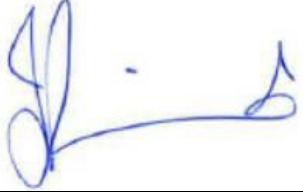

No.	Title	Page
A	Final Access and Inclusion Plan 2017-2020 For Council 8/11/2017	19

### 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 <b>Community Wellbeing Manager</b>	
Approved by	Sharon Grant <b>Group Manager - Community Services</b>	



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# Community Wellbeing Committee

## OPEN MINUTES

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Minutes of a meeting of the Community Wellbeing Committee held in the Council Chambers, Horowhenua District Council, 126-148 Oxford Street, Levin on Tuesday 17 October 2017 at 1.00 pm.

### PRESENT

<b>Chairperson</b>	Cr Barry Judd
<b>Deputy Chairperson</b>	Cr Jo Mason
<b>Members</b>	Ms Barbara Bradnock
	Mr Richard Fry attending on behalf of Ms Katie Brosnahan
	Mr Mike Fletcher
	Mr Karl Severinson attending on behalf of Ms Eve Fone
	Ms Eleanor Gully
	Dr Betty-Lou Iwikau
	Mr Liam McLeavey
	Ms Stephanie Cook attending on behalf of Ms Tracy Merson
	Ms Maureen Scott attending on behalf of Mrs Jacqui Moynihan
	Ms Di Rump
	Ms Ella Tavernor
	Ms Margaret Williams
	Ms Delphi Winters

### IN ATTENDANCE

<b>Reporting Officer</b>	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 Sophie Parrant	(Youth Development Advisor)
	Ms Nichole Mangione	(Business Analyst - Strategic Planning)
	Ms Caitlin O'Shea	(Graduate Strategic Planner)

### ALSO IN ATTENDANCE

Mr Frances Fanning	(Compassion Horowhenua)
Cr Ross Campbell	
Mr Lew Rohloff	

### MEDIA IN ATTENDANCE

Ms Miri Schroeter	("Manawatu Standard")
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### 1 Apologies

Apologies were recorded for Murray Woodcock, Mark Robinson, Eve Fone, Jacqui Moynihan, Jo Smith, Debra Barker, Sam Gilpin, Mayor Feyen, Tracy Merson, Sarn Paroli and Katie Brosnahan.

NOTED

## 2 Public Participation

There had been no requests for public participation.

## 3 Confirmation of Minutes

MOVED by Cr Jo Mason, seconded Mr Richard Fry:

*THAT the minutes of the meeting of the Community Wellbeing Committee held on Tuesday, 15 August 2017, be confirmed as a true and correct record.*

**CARRIED**

Margaret Williams asked that her comment on page 3 of the minutes be corrected to read "The list could be summarised in two words: 'communication' and 'common sense'...".

## 4 Announcements / Decisions

### Access and Inclusion Plan

Eleanor Gully and Helen Hayes spoke briefly on the genesis/compilation of the document, pointing out that a broader key indicator around the ambulatory sensitive admissions is yet to be added. The Plan once finalised will be available on the HDC website in Te Reo Māori, English and ReadSpeaker (text to speech) formats.

Jo Mason acknowledged the tremendous work done around the Plan, which now was all-encompassing of those with impairments within our community.

Di Rump advised that Muaūpoko Tribal Authority would be planning a kaumātua hui for HDC to come along for kai and speak to both Ngāti Raukawa and Muaūpoko.

Mike Fletcher also commended the Plan; and suggested a wording change to the statement on page 13 "...those with a disability so that living well..."

MOVED by Ms Cook, seconded Mrs Williams:

*THAT the Access and Inclusion Plan be adopted by Community Wellbeing Committee for consideration by Council.*

**CARRIED**

Di Rump asked that it be minuted that there is still an amount of engagement to occur, that would add to the Plan.

The Committee was advised that once Council adopted the final Plan, it would undergo translation into Te Reo Māori before both hardcopy and electronic distribution into the public arena.

Helen Hayes was again commended for the process and involvement she undertook regards the Plan.

### Long Term Plan

Caitlin O'Shea and Nichole Mangione introduced themselves and spoke to their PowerPoint on LTP pre-engagement covering: how the community can engage with Council around the LTP; highlighting what a LTP is; difference between AP and LTP; and the various projects near completion or in play.

Ideas/input from the community agencies was requested, in particular feedback/perspective on the five outcomes presented for community wellbeing – stunning environment, thriving communities, vibrant cultures, enabling infrastructure, exuberant economy.

**Action Point:** Presentation and questions to be given to members to consider and provide feedback to HDC LTP Team

Committee reminded of this weekend's LTP engagement locations, including the online portal and freepost postcards feedback options.

Reinforcing the message, the Chair encouraged members to be involved in this process, to make contact, ask questions and bring forward ideas.

Di Rump expressed concern regards distributing the draft LTP, stressing that it is crucial what the document communicates. Siting that the LTP in its current format could do more in regards to the Treaty of Waitangi /Te Tiriti o Waitangi, and the "massive opportunities" that will present when Iwi move from pre- to post-settlement; particularly when two Iwi in the district are going through this. A real concern that none of this is evidenced in the LTP and if it is truly going to reflect the Council it is currently devoid of any of that thinking and/or understanding.

The Chair responded that this would be discussed further offline following the meeting.

The PowerPoint presentation is **attached** to the official minutes.

### Pensioner Housing

Frances Fanning (director of Compassion Horowhenua) provided the background of Compassion Housing Ltd also covering: what the group provides in support of their work; their current housing portfolio and ownership model; the management process/structure; and intentions regarding the Horowhenua properties.

The committee were informed that besides employing a resident maintenance contractor, the intention was to employ a local based nurse. Two Sisters will also reside locally to ensure the welfare of the residents/tenants.

A meet and greet function is planned for 30 October 2017 in Levin, Foxton and Shannon for residents/tenants to meet the Sisters, Board members and Services Manager.

Considering the 50/50 ownership it was asked how potential conflicts around future direction would be solved. Mr Fanning responded that he couldn't see any grounds for there being a fall out; if in the event of a change in ownership he wouldn't see the Sisters of Compassion pulling out.

Clarification was given around the expertise offered by the McGuinness family, it being one of property and building expertise, with a particularly long standing relationship between the family and the Sisters of Compassion.

Mr Fanning was assured a proper welcome to the whenua would occur, likely on or around settlement date; and members looked forward to a Compassion Horowhenua representation being involved in the CWC in due course.

Mid Central, Star 4

Due to an apology this presentation will be deferred to the December meeting.

## 5 Reports

### 5.1 Community Services Report to 17 October 2017

#### Purpose

To present to the Community Wellbeing Committee the Community Services Report 17 October 2017.

MOVED by Mr Fletcher, seconded Cr Mason:

*THAT Report 17/449 Community Services Report to 17 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**

James Richmond spoke to the Community Services Report, focusing on the high level items/achievements and future planning.

Sophie Parrant introduced herself and briefly spoke of the genesis of the Beats n Basketball programme (to address 'disengaged youth'; change the stigma around the perception), the outcomes / success of the event held. It is intended for another event will be held on 24 November.

Committee were reminded of the opening of Te Awahou Nieuwe Stroom on Saturday 18 November 2017.

Regards Jack Allen House, more on the proposal would be presented at the next CWC meeting. Helen Hayes was again acknowledged for her excellent involvement with this project. Helen invited anyone/agency who wishes to be part of the new space in the RSA, to please contact HDC or herself directly.

## 6 Agency updates

Barbara Bradnock, MSD – Still busy; feedback around locality planning well received; starting the planning cycle again.

Stephanie Cook, HALT – Busy, particularly in the domestic violence arena. Collaborating with police and Rotary on White Ribbon Day events. This year riders are coming through from Marton on a Thursday rather than Saturday. They will stop at Foxton local schools and Manawatu College to meet students; with Rotary partners providing a sausage sizzle. Then on to Taitoko School for more kai, and activities before heading back to Palmerston North. The change of day provides a good opportunity to target young people; to implement/encourage a social and generational change and the issues around domestic violence per se.

Margaret Williams, Older Persons Network – advised of Grey Power monthly members meeting date change: 27 October at Cossie Club ("From Russia with Love"). Another project: to lobby Horizons for their help in providing a second bus service Levin-Palmerston

North; need HDC's support. The success of the Levin-Waikanae bus service has partly instigated this project.

Maureen Scott, Children's Team – Review of planning cycles. The evaluation team is in this week looking at impact, and alignment to changes happening over greater Oranga Tamariki.

Richard Fry, MSD – Housing is causing issues region-wide. Meeting with tenancy providers to look at ways to get ahead and address these.

Ella Tavernor, Ministry of Education – Key priority: community learning in the area (movement from tertiary to employment); more individual level and supporting vulnerable children, working with partner agencies.

Betty-Lou Iwikau, Raukawa Whanau-Ora – Priorities (1) Housing, the major issue being the amount of rent families have to pay; housing in Levin is substandard (mildew, no heating), (2) Great concerns around self-harm among our young people in the district, (3) Grandparents becoming parents again; we're not aware of any respite unit or support provisions for those looking after children. As an Iwi these are our main priorities and then how we strategically align ourselves with other services within our community. Commended Liam McLeavey's involvement.

Rangitahi Forum planned for March 2018. Targeting young Māori in 4<sup>th</sup> to 7<sup>th</sup> Form (ages 14-18) in the Horowhenua and Manawatu. Currently 800 students interested. The aim of the forum being to encourage young Māori to consider the health arena as career option/profession; asking various professions, including kaumatua and kuia to engage their story with our young people.

Di Rump, Muaūpoko Tribal Authority – concurred with Betty-Lou regards issues in our rohe. Muaūpoko are experiencing increased requests from both whanau and schools for mentoring, particularly from hard to reach whanau; alcohol and drug issues are presenting younger and younger; and impacts on the youth mentoring space. Mentioned Hauora Unleashed Expo taking place 25-26 November 2017 (first of its kind in the country).

Delphi Winters, LMG – Strategic planning in November to give refocus to Local Management Group (LMG). Drop in capacity within the NGO community. Housing, poverty issues prevail. With Super Grans hat on: workshops and classes scheduled around core kaupapa (e.g. cooking, money management etc.)

Liam McLeavey, Youth Voice – Spoke of the success of the Zeal Inflatable Challenge held; 150 young people participated in Levin, then at Horowhenua College. Plan to fundraise or purchase a similar large inflatable football to continue the activity. Recruitment for a new chair of Youth Voice is currently taking place. In terms of advocacy, he believes we've had a breakthrough with young people engaging in local governance e.g. Manawatu College student Meghan Davenport was recently appointed to the Foxton Community Board, who led the appointment.

Jo Mason, Elected Member – heartened today, commend the input of community wellbeing re: the wellbeing and issues of our district in terms of what really matters – education, housing, being safe etc. (not just infrastructure issues). Great to have other councillors here.

Neville Gimblett, Elected Member – Reiterated Jo's comments; our community is more about just pipes and roads, it is about our people/community. Adding that the public are appreciative of what the committee does.

Karl Severinson, Oranga Tamariki – some work with police around responding/approaching differently to domestic violence and children in the home. Oranga Tamariki itself are rolling

out its new practice framework – how we are going to deliver on our values, how do we live out these values and how we work.

Mike Fletcher, MSD – finishing contracting round, into planning; already looking at extension of contracts. Has information around funding in the district, happy to share that in the key areas MSD are funding (aware of investment going into the district). Oranga Tamariki and its first year of operation – headliners: quality social work, quality care placements, strategic relationships and partnerships, especially with Iwi.

Sharon Grant – Echoed the sentiments of others; great hearing about the work going on in our space and dedication of the organisations/agencies, moving us in a positive direction.

2:50 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:**.....





**Horowhenua**   
DISTRICT COUNCIL

# Live Well Horowhenua Horowhenua Access and Inclusion Plan

2017 - 2020



## Vision

**“An inclusive Horowhenua where all people can live well and access and enjoy opportunities to fulfil their potential, prosper and participate in all aspects of social, economic, political and cultural life”**



## Introduction

*The Horowhenua District has a changing and increasingly diverse population*

- New Zealand's population and that of the District is changing.
- The median age of the Horowhenua population is increasing.
- The proportion of older people (those aged 65 years and over) is increasing.
- The region has a higher than national average percentage of people who identify as disabled.
- Our population has become more diverse in terms of ethnicity, culture, sexual and gender identities, religion, values, languages spoken and family structure.
- Given this diversity, planning needs to be deliberate and considered to affect equity of opportunity and equality of outcomes.

Diverse identities need to be acknowledged and intentionally included in decision making and actions taken to incorporate these perspectives in our Community planning and development.

This Access and Inclusion Plan has been developed and confirmed by the collaborative that comprises the Horowhenua District Council Access and Inclusion Forum. It has also been endorsed by the Community Wellbeing Committee of Horowhenua District Council.

The Access and Inclusion Action plan seeks to provide a results based approach to inclusion over the next 3 years (2017 to 2020).

To achieve the best social inclusion and accessibility outcomes, Horowhenua needs the involvement of a wide range of stakeholders to take a collective approach to the adoption of community led Access and Inclusion planning in the District.



## History

Since 2013 Horowhenua District Council has overseen the running of the Horowhenua Disability Leadership Forum and the Disability Action Plan.

As part of the 2017 review process it was decided that going forward, the Disability Leadership Forum will be renamed the Access and Inclusion Forum.

## The Role and Purpose of the Access and Inclusion Forum

The Access and Inclusion Forum will report to the Community Wellbeing Committee of Horowhenua District Council on progress made toward identified objectives, as well as keeping the wider community updated with progress towards the achievement of community led inclusion across the district.

The key purpose of the Horowhenua Access and Inclusion Action Plan is to serve as a guide and a work plan for the Access and Inclusion Forum in championing inclusion for people of all ages and ethnicities across the District. The action plan; and therefore the Access and Inclusion Forum, serves to ensure every person in the district is included, and in so doing improves their quality of life, which in turn contributes to the achievement of the overall vision for Community Wellbeing in Horowhenua; namely to live well and thrive.

### Timeframe

This strategy has a 3 year span and will next be reviewed in 2020. Over the same time period different initiatives and projects will be implemented that relate to the Access and Inclusion Action Plan.









These initiatives may involve the collaboration with the Community Wellbeing Committee and its other community forums such as the Older Persons Network, Arts Culture and Heritage Forum, Education Horowhenua, Youth Network and Youth Voice.

### What documents guided this Access and Inclusion Plan?

The New Zealand Disability Strategy (2016 to 2026) and its foundational documents: the United Nations Convention on the rights of Persons with Disabilities, and the Te Tiriti o Waitangi (Treaty of Waitangi).

The Horowhenua District Council used the New Zealand Disability Strategy (2016 to 2026) and the Waitangi principles as the point of departure for the review of the forum and its' plan objectives. The New Zealand Disability Strategy uses the United Nations Convention on the rights of Persons with Disabilities (of which New Zealand is a signatory to), as the founding document for the New Zealand Disability Strategy.

### Key outcomes identified in the NZ Disability strategy

-  **Outcome 1 – Education** We get an excellent education and achieve our potential throughout our lives.
-  **Outcome 2 – Employment and economic security** We have security in our economic situation and can achieve our full potential.
-  **Outcome 3 – Health and wellbeing** We have the highest attainable standards of health and wellbeing.
-  **Outcome 4 – Rights protection and justice** Our rights are protected; we feel safe, understood and are treated fairly and equitably by the justice system.
-  **Outcome 5 – Accessibility** We access all places, services and information with ease and dignity.
-  **Outcome 6 – Attitudes** We are treated with dignity and respect.
-  **Outcome 7 – Choice and control** We have choice and control over our lives.
-  **Outcome 8 – Leadership** We have great opportunities to demonstrate our leadership.

# Convention on the Rights of Persons with Disabilities

New Zealand Disability Strategy

Principles and Approaches

## Vision

New Zealand is a non-disabling society - a place where disabled people have an equal opportunity to achieve their goals and aspirations, and all of New Zealand works together to make this happen.



## Principles of the Te Tiriti o Waitangi

Partnership	Participation
Reciprocity	Autonomy
Mutual benefit	Equity
Equal treatment	Redress
Active Protection Options	

### Community Wellbeing Objectives:

- Monitoring, measuring and reporting on community wellbeing processes across the district.
- Increasing communication with community and community organisations.
- Engaging with geographic communities to establish community committees and community action plans.
- Ensuring a broad mix of coordinated events, activities and opportunities are delivered across the district.
- Fostering neighbourhood level events and activities that foster social connection.
- Increasing the range of current relevant community service information available via the website.
- Enhancing community development offering in Foxton and Shannon.
- Encouraging sponsorship and fundraising associated with community events and activities through advice, funding, training and education opportunities.
- Supporting the capacity of community organisations with an emphasis on volunteers.
- Actively coordinating community forums to integrate planning and service delivery for target populations.
- Strengthening and fostering relationship building across the wider community.
- Supporting community innovation and volunteering and celebrating successes.

### Long Term Plan Community Outcomes

- Our community has access to health, social and recreation facilities (and services)
- Our older people have access to opportunities
- Our young people live in a safe and supportive environment and are empowered
- All sectors are encouraged to work together
- Our communities have a "sense of place"
- We invest in the knowledge and skills of our people
- We are proud of our heritage and diversity
- All our people and communities have opportunity to participate in local decision-making
- We provide strong leadership

### Meetings & Monitoring and Evaluation

Quarterly meetings will provide specific member agencies the opportunity to report on their respective initiatives and activities, as well as any collaborative project groups to report progress on various initiatives. An annual report will be submitted to Council via the Community Wellbeing Committee.



## The Approach

The approach is determined by that which is adopted by the Community Wellbeing Strategy, namely a Collective Impact approach within a results-based accountability framework. The conditions of collective impact are reinforced through the forum and the action plan articulates clearly expressed objectives and desired outcomes with results based accountability. The Forum will on behalf of the Community Wellbeing Committee gather relevant data and will monitor, evaluate and report whether specified outcomes have been achieved.

The Collective Impact approach describes a model of operating that achieves large-scale social change through broad cross-sector coordination. There are five required conditions within this model; i) a common vision and agenda (a common understanding of the problem to be addressed and a joined up approach to solving it); ii) shared measurement systems (collecting data and measuring results consistently on a short list of indicators at the population level); iii) mutually reinforcing activities (diverse group of agencies and programmes and initiatives working towards common goals; not requiring all participants to do the same thing, but encouraging and supporting each agency and initiative to undertake the specific set of activities it does well); iv) continuous communication (often involving regular meetings over long periods of time) that builds on mutual experience, common understanding and motivation behind the different agencies and initiatives; and v) an organisation prepared to provide backbone support.



### Access and Inclusion Review Process:

Horowhenua District Council seeks to integrate inclusion and accessibility issues into all aspects of Council planning and practice. We are committed to involving the community in our decision making processes and want to know what residents and stakeholders think is working, where we can improve, and what we can do differently. We held a range of interactive workshops, focus groups and one on one interviews to get your feedback on what works, what we can improve and what we need to do differently.

### Who participated?

Over 100 individuals and representatives of more than 30 agencies and groups were consulted in the course of this review process. These key informant groups included a wide range of government agency representation, disability sector staff and representatives of community organisations. Many of the people spoken with were active in their community with some participating in two or three community groups. In addition to the 3 formal consultation workshops a series of in depth interviews, focus groups and drop in sessions were held with Access and Inclusion Membership groups such as the Horowhenua Special Needs Network and

“We need to champion the use of technology in overcoming accessibility barriers”

Horowhenua Special Olympics. Surveys were also distributed to individuals not able to attend focus groups.

### What you told us

There was overwhelming feedback across the board that the Disability Leadership Forum and its associated action plan should be renamed and reinvented to be the Horowhenua Access and Inclusion Forum. It also emerged as a clear understanding that the Access and Inclusion Forum and Plan should include a range of groups we seek to intentionally include namely people of all ages, ethnicities and sexual orientation as well as representatives from a range of culture and linguistic diverse (CALD) groups that are more representative of the diversity of our communities.

“Iwi are an integral part of all planning in the community”

“Access to information and support navigating services is a big issue in the Horowhenua”

# What you told us

Current issues for people with disabilities in Horowhenua



## Success would look like





## Current Priorities

The following New Zealand Disability Strategy outcome emerged as priorities

- Accessibility
- Health and wellbeing
- Attitudes
- Choice & Control
- Education
- Employment

## Future Opportunities

A number of potential collaborative projects were identified in the course of consultation below emerged as the Top 5 collaborative project preferences

1. Live Well Horowhenua: Public Awareness Inclusion Campaign
2. Haeremai Horowhenua Welcoming Community Campaign
3. Accessibility Matters Advocacy & Action (First fully accessible toilet!)
4. Support for Inclusion & Choice (Education, Employment, Entertainment)
5. Emergency Preparedness Collaborative Campaign and Kits

## Key Indicators

The following are baseline indicators indicated in the Community Wellbeing Action Plan.

### Key Indicators for communities:

- Number and % of people who have not felt lonely in the last 4 weeks (Manawatu – Wanganui; 2008 – 67.3%, 2010 – 75.5%, 2012 – 71.4%), (by gender, age, ethnicity), New Zealand General Social Survey, Department of Statistics - two yearly. HDC will investigate ways to measure.
- Number and % of people with access to support in a crisis from another household (Manawatu – Wanganui; 2008 – 96.7%, 2010 – 97.6%, 2013 – 96.6%), (by gender, age, ethnicity), New Zealand General Social Survey, Department of Statistics - two yearly. HDC will include in its annual Residents Survey.
- Number and % of people who report belonging to community club, group or organisation (by gender, age, ethnicity) New Zealand General Social Survey, Department of Statistics - two yearly. HDC will include in its annual Residents Survey.

### Key Indicators for Older Persons and people who identify as having a disability:

- Analysis of Horowhenua's interRAI Data (National Comprehensive Clinical Assessment interRAI for Older Persons)
- Number and percentage of older adults (65% and over) with ambulatory sensitive admissions. (ASH & Māori)
- Number of people using the total mobility scheme. (as published by Horizons District Council)
- Number of Elder Abuse cases. (Age Concern)
- Number of people on Disability Supported Income Benefits.

## Why Is This Important?

In 2013 census, 24 percent of the New Zealand population were identified as disabled, a total of 1.1 million people. Horowhenua falls within the Manawatu-Wanganui region which has a higher than national average percentage of the population who identified as having a disability or impairment (27 percent).

**The plan will focus on partnering, facilitating, advocating or delivering on specific actions and projects for the next three years such as:**

- Providing services, supports, facilities and information that is accessible for all.
- Providing people living with disability access to equal opportunities to authentically participate in, and contribute to, our local community.
- Encouraging people living with disability to contribute to the delivery of accessible and inclusive services, support, facilities and information through ongoing consultation and engagement via the Access and Inclusion Forum.
- Working in collaboration with people living with disability, community groups, Council, local business, operators and other community stakeholders to improve access and inclusion within our community, and to raise awareness and understanding about living with disability.

As Local Government, the Horowhenua District Council has an important role to play in the successful coordination of these outcomes. Likewise, representatives in the sector. The services they provide complement the disability service system and enable people with disability to participate in their communities on an equitable basis. Community organisations and representatives from culture and language diverse groups as well as representatives from minority groups, will all play a part in the implementation of the Horowhenua Access and Inclusion Plan.

## Achieving social inclusion and participation means

Raising the overall level and distribution of wellbeing in society to ensure that:

- all people have equal access to opportunities.
- all people are able to live well and develop their potential.
- all people achieve a fundamental level of wellbeing.
- overall social wellbeing improves over time.

To achieve socially cohesive communities, Horowhenua needs inclusive practices. Meaningful access and inclusion involves a community-wide shift in attitudes and includes physical, social, economic and cultural aspects, as well as access to services and information.

With more than 27% of the people in our region identifying as having disability, it is more important than ever to ensure that all members of our diverse community are able to participate in, and contribute to society.

## The Horowhenua Access and Inclusion Forum are committed to improving outcomes and increasing opportunities for people from cultural and language diverse groups and those with a disability so that living well in Horowhenua is a reality for ALL the peoples of our district.

This plan provides a foundation for achieving greater access and inclusion in line with international thinking and the expressed wishes of minorities and people with disability. We hope that, with an emphasis on collaborative impact and action, this inclusion and action plan can move us beyond compliance towards community wide attitudinal shifts and culture change focusing on access, inclusion best practice and innovation.

This approach provides a common framework that aligns with the Community Wellbeing Strategy and seeks to move from a focus on compliance and service provision to an empowering rights-based approach supporting individual agency, choice, control and independence.



## Outcome 1 ACCESS

### Inclusive and accessible communities

People with disabilities live in accessible and well-designed communities with opportunity for full inclusion in social, economic, sporting and cultural life.

Recognising that access to information and support to navigate and access services and support is as fundamental as physical access.

Seeking to ensure people with disabilities have improved access to public places and spaces. Forum to play an advocacy and lobbying role.

As a collaborative, Forum seeks funding to undertake relevant projects.

The Access and Inclusion Forum plays a role in auditing public facilities for accessibility and makes submissions to customer services, annual and long term plan Council processes to assist Council to identify issues and address areas needing improvement. Activities could include monitoring footpaths and forum members collecting data with regard to mobility car parks and providing advice to ensure safe access.

Council communications and publications are accessible at all Council Offices and service centres, libraries and Council newstands (for example height of shelving, visual and audio displays in foyer).

Communication methods to advise of consultation and engagement, report problems and address issues are publicised and takes people with disabilities into consideration.

All people in the District are empowered to participate in democratic processes and Council processes (Elections, Annual and Long Term Plan).

## Outcome 2 ATTITUDES

### Personal and community support

Access and Inclusion Forum takes a lead in providing public awareness campaigns such as "Live Well Horowhenua," and "Haeremai Horowhenua" to champion, educate and advocate for the care and inclusion of all people in our diverse community.

People who identify as having a disability, have access to a range of supports to assist them to live well, and to be independent, actively engaged and included in our community.



**Outcome 3 HEALTH**

**Health as a fundamental to individual wellbeing**

All residents of Horowhenua including those who live with a disability, older persons and people from culture and linguistic diverse (CALD) groups are supported to attain the highest possible health and wellbeing outcomes throughout their lives.

Mental Health as a key focus and action area for the next 3 years.

**Outcome 4 CHOICE AND CONTROL**

**Education, Training, Life Long Learning  
Economic security and employment  
Opportunities and Activities**

People in Horowhenua have the opportunity to achieve their full potential through their participation in an inclusive, high quality, education system that is responsive to their needs.

All people with disability, their families and carers shall have economic security and access to employment opportunities, enabling them to plan for the future and exercise choice and control over their lives.

All people who have a disability, and their families and carers as well as those from culture and linguistic diverse (CALD) groups shall be able to enjoy equitable access to opportunities and activities which allow them to participate, volunteer and contribute in their communities and shall be empowered to be able to exercise choice and control their lives.

People who identify as having a disability shall have opportunities to continue learning throughout their lives.





## Priority Projects to be undertaken by the Access and Inclusion Forum

- **Jack Allen Community House as a champion site for access and inclusion** The relocated Jack Allen hub to be seen as the home of inclusion in the Horowhenua
- **Live Well Horowhenua** public awareness inclusion campaign in partnership with Older Persons Network, Youth Voice and Youth Network
- **Haeremai Horowhenua** Welcoming community campaign
- **Accessibility Matters Advocacy & Action**  
Navigation advocates to assist in accessing services;  
First fully accessible toilet facility
- **Support for Inclusion and Choice (Education, Employment and Activities)**
  - Collect data and formulate research report regarding learner support in schools and after school options in partnership with Education Horowhenua
  - Collaboration with Youth Network focused on employment opportunities
  - Access and Inclusion Forum initiative to seek funding for inclusive activities
- **Emergency Preparedness**  
Collaborative Strategy, Campaign & Emergency Response Kits

# Appendix: Access and Inclusion Forum

## Terms of Reference

These Terms of Reference will be in effect from June 2017 - June 2020, where a review of both the Terms of Reference and the Forum and Action Plan will take place.

## Background

The Disability Leadership Forum was established in 2013. As part of the 2017 review process it was resolved that going forward the Disability Leadership Forum will be renamed the Horowhenua Access and Inclusion Forum.

## Objectives

- To ensure people who identify as culturally and language diverse, or a minority, or having a disability are given opportunities to be involved in decisions that affect them
- To ensure all residents living in communities in our district feel they are part of a connected and inclusive society full of social activity and opportunity
- To ensure all groups including those who identify as a minority or having a disability are included and equipped with good information and empowered with the means to navigate and access services
- To ensure those identifying as being a minority or having a disability are living in a safe, secure and healthy environment, physically, socially and financially
- To ensure that all people in Horowhenua are included, recognised, celebrated and supported for their contribution to the community and are given opportunities to work, volunteer and grow
- To provide a vehicle for Council and Government Agencies to interact strategically and operationally with minority groups including people who

identify as having a disability, in the district

- To take a leadership role in accounting for the needs of all the people in our district
- To advocate on behalf of culture and language groups and disabled persons
- To serve as a collaborative forum that can drive their own projects and activities with support from Council and other groups and agencies.

## Role/Purpose

The Access and Inclusion Forum seeks to ensure all people in the Horowhenua live safely and securely and experience optimum health.

This Forum seeks to advocate for an inclusive Horowhenua where all people can live well and access and enjoy opportunities to fulfil their potential, prosper and participate in all aspects of social, economic, political and cultural life. The Forum serves to provide people who identify as having a disability and minorities with a voice and a platform to advocate for access to good information and services. Its purpose is the progression of the social and economic wellbeing of minorities and people with disabilities via the establishment and delivery of actions from the Horowhenua Access and Inclusion Plan (2017– 2020).

A positive and collaborative communication platform between persons with disabilities, minorities and representatives of community organisations, culture and language groups and agencies of those involved in the provision of care for persons with disabilities and older persons with a focus on fostering a connected inclusive community for people of all ages living in the district.

## Scope

In undertaking its role, the network will consider:

- The different needs of its representative groups while understanding that there are different sub groups within the population
- The views and opinions of people who live in the Horowhenua District
- Any specific actions that the membership and / or the groups / networks represented will take responsibility for, in order to achieve the Networks action plan outcomes
- The priorities and activities undertaken are described in Access and Inclusion Plan, which will be the subject of a triannual review. These priorities will inform Horowhenua District Council's understanding of access and inclusion priorities within the Horowhenua District. Activities undertaken will be monitored in relation to how population level indicators of positive community wellbeing are influenced.

### **The membership of this network will be constituted from representatives of the following areas:**

- Muaūpoko Tribal Authority
- Raukawa Whānau Ora
- Fale Pasifika
- Horowhenua Learning Centre
- Deaf Aotearoa
- Special Olympics
- Age Concern
- Residential Care Providers
- ENABLE
- ACC
- IDEA Services
- IHC
- CCS
- Community Connections
- Total Mobility
- Alzheimers Society (Manawatu)
- Health – Central PHO/MDHB
- Home and Community Support Services
- Horizons Road Safety Group
- Horowhenua Transportation Trust
- Ministry of Social Development (MSD)
- NZ Police
- St John – Medical alarms/Caring Caller
- Pharmacies
- Horowhenua Hearing Association
- MASH Trust
- Brain Injury New Zealand
- Health and Disability Commission
- Parkinson's Society
- Blind Foundation
- Autism Manawatu
- Down Syndrome Support
- Horowhenua District Neighbourhood Support
- Contact Incorporated
- Horowhenua Special Needs Network
- Teen Zone
- 60's Up
- Arthritis Support Group
- Diabetes Horowhenua
- Grey Power – Horowhenua
- Horowhenua Breathe Easy Support Group
- Horowhenua Scooter Group
- Levin's Menz Shed
- Levin Senior Citizens
- Life Education Trust
- Pink Ladies
- Supergrans
- Healthcare New Zealand
- Access
- HMOP
- HSG
- Horowhenua Family Support Services
- Horowhenua Local Management Group
- Riding for the Disabled



## Meeting Arrangements

- This group will meet no fewer than four times in any one calendar year.
- Working groups may be established for particular reasons for specific periods of time.
- Meeting agenda will be sent out at least one week prior to the relevant meeting taking place.
- Minutes will be distributed within three weeks of a meeting taking place.
- Council Officers will prepare agendas, and minutes in collaboration with the Chairperson.
- Meetings will be facilitated by an elected member of Council or a nominated person who represents members at the Community Wellbeing Committee.
- The Forum meetings are public forums therefore any members of the public not affiliated to one of the membership groups are able to attend but are required to request speaking rights in advance of the meeting as per Council procedure.
- Any final decision making resides with the Chairperson who reserves the right to remove people who are not demonstrating appropriate meeting etiquette or who are not complying with Council procedures.

## Reporting

The group will report regular minutes and provide copies to the Community Wellbeing Committee. In addition the group will regularly communicate and inform Council's Community services team and the general public.

Members of the Forum are responsible for regularly communicating the information shared at the Network meeting to their respective groups/affiliations including, the priorities set and the activities undertaken.

## Resources

The Network may jointly seek to mobilise resources for collaborative undertakings identified in the areas of activity of the Access and Inclusion Plan.

## Deliverables

Each member must:

- Represent the views and interests of one or more communities and/or groups as listed.
- Identify opportunities for development and progression of the goals of the Access and Inclusion Plan, and actively work alongside members of the group to achieve them.
- Be actively involved with the organisations or group that they represent.
- Distribute information through their community networks.
- Assist in the coordination and / or promotion of planned initiatives.
- Contribute to discussions that arise surrounding reviews of Council policy and plans.

Each meeting will:

- Provide opportunities for Council Officers to inform members of upcoming actions that may influence the Forum.
- Allow members to share and discuss relevant issues relating to Access and Inclusion with other members of the group.
- Consider how collaborative action can progress positive outcomes for Access and Inclusion for ALL people across the district.

For further information on the New Zealand Positive Ageing Strategy you can visit [www.msd.govt.nz](http://www.msd.govt.nz), or write to:

Senior Services  
Ministry of Social Development  
PO Box 5054  
Wellington 6145

For further information on the Horowhenua Community Wellbeing Strategy and other Action Plans visit [www.horowhenua.govt.nz](http://www.horowhenua.govt.nz) or write to

Community Development  
Horowhenua District Council  
Private Bag 4002  
Levin 5540



-  06 366 0999
-  Private Bag 4002, Levin 5540
-  126 Oxford St, Levin 5510
-  [www.horowhenua.govt.nz](http://www.horowhenua.govt.nz)
-  [enquiries@horowhenua.govt.nz](mailto:enquiries@horowhenua.govt.nz)

# Proceedings of the Hearings Committee 27 October 2017

File No.: 17/573

## 1. Purpose

To present to the Extraordinary Meeting of Council the minutes of the Hearings Committee meeting held on 27 October 2017.

## 2. Recommendation

- 2.1 That Report 17/573 on Proceedings of the Hearings Committee 27 October 2017 be received.
- 2.2 That the Extraordinary Meeting of Council receive the minutes of the Hearings Committee meeting held on 27 October 2017.
- 2.3 That as recommended by the Hearings Committee, the Horowhenua District Council adopts the Land Transport Bylaw 2017 as consulted on, effective from the date of adoption, with the following amendments:
- the addition of the change to p15 outside the diary adjacent to Super Liquor; and
  - the inclusion of a beach speed limit of 30 kilometers per hour for all the beaches in the district;

and that on the adoption by Council the Traffic and Parking Bylaw 2007 and the Stock Control and Keeping of Poultry, Bees and Pigs Bylaw 2005 be repealed.

- 2.4 That as recommended by the Hearings Committee, the Horowhenua District Council adopts the Gambling Class 4 Venue Policy 2017 as consulted on, effective from the date of adoption, when the repeal 2014 Policy will be repealed.
- 2.5 That as recommended by the Hearings Committee, the Horowhenua District Council adopts the New Zealand Racing (TAB) Board Venue Policy 2017 as consulted on, effective from the date of adoption by Council, when the 2014 Policy will be repealed.

## 3. Issues for Consideration

The following items require further consideration by Council:

### Draft Land Transport Bylaw 2017

Following hearing from submitters and considering a late submission received, the Hearings Committee passed the following resolution:

*THAT the Committee, having taken into consideration the submissions received during the consultation process, recommends to Council the adoption of the Draft Land Transport Bylaw 2017, with the following amendments::*

- *the addition of the change to p15 outside the dairy adjacent to Super Liquor; and*
- *the inclusion of a beach speed limit of 30 kilometers per hour for all the beaches in the district;*

*and that on adoption by Council the Traffic and Parking Bylaw 2007 and the Stock Control and Keeping of Poultry, Bees and Pigs Bylaw 2005 be repealed.*

Council's adoption of the Land Transport Bylaw 2017 is now sought.

Gambling Class 4 Venue Policy 2017  
New Zealand Racing (TAB) Venue Policy 2017

As further recommended by the Hearings Committee, Council's adoption of the Gambling Class 4 Venue Policy 2017 and New Zealand Racing (TAB) Venue Policy 2017, is sought, as per the following resolutions:

*THAT the Hearings Committee recommends to Council the adoption of the Gambling Class 4 Venue Policy 2017 as consulted on, effective from the date of adoption by Council and the repeal of the 2014 Policy.*

*THAT the Hearings Committee recommend to Council the adoption of the New Zealand Racing (TAB) Board Venue Policy 2017, as consulted on, effective from the date of adoption by Council (23 November 2017), and the repeal of the 2014 Policy.*

**Attachments**




No.	Title	Page
A	Draft Land Transport Bylaw 2017 (Under Separate Cover)	

**Confirmation of statutory compliance**

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- 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)	Jenny Braithwaite <b>Roading Operations Team Leader</b>	
	Megan Leyland <b>Compliance Lead</b>	
Approved by	Kevin Peel <b>Roading Services Manager</b>	
	Mike Lepper <b>Customer and Regulatory Services Manager</b>	

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# Hearings Committee

## OPEN MINUTES

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Minutes of a reconvened meeting of the Hearings Committee held in the Council Chambers, 126-148 Oxford Street, Levin, on Friday 27 October 2017 at 1.00 pm.

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### PRESENT

**Chairperson** Cr J F G Mason  
**Members** Cr P Tukapua  
Cr B P Wanden

### IN ATTENDANCE

Mr K Peel	(Roading Services Manager)
Mrs J Braithwaite	(Roading Operations Team Leader)
Mr M E Lepper	(Customer & Regulatory Services Manager)
Ms M Leyland	(Compliance Lead)
Mrs K J Corkill	(Meeting Secretary)

### ALSO IN ATTENDANCE

#### Draft Land Transport Bylaw 2017 – Consideration of Submissions and Decision

Mr J Hewitson	(Waikawa Beach Ratepayers Association)
Mr R Brannigan	(Foxton Beach Beach Wardens) (Late Submission)

#### Gambling Class 4 Venue Policy 2017 – Consideration of Submissions

Therese Grevatt	(Problem Gambling Foundation of New Zealand)
Tanya Piejus	(New Zealand Community Trust)

### PUBLIC IN ATTENDANCE

There was one member of the public in attendance at the commencement of the meeting.

Hearings Committee Chair, Cr Mason, opened the meeting and introduced the members of the Hearings Panel and Council Officers and welcomed submitters.

#### 1 Apologies

There were no apologies.

#### 2 Declarations of Interest

There were no declarations of interest.

### 3 Confirmation of Minutes

MOVED by Cr Wanden, seconded Cr Tukapua:

*THAT the Open and In Committee minutes of the meeting of the Hearings Committee held on Wednesday, 31 May 2017, be confirmed as a true and correct record.*

**CARRIED**

MOVED by Cr Wanden, seconded Cr Tukapua:

*THAT the minutes of the meeting of the Hearings Committee held on Tuesday, 15 August 2017, be confirmed as a true and correct record.*

**CARRIED**

MOVED by Cr Wanden, seconded Cr Tukapua:

*THAT the minutes of the meeting of the Hearings Committee held on Tuesday, 26 September 2017, be confirmed as a true and correct record.*

**CARRIED**

### 4 Announcements

There were no announcements.

### 5 Reports

#### 5.1 Draft Land Transport Bylaw 2017 - Consideration of Submissions and Decisions

##### Purpose

To present to the Hearings Committee (Committee) an updated copy of the Draft Land Transport Bylaw 2017 (Bylaw), having implemented all amendments to the Bylaw as requested by the Committee at the Hearings Committee meeting of 28 June 2017.

To present to the Committee a summary of Officer comments on submissions that were received during a further consultation process for the Bylaw and for the proposed change to the open speed limit on beaches to 60 km/h.

It is also recommended that the Bylaw, including any changes made as a result of the decisions on the submissions, be recommended by the Committee for adoption by the Council.

MOVED by Cr Wanden, seconded Cr Tukapua:

*THAT Report 17/523 Draft Land Transport Bylaw 2017 - Consideration of Submissions and Decisions be received.*

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

**CARRIED**

Mrs Braithwaite, Council's Roading Operations Team Leader, joined the table to speak to the report. She noted that since the Hearings meeting on 28 June 2017 Officers had undertaken the requested actions, including consultation with Federated Farmers, and also consultation with regard to beach speeds. From that process two further submissions and a late submission had been received and there had been two requests to speak with regard to the proposed changes. The other Hearings Panel recommendations from the initial hearing had been included in the Bylaw.

Cr Mason raised the issue of the proposed change of signage outside the dairy

adjacent to Super Liquor and the request to have this included in the Bylaw schedule.

Mrs Braithwaite said that had not been reflected in the Bylaw as yet. The alteration to the Bylaw would be implemented once the signage change had been effected.

The Chair also noted the late submission from the Foxton Beach Beach Wardens, which would be spoken to by Mr Brannigan. Acceptance of the late submission would need to be acknowledged by the Committee.

Speaking on behalf of the Waikawa Beach Ratepayers Association, Mr John Hewitson reiterated the Association's concerns with regard to speed limits, including the Association's desire to see the beach speed reduced from 100 km/h to 40km/h. Mr Hewitson provided a copy of the notes for his verbal submission and responded to questions from the Hearings Panel.

Mr Peel responded to some of Mr Hewitson's comments:

- as noted, the Beach access was on private land and Council was unable to set speed limits on private land;
- the temporary 80kph signs on turning into Waikawa Beach Road were not yet in the Bylaw, but would be included when the Bylaw was passed by Council. The temporary signs would then be replaced;
- last month new speed limit rules came into effect and Council would be doing a speed limit review on a number of roads around the district. When Waikawa Beach road was reviewed, which could be within 2-3 years, the speed limit would most likely become 80kph. Any changes done would see an amendment to the Bylaw, which it was intended would occur in June each year. If a speed limit changed, a temporary sign would be put up prior to it being included in the Bylaw;
- the 30kph signs put up by the Logging Company had been in response to a request and was approved as a temporary measure, for safety, which Council was able to do. It was not possible for Council to make that permanent;
- with regard to vegetation restricting visibility, Parks and Reserves were constantly requested to keep trees cut back;
- footpaths did not make up part of this Bylaw. However, in the last LTP \$100,000 per year had been approved for footpaths. A new LTP was coming up and there was the opportunity for the Association to submit to that process.

Mr Brannigan joined the table to speak to the late submission (copy provided) from the Foxton Beach Beach Wardens.

MOVED by Cr Wanden, seconded Cr Tukapua:

*THAT the Hearings Committee accepts the late submission from the Foxton Beach Beach Wardens.*

**CARRIED**

As Coordinator of the Foxton Volunteer Beach Warden Group, Mr Brannigan presented the Group's submission which suggested that the Council's proposal to reduce the default speed limit on the district's beaches from 100 kph to 60 kph did not go far enough, with the Group requesting that the default speed be set at 30 kph.

Mr Brannigan outlined the Group's rationale for the requested change saying that whenever someone drove on the beach it became a road which allowed the Land Transport Act to become enforceable. Providing comment also from his 18 years Police experience, Mr Brannigan said people tended to drive at least 10kph above the speed limit so the proposed 30 kph did provide a buffer on what became a thoroughfare, not just a place of recreation. It was submitted that a default speed limit



of 30 kph would contribute to not only the continuation of public access for vehicles to the district's beaches, but would also provide a suitable safety net to all beach users at all times and, additionally, allow better protection of the coastal environment.

Responding to a comment from the Chair on the Police's submission which suggested a default of 50kph and the possibility of variable speeds, Mr Brannigan said that the Police had been very hands off Beach policing in the recent past, leaving it very much to the beach wardens. The beach wardens were all warranted as Beach Traffic Control Wardens and Litter Control Officers under the authority of Council. Foxton Beach had nine wardens; however their powers of enforcement were limited and their role was more of a PR/monitoring role, calling in the Police if enforcement was needed. Waitarere Beach also had a number of beach wardens.

With the Waitarere Beach Wardens having supported a beach speed limit of 60 kph, Mr Brannigan said he had not tried to influence them. His submission was based on his experience.

Cr Wanden queried of Mrs Braithwaite how the speed limit of 60 kph had been reached with Manawatu District Council.

Mrs Braithwaite said that Manawatu District Council had made contact advising they were undertaking a consultation process and were proposing a 60 kph speed limit within their beaches. Officers decided to propose 60 kph so there was a consistent speed limit for the two districts' beaches and, after consultation, had decided to stay with 60 kph.. Manawatu District Council had also used consultants (GHD) who had also supported the 60 kph speed, as had the Police who had been made aware of GHD's proposed beach speed reduction from 100 kph to 60 kph.

Cr Mason said she would like to have seen the GHD report in detail. She also queried what discussions had been undertaken with Kapiti Coast District Council which had a 30 k beach speed limit.

Mrs Braithwaite said she only had what Manawatu District Council had provided to her.

Mr Peel gave an explanation with regard to the new speed guidelines and what speed limits could be expected going forward. He also noted that GHD had explained that when they had looked at the speed limit, the beach was not an urban street so they felt 50 kph was not appropriate, but 80 kph was too fast; which was why 60 kph had been proposed.

Responding to a query as to whether a speed limit had been proposed in the consultation process, Mrs Braithwaite said that 60 kph had been suggested, with submitters' feedback requested.

Looking at the list of consultees, Cr Tukapua queried why the Horowhenua Road Safety Group had not been included, with Mr Peel clarifying that that group was not run by HDC but by Horizons Regional Council and it would have been for Horizons to solicit their response.

With regard to consultation with iwi, and having raised the fact at the June meeting that there was an iwi group of at least 9 hapu which met monthly, Cr Tukapua said it was a shame that no feedback had been received from them. Noting that iwi preferred face to face consultation, Cr Tukapua said she had contacted a couple of members of that group and they were not aware of the consultation. She had solicited their feedback, which had been received within three hours.

Mrs Braithwaite said she had used Council's email list of iwi contacts and emails had been sent through to the various chairpersons. Only one reply had been received and

that had only asked that the consultation time be extended.

Cr Tukapua said the feedback she had received was much in line with the Foxton Beach Beach Wardens around protecting people and protecting the environment. Shellfish were specifically mentioned and the effects of driving speed. The sand dunes were also mentioned and the relationship between pingao and tuatua/pipi, with the preference expressed being for a lesser speed limit than what was being proposed; anything between 30 – 50 kph.

Cr Mason expressed her thanks for Cr Tukapua's input as the information provided was important for the Hearings Panel as it deliberated.

### Deliberations

Cr Mason said for her, having lived locally for a long time and having spent a lot of time on the beach, traffic on the beach was one of the things that bothered her the most. Also as an RMA Commissioner she was required to think about the environment and its sustainability. Cr Tukapua had raised the issue of shellfish on the foreshore and listening to the submissions from Waikawa Beach and the Foxton Beach Wardens, 30 kph would be her recommendation, as there was not only the Manawatu District to consider, but also Kapiti Coast District Council which had a 30 kph speed limit.

Cr Wanden said he agreed with the Chair's summation. He was conscious of the fact that what was best for this district needed to be considered, regardless of other viewpoints. He was also conscious of the feedback received by Cr Tukapua. He acknowledged the damaging effects that vehicles may have on beaches. The beach was a recreational area and while it was technically a road when a vehicle was on it, he did not believe in reality that it was, so he also agreed with restricting the beach speed to 30 kph.

Saying that driving on the beach was a privilege, Cr Tukapua said she had also taken heed of the desire of today's speakers to have a lower speed limit than that proposed. She therefore also supported a speed limit of 30 kph.

The Hearing Committee's recommendation to Council was, therefore:

MOVED by Cr Tukapua, seconded Cr Wanden:

*THAT the Committee, having taken into consideration the submissions received during the consultation process, recommends to Council the adoption of the Draft Land Transport Bylaw 2017, with the following amendments::*

- *the addition of the change to p15 outside the dairy adjacent to Super Liquor; and*
- *the inclusion of a beach speed limit of 30 kilometers per hour for all the beaches in the district;*

*and that on adoption by Council the Traffic and Parking Bylaw 2007 and the Stock Control and Keeping of Poultry, Bees and Pigs Bylaw 2005 be repealed.*

**CARRIED**

Cr Mason thanked Mrs Braithwaite and Mr Peel for all their work.

## 5.2 Gambling Class 4 Venue Policy 2017 - Consideration of Submissions

### Purpose

To provide the platform to allow members to hear and consider submissions received on this Policy during the consultation phase of this review process.

To propose members recommend the policy, as may be amended during the hearings process, for adoption by Council, and the subsequent repeal of the 2014 Gambling Class 4 Venue Policy.

MOVED by Cr Wanden, seconded Cr Tukapua:

*THAT Report 17/521 Gambling Class 4 Venue Policy 2017 - Consideration of Submissions be received.*

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

*THAT members hear and consider submissions received on this matter following use of the Special Consultative Procedure as was required by section 156(1) of the Local Government Act 2002.*

**CARRIED**

Mr Lepper and Ms Leyland joined the table to speak to this report.

Introducing herself, and speaking on behalf of the Problem Gambling Foundation, Ms Therese Grevatt explained the role of the Problem Gambling Foundation. She said it was important to note that the Foundation was not anti-gambling; it was anti the harm they saw as a result of problem gambling. She noted that \$7.6m per year or \$21,000 per day left the district, with a small group of people (approximately 3,200) being at risk of major financial harm. She commended Council for its decision to adopt a sinking lid policy which was a positive step and resulted in less money and time lost.

She then responded to Members questions with regard to the number of machines in the district per head of population and how that compared to other districts around the country; how much head room there was with regard to the sinking lid policy; the issue of location and whether people had to walk or drive to venues; the social effects and whether literacy and numeracy were an issue in terms accessibility of information; the issues and difficulties with regard to internet gambling; the disparity between figures provided by the Problem Gambling Foundation and the NZ Community Trust.

Ms Tanya Piejus from the New Zealand Community Trust gave a PowerPoint presentation underpinning the Trust's key messages: that the vast majority of players using gaming machines for entertainment know when to stop; a sinking lid policy would destroy essential fundraising infrastructure for this community; demand for funding would not go away and there was no simple answer to replacing the funding shortfall.

Stressing the importance of the community funding provided by gaming trusts, Ms Piejus said the Trust requested that Council change from a sinking lid to a cap on the number of gaming machines based on the current number or a population-based cap; and that the existing relocation policy to allow venue owners to move for their own business reasons, as well as when they are forced to move for reasons beyond their control, be maintained.

Responding to a query as to whether in the Trust's two venues there was responsibility placed on managers to do something where a problem was recognised, Ms Piejus said the Trust had a legal obligation and staff at all their venues had been trained with there being a whole range of measures put in place on an ongoing basis to deal with problem gamblers. Machines also stopped after 30 minutes to let people know how

long they had been playing. Problem gambling information/warnings in venues were also being translated into other languages, such as Chinese.

Ms Piejus also clarified how the money raised through the machines was apportioned and how much came back to the community.

The meeting adjourned briefly (3.05 – 3.15 pm).

Mrs Leyland, responding to a query about how many machines had been lost from the district since 2007 advised that five venues had been lost and 54 machines, with the number of machines now being 144.

### Deliberations

Considering the submissions received, Cr Mason noted they either supported the status quo or a firmer policy. Since the sinking lid policy had been in place the number of venues and machines had been reduced, with the funding coming through still supported. She said she had not seen or heard anything that supported changing the current policy. There was still head room for the number of machines to go down and be reflective of the number of people in the district. She thought it was a responsible policy.

Referencing the Department of Internal Affairs information in 8.5 of the Officer's Report, Cr Tukapua she supported the recommendation in 8.6 that the sinking lid policy currently in place should be maintained.

MOVED by Cr Wanden, seconded Cr Tukapua:

*THAT the Hearings Committee recommends to Council the adoption of the Gambling Class 4 Venue Policy 2017 as consulted on, effective from the date of adoption by Council (23 November 2017), and the repeal of the 2014 Policy.*

**CARRIED**

## **5.3 New Zealand Racing (TAB) Venue Policy 2017 - Consideration of Submissions**

### **Purpose**

To provide the platform to allow members to hear and consider submissions received on this Policy during the consultation phase of this review process.

To propose members recommend the policy, as may be amended during the hearings process, for adoption by Council, and the subsequent repeal of the 2014 New Zealand Racing (TAB) Venue Policy.

MOVED by Cr Tukapua, seconded Cr Wanden:

*THAT Report 17/520 New Zealand Racing (TAB) Board Venue Policy be received.*

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

*THAT members hear and consider submissions received on this matter following use of the Special Consultative Procedure as was required by section 156(1) of the Local Government Act 2002.*

**CARRIED**

Speaking to the Report, Ms Leyland said she had spoken with Jarrod True from the New Zealand Racing Board who had decided not to come and speak today. He had indicated that the Racing Board was happy with the Policy as it was and did not recommend any changes.

It was noted that there had also been no issues over the last three years and no request had been received to have a stand-alone venue, with the venues currently operating being purely agencies.

Deliberations

The consensus of the Hearings Committee was that the status quo remain.

MOVED by Cr Tukapua, seconded Cr Wanden:

*THAT the Hearings Committee recommend to Council the adoption of the New Zealand Racing (TAB) Board Venue Policy 2017, as consulted on, effective from the date of adoption by Council (23 November 2017), and the repeal of the 2014 Policy.*

**CARRIED**

3.30 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:**.....

# Proceedings of the Foxton Community Board 30 October 2017

File No.: 17/569

## 1. Purpose

To present to the Extraordinary Meeting of Council the minutes of the Foxton Community Board meeting held on 30 October 2017.

## 2. Recommendation

- 2.1 That Report 17/569 Proceedings of the Foxton Community Board 30 October 2017 be received.
- 2.2 That the Extraordinary Meeting of Council receive the minutes of the Foxton Community Board meeting held on 30 October 2017.

## 3. Issues for Consideration

There are no items considered by the Foxton Community Board 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 <b>Chief Executive</b>	
Approved by	David Clapperton <b>Chief Executive</b>	



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# Foxton Community Board

## OPEN MINUTES

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Minutes of a meeting of the Foxton Community Board held in the Manawatu College Library, Ladys Mile, Foxton on Monday 30 October 2017 at 6.00 pm.

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### PRESENT

<b>Chairperson</b>	Mr D J Roache
<b>Deputy Chairperson</b>	Ms P R Metcalf
<b>Members</b>	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)
Ms S Grant	(Group Manager – Community Services)
Mr A Nelson	(Property & Parks Manager)
Mrs K J Corkill	(Meeting Secretary)

### ALSO IN ATTENDANCE

Mrs C McCartney	(Project Manager – Strategic Projects) (from 7.15 pm)
Ms E Childs	(Community & Civic Event Coordinator)(from 7.15 pm)

### PUBLIC IN ATTENDANCE

There were three members of the public in attendance.

#### 1 Apologies

An apology was recorded for Cr Brannigan.

NOTED

#### 2 Public Participation

7.2 Chief Executive's Report  
3.2 – Economic Update  
3.9 – Meeting Schedule 2018  
Christina Paton

3.4 – Flooding Issues – Foxton and Foxton Beach  
Gayle Heine

3.17– Foxton Beach Freeholding Account  
Olaf Eady

**3 Late Items**

There were no late items.

**4 Declarations of Interest**

There were no declarations of interest.

**5 Confirmation of Minutes – 18 September 2017**

MOVED by Ms Metcalf, seconded Mr Girling:

*THAT the minutes of the meeting of the Foxton Community Board held on Monday, 18 September 2017, be confirmed as a true and correct record.*

**CARRIED**

**6 Announcements**

New Zealand Police

Sergeant Dave Fraser from the Foxton Police gave an update on what had been happening since he last spoke to the Board. There had been a retirement and there had been family and health issues for other members so there had recently been resourcing issues for the Foxton Police. Despite that, things had been going well. Eight of the more serious local criminals (violent offenders and drug dealers) were in jail with Court cases pending. Hopefully they would continue to be retained.

They now had a four wheel drive vehicle which was used at the beach and for Search and Rescue.

It was, in effect, business as usual.

Responding to a query about speed on Seabury Avenue and the Police's stance on children and motorised vehicles on the beach which was in effect a road, Sergeant Fraser said it was about everyone respecting each other, which did not always occur. He had asked his officers to use discretion in those circumstances, rather than a blunt instrument.

With regard to replacing the retiree, Sergeant Fraser said he had a new officer coming next month. He also noted that a considerable amount of their time was taken up with domestic violence and mental health issues, which was no different than any other small town in New Zealand. It had not been a Police focus in the past, but with the way it was now reported it had become more evident.

Horowhenua District Council Update

Cr Gimblett said that the focus for Council recently had been the Long Term Plan process. There had been a lot of pre-consultation with the community and he commended the Council Officers who had been involved. Some of the events had been hugely successful and it was something new for Council to go out to the community before an LTP process so hopefully there would be a better result.

Another issue that had been exercising Council, but was somewhat in abeyance at the moment, was growth and Roads of National Significance (RoNS). There were some who were extremely interested in this; however it was not being led by Council. Council currently

needed to sit back and see what effect, if any, the change of government would bring. The rest of the issues in front of Council were mainly operational.

Referencing the Finance, Audit & Risk Agenda, Cr Gimblett noted the desludging of the Foxton wastewater ponds which was being planned. This was the first time this had occurred in 25 years. The Foxton Water tank was progressing and the flooding at the Foxton cemetery should progress with the fine weather. The Te Awahou Nieuwe Stroom opening was also eagerly awaited.

With regard to Cr Gimblett's reference to RoNS, which was a National Party initiative, Mr Clapperton said this should in the immediate future be referred to as "the expressway" until the new government's views on this whole project had been articulated. He did believe there was an opportunity for communities like Horowhenua to work with the new government and take advantage of any opportunities that may arise with the change of government.

## 7 Reports

### 7.1 Monitoring Report to 30 October 2017

#### Purpose

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

MOVED by Ms Metcalf, seconded Mr Allan:

*THAT Report 17/531 Monitoring Report to 30 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**

Page 8 16/59 - Toilet at Foxton Cemetery  
Completed.

Page 11 CE's Report to 26 June 2017  
New Whirikino Bridges

Ms Lundie said she had been to an open day held by the contractors which had 23 people in attendance. Everything was on target. Quite a few of the staff were living in Foxton. There was still a decision to be made about the median strip and whether or not there would be a barrier.

Mr Girling said he had had a chat with one of the engineers and had been told that each lane would be 2.5m wide, plus a 1.5m shoulder. An open invitation had been extended for Board Members to go down to the site.

Mr Roache said he would still like to meet with NZTA.

### 7.2 Chief Executive's Report to 30 October 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 Girling:

*THAT Report 17/530 Chief Executive's Report to 30 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**

### Public Participation

Commenting on 3.2 Economic Update, Mrs Paton referenced Project Lift, as referred to in the initial bullet point, and queried how many of the Board Members had actually read, or even seen, the document. She said for her personally, it was perhaps the most boring document she had ever read and queried if it had, in fact, been edited.

Saying this document had gone to the Ministry of Business, Innovation and Employment, Mr Clapperton explained that while the document may appear to be repetitive, it had been formulated to meet the fairly stringent criteria required by government departments when it came to seeking government funding. This was a huge opportunity and hopefully would also draw the right response from the new government in terms of regional development. There was also an opportunity here for the Economic Forum and others to get involved in the innovation hub they are looking at establishing.

Mrs Paton also noted an error in 3.9 - Meeting Schedule for 2018. She was advised that the required correction had been made and an additional meeting had also been included for May, when one would not normally be held because of the LTP/Annual Plan process.

MOVED by Ms Metcalf, seconded Mr Girling:

*THAT the Foxton Community Board continues to meet six weekly for 2018, with a commencement time of 6.00 pm, as per the following meeting schedule:*

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Foxton Community Board Frequency: 6 weekly 6.00 pm	-	12	26		7	18	30	-	10	29		10

**CARRIED**

Speaking to 3.4 – Flooding Issues – Foxton Beach, Mrs Heine again raised flooding issues that had affected Roore Street and Seabury Avenue for approximately 19 years, with it being the anniversary of when the problem had been brought to the Board in 2016 by herself and John Hutchison. She showed a survey map of the area, noting the lack of a stormwater drain. Her property had been flooded twice during the winter and she was keen to have something done about the lack of proper drainage.

Mr Roache suggested a meeting should be held at the site, though he had been led to believe that the pipe had been cleared and the area was draining. Mrs Heine said they had gone around a cabbage tree, but that was all.

Mr Clapperton stressed that the problem was right across Foxton and Foxton Beach and any solution needed to address the whole issue rather than just fixing a problem in one location which could create problems in other areas. There could also be significant cost, which would need to be factored in.

Mrs Heine queried why funds from the Freeholding Account could not be used to fix the problem.

Mr Clapperton confirmed that was an option as it could be used for services and amenities at the beach, and it could be used on private property. There would be a process to go through but there was nothing to say that it had to be used for Council-owned property or utilities.

Mr Roache said he would take it up with Mr Saidy and it could be discussed at the upcoming LTP meeting schedule for 6 November.

Responding to a query as to whether stormwater was included in harmonisation, Mr Clapperton said that was for water and wastewater. Stormwater would be included in the general rate.

Commenting that this was the first time a Register of Assets had been provided for the Foxtton Beach Freeholding Account (3.17), Mr Eady raised a number of queries, which Mr Clapperton responded to. With regard to the section values, Mr Clapperton said these were at book value and this information was provided on an annual basis and were based on information provided by a registered valuer. Mr Clapperton also gave an explanation as to why the Marine Parade foreshore (dune) sites were included.

Mr Clapperton then provided further comment on the items in the report:

### 3.8 Foxtton and Beach Bowling Club

Since the report was prepared, he had been to a meeting at the Bowling Club where the provision of a suspensory loan was discussed. It had been ascertained that the Club did not have the ability to borrow so to get the work progressed consultation with the community needed to occur sooner rather than later on releasing monies from the Freeholding Fund. He sought the Board's direction as to whether, based on consultation, they supported recommending to Council that funds be released for the project.

Board Members discussed this in some detail, with varying views being expressed, including that this project was a discretionary activity with there being other competing demands on the Fund. As a responsible Community Board, that would need to be messaged correctly. Community support was raised, with it noted that the Club had already collected 460 or so signatures in support of the project. Also raised and discussed was what contribution would be made by the Club.

With Mr Clapperton stressing that this was just putting in place a process, it was not making a commitment as this stage, it was:

MOVED by Mr Allan, seconded Mr Girling:

*THAT the following process:*

- |    |   |                         |
|----|---|-------------------------|
| 1. | <i>Discussion with Foxtton Community Board</i>      | <i>30 October 2017</i>  |
| 2. | <i>Preparation of Communications Plan</i>           | <i>02 November 2017</i> |
|    | <i>- Public Notice</i>                              | <i>08 November 2017</i> |
| 3. | <i>Leaflet drop and mail out</i>                    | <i>11 November 2017</i> |
| 4. | <i>Public Meeting – Venue – Bowling Club</i>        | <i>15 November 2017</i> |
| 5. | <i>Special FCB Meeting – Advertised Accordingly</i> | <i>20 November 2017</i> |
| 6. | <i>Council Meeting</i>                              | <i>22 November 2017</i> |

*be used to seek community support for a grant of \$200,000.00 from the Foxtton Beach Freeholding Account to be made to the Foxtton and Beach Bowling Club to support its project to construct an artificial bowling green and for remedial works to its carpark.:*

**CARRIED**

3.7 Foxton Wastewater Treatment Plant Hearing

This was still going through the RMA process, but there was light at the end of the tunnel and it was hoped that a way forward would be in place prior to Christmas with a decision from the Environment Court early in the New Year. It was tracking along nicely in terms of process, which was very positive.

3.10 Dog Issues at Stuart Donnelly Park

MOVED by Mr Allan, seconded Ms Metcalf:

*THAT the current dogs on leash rules for Stuart Donnelly Park be retained on the basis there have been no issues reported over the last six months.*

**CARRIED**

Ms Lundie recorded her vote AGAINST the motion.

3.15 Manawatu Estuary Trust

Speaking to the Minutes, which she requested be taken as read, Ms Metcalf further noted in relation to the sign on the Darwick Street Viewing Platform that the Estuary Trust had asked the Statutory Managers of the Estuary (i.e. DOC, HRC and HDC) to renew the faded sign on the viewing platform. DOC was arranging the renewing of the sign, with it to be a similar style to the other signs in the area.

Mr Clapperton said he would check the price for such signage and where it could be funded from, if required.

Mrs Metcalf also spoke about the 'amazing morning' when the godwits were welcomed back, with about 20-25 people turning up to watch the approximately 30 birds that arrived at one time while they were watching.

3.17 Foxton Beach Freeholding Account

Mrs Metcalf noted that this was still only reporting on equity and a breakdown of administration, maintenance and overheads was still required.

## 7.3 **Pump track installation at Holben Reserve, Foxton Beach**

### **Purpose**

To seek a decision from the Foxton Community Board to endorse the installation of a pump track in Holben Reserve, Foxton Beach, which is to be funded from the Foxton Beach Reserves Investment Plan. This report is also to inform the Foxton Community Board of progress to date, including an outline of the detailed design.

MOVED by Mr Allan, seconded Ms Metcalf:

*THAT Report 17/547 Pump track installation at Holben Reserve, Foxton Beach be received.*

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

**CARRIED**

Ms Grant and Mr Nelson joined the table to speak to this report and respond to any queries. Mr Nelson did confirm that should the park prove to be really popular any issues such as traffic management would be addressed at that time.

An amended recommendation was tabled, with Mr Clapperton explaining that it did not need to go to Council for ratification as it was within budget and the money had been approved.

MOVED by Mr Girling, seconded Ms Lundie:

*THAT the Foxton Community Board supports the development of a 50m x 50m pump track at the eastern end of Holben Reserve at a cost of \$338,121.70 (plus GST) (inclusive of landscaping and astroturf).*

**CARRIED**

#### **7.4 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 Ms Metcalf, seconded Mr Allan:

*THAT Report 17/373 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**

7.30 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 1 November 2017

File No.: 17/570

## 1. Purpose

To present to the Extraordinary Meeting of Council the minutes of the Finance, Audit & Risk Subcommittee meeting held on 1 November 2017.

## 2. Recommendation

- 2.1 That Report 17/570 Proceedings of the Finance, Audit & Risk Subcommittee 1 November 2017 be received.
- 2.2 That the Extraordinary Meeting of Council receive the minutes of the Finance, Audit & Risk Subcommittee meeting held on 1 November 2017.
- 2.3 That as recommended by the Finance, Audit & Risk Subcommittee, the Horowhenua District Council adopts the Risk Management Policy.

## 3. Issues for Consideration

The following item presented to the Finance, Audit & Risk Subcommittee requires further consideration by Council:

### - Risk Management Policy

As set out in the attached report that was presented to the Finance, Audit & Risk Subcommittee on 1 November 2017.

Amendments requested by the Finance, Audit and Risk Subcommittee have been made to the Policy as follows:

- Addition of HDC Protected Disclosures (Whistleblowers) Policy to Related Policies and Procedures section
- Corrected Strategic Very Minor consequence descriptor to less than three (3) working days.

Council's adoption of the Policy is now sought.

## Attachments

No.	Title	Page
A	Finance, Audit & Risk Subcommittee Report Risk Management Policy 1 November 2017	58
B	Risk Policy V 1.9	68



### 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 <b>Chief Financial Officer</b>	
Approved by	David Clapperton <b>Chief Executive</b>	

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# Finance, Audit & Risk Subcommittee

## OPEN MINUTES

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Minutes of a meeting of the Finance, Audit & Risk Subcommittee held in the Council Chambers, Horowhenua District Council, Levin, on Wednesday 1 November 2017 at 4.00 pm.

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### PRESENT

**Chairperson**  
**Members**

Mr P Jones  
Cr W E R Bishop  
Cr R J Brannigan  
Cr R H Campbell  
Mayor M Feyen  
Cr N G Gimblett  
Cr B F Judd  
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 Saidy	(Group Manager – Infrastructure Services)
Mrs N Brady	(Group Manager – Customer & Regulatory Services)
Mr M J Lester	(Group Manager – Corporate Services)
Ms S Grant	(Group Manager – Community Services)
Mr D McCorkindale	(Group Manager – Strategy & Development)
Mr G O'Neill	(Projects Manager)
Mr S Grainger	(Economic Development Manager)
Mr J Paulin	(Finance Manager)
Mr A Chamberlain	(Financial Accountant)
Mr M E Lepper	(Customer & Regulatory Services Manager)
Mr I McLachlan	(Risk Management Lead)
Mrs K J Corkill	(Meeting Secretary)

### PUBLIC IN ATTENDANCE

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

#### 1 Apologies

There were no apologies.

## 2 Public Participation

There had been no requests to speak.

## 3 Late Items

There were no late items.

## 4 Declarations of Interest

There were no declarations of interest.

## 5 Confirmation of Minutes – 20 September 2017

MOVED by Cr Judd, seconded Mayor Feyen:

*THAT the minutes of the meeting of the Finance, Audit & Risk Subcommittee held on Wednesday, 20 September 2017, be confirmed as a true and correct record.*

**CARRIED**

## 6 Announcements

There were no announcements.

## 7 Reports

### 7.1 Financial Report for the three months to 30 September 2017

#### Purpose

To present to the Finance, Audit & Risk Subcommittee the financial report for the three months to 30 September 2017.

Chief Financial Officer, Mr Law, spoke to the report, expanding on the information in his Executive Summary and responding to questions from Members:

- the \$6,000 additional grazing revenue for Shannon Wastewater was for three months and was over and above than actually budgeted for;
- also on page 14, Grants and Subsidies, the amount under budget was for the Te Awahou Nieuwe Stroom project, with Mr Clapperton saying he would check on the figure provided.

With the lower than budgeted employee costs noted (page 9), assurance was sought from the Chief Executive that Council's services were not being impacted on and whether or not that appeared anywhere at this stage as a risk traffic light.

Mr Clapperton said in terms of impact on levels of service, at this point it was manageable, but should vacancies remain unfilled for too long there could be an impact on capital projects. Any impact on capital projects to date had been largely weather dependent. There also did not seem to be any significance challenges in filling roles because of recent media coverage, with Council still seen as an employer of choice and a high calibre of applicant being attracted.

Mrs Brady commented further comments that in terms of risk, plans would be made to mitigate the risk should a role be unfilled for too long.

Deputy Mayor Bishop reiterated a previous request to have the number of subdivision consents approved (page 9) shown in terms of the additional residential lots created, as the figure of 17 consents approved did not provide enough information.

Mr Lepper advised that 46 additional lots had been created as at the end of last month.

An interest was expressed in having further information in terms of what happened during the processing consents applications as despite 100% of applications being recorded as processed within the prescribed time of 18 days that did not indicate what occurred when further information was required, and there was some frustration expressed in the building sector about the process. Whilst there were a number of measures that were covered by statute, that did not indicate what was happening on the ground. It would be helpful information, but not necessarily easy to report.

Mrs Brady said she would review the report structure and look at any issues around any reported barriers. Mr Clapperton said an indication would also be given with regard to the quality of the applications being received which would affect processing time. There were no applications being sent off-site for processing at present.

Further breakdown was requested in relation to the information supplied under 'Water Supply – Performance Measures (pages 76 & 77).

Mr Law provided an explanation with regard to the impact of amalgamation required by the Valuer General, particularly of rural properties, on rates debtors. This had been caused by revaluations done last year and it was unlikely to occur again.

Mr Jones advised he had requested that the next report include the overall spend and how that looked in terms of the forecast and a summary of non-financial performance measures for the year and how many had or had not been achieved to identify any trends.

MOVED by Mayor Feyen, seconded Cr Campbell:

*THAT Report 17/529 Financial Report for the three months to 30 September 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 Treasury Report

### Purpose

To present to the Finance, Audit & Risk Subcommittee the Bancorp Treasury Report for the September 2017 quarter.

Mr Law gave an explanation in relation to the proposed recommendation 2.3 which was in response to the Standard and Poors perceived liquidity risk. He had endeavoured to get further information from Standard and Poors as to why they believed there was a risk, to no avail.

Also offering comment, Mr Jones said that this was something he had seen done by other councils, with borrowing being for both and sort and long term.

MOVED by Deputy Mayor Bishop, seconded Cr Mitchell:

*THAT Report 17/546 Treasury Report be received.*

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

*THAT for the purpose of managing the potential liquidity risk identified by Standard & Poors, the Horowhenua District Council borrows an extra \$5m for a term of not less than 2 years and invests this in short-term investments with interest rates that will cover the cost of borrowing*

**CARRIED**

### 7.3 Infrastructure Projects Update

#### **Purpose**

To update the Finance, Audit & Risk Subcommittee on the projects being undertaken by the Projects team.

Projects Manager, Mr O'Neill, gave a PowerPoint update on the various projects reported on.

MOVED by Cr Wanden, seconded Cr Brannigan:

*THAT Report 17/525 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**

### 7.4 Risk Management Policy

#### **Purpose**

To provide the Finance, Audit and Risk Subcommittee with the draft Risk Policy as agreed at the 13 September 2017 workshop.

Mr Jones said he wanted to stress this was the risk part of the Elected Members' function. This was setting the framework for staff to identify, manage and mitigate risk and to report back to this committee for monitoring. It was very important to understand the role of the various parties. A workshop had been held on 13 September and a number of changes arising from that workshop were reflected in the policy.

Mrs Brady took the opportunity to introduce Mr Ian McLachlan, who had joined the team to take this policy forward enumerating his considerable experience in the risk field.

Mr Jones reinforced that the Risk Management Framework was an internal document that had been brought to the Subcommittee for information only. It set out how risk would be managed internally and it was not part of the Policy.

Responding to a query as to whether, once the Policy was adopted, all Officer reports that came to Council would have been assessed for risk and how that would be reported, Mr McLachlan said that would be looked at once the Policy was adopted.

In relation the proposed Risk Management Committee, Mr Jones clarified the role of the Committee was to take the Policy and implement it throughout the organisation. It was good practice. It was an internal process and even he, as the FARS Chair, would not be involved.

With it proposed that the Statement of Risk Appetite would be approved annually, how that would be dealt with was queried. Mrs Brady said that would be up to Elected Members to set any terms of the review.

Mr Jones said what he saw happening was that the Subcommittee would get regular reports in terms of risks that had been identified and how they were being managed. In 12 months' time there would be a formal review as to whether the risk appetite had been adjudged correctly, or it could be looked at in six months' time.

The process was queried if it was someone like the CE, who was Council's only employee, who had caused an extreme risk. Mr Jones said in that case it would have been identified by the Senior Leadership Team and that would cascade up or down depending. It may be require to be elevated to the Mayor or to this Subcommittee. There would also be other policies that would come into play.

Mrs Brady said this policy was not written around an individual or individuals. This was reflected in the organisation-wide approach taken. If something did arise that was not covered by the policy and the policy needed to be changed, that would be addressed. This was just the starting point.

Requested amendments to the Policy::

- Addition of HDC Protected Disclosures (Whistleblowers) Policy to Related Policies and Procedures section
- Correction of Strategic Very Minor consequence descriptor to less than three (3) working days.

MOVED by Mr Jones, seconded Cr Campbell:

*THAT Report 17/533 Risk Management Policy be received.*

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

*THAT the Finance, Audit and Risk Subcommittee endorses the draft Risk Management Policy to proceed to Council for adoption.*

**CARRIED**

## 7.5 Situational Awareness Update

### Purpose

To provide a situational awareness update (under the umbrella of the Risk Framework) to the FAR Subcommittee.

Mr Clapperton said he had requested this report as there was a need to be conscious of what could impact on the organisation with the recent change in government and how that could be best managed from an HDC perspective. LGNZ and SOLGM would be working to understand what policy and legislative changes might mean, but this community had its own specific challenges and how they may be managed going forwarded needed to be considered.

Mayor Feyen said he would support a more direct approach to lobbying central government.



Mr Clapperton agreed saying that Council needed to be more proactive as a district council in directly lobbying to ensure those things that were important for our community were on the radar in Wellington.

MOVED by Mayor Feyen, seconded Cr Bishop:

*THAT Report 17/551 Situational Awareness Update be received.*

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

**CARRIED**

## 8 Procedural motion to exclude the public

MOVED by Cr Bishop, seconded Cr Kaye-Simmons:

*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 Undefined Risks for Horowhenua District Council**

<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 6 and 7.</i>	<p><i>s6(b) - The making available of the information would be likely to endanger the safety of a person.</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)(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>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 6 and 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**

5.20 pm      The public were excluded.

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

5.42 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:**.....

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# Risk Management Policy

File No.: 17/533

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## 1. Purpose

To provide the Finance, Audit and Risk Subcommittee with the draft Risk Policy as agreed at the 13 September 2017 workshop.

## 2. Recommendation

- 2.1 That Report 17/533 Risk Management Policy be received.
- 2.2 That the Finance, Audit and Risk Subcommittee endorse the draft policy to proceed to Council adoption.
- 2.3 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

## 3. Background/Previous Council Decisions

- 3.1 On 13 September 2017 Philip Jones facilitated a briefing with the FAR Subcommittee exploring HDC's current risk policy, areas of improvement identified by officers and requirements of elected members.
- 3.2 The FAR Subcommittee at this briefing agreed that the Risk Policy should be adopted and owned by Council and requested that the policy returned to the FAR Subcommittee in draft for review at the 1 November 2017 meeting.

## 4. Issues for Consideration

- 4.1 As agreed with the FAR Subcommittee on 13 September 2017, officers have made the changes to the Risk Policy to include appendix attachments within the policy providing:
  - Descriptors of Consequence – these have been amended to reflect the five key risk areas.
  - Descriptors of Likelihood
  - Roles, Responsibilities and Reporting
- 4.2 Although it was agreed that the Risk Framework and associated process appendices were operational documents, these have also been provided in draft for provision of the FAR Subcommittee review.
- 4.3 The risk framework sets out the risk management process and reiterates the five key risk areas. Officers have made changes to the framework to include:
  - Additional descriptors by consequence level for areas of Heightened Interest have also been developed e.g Health & Safety, Information Management.
  - Reporting requirements
  - Risk Appetite Statement
- 4.4 In addition to the review of the Risk Policy and Framework, officers have identified an opportunity to establish an internal risk committee to consider timely identification of risks and their implications for the five key areas of strategy, finance, legislation, service delivery and reputation and to report to the Leadership Team. Terms of Reference (**attached**) have been created for the committee membership.

## Attachments



No.	Title	Page
A	Working Draft Risk Policy V 1.8 - 25 October 2017	
B	Risk Management Framework V2.11	
C	Risk Committee Terms of Reference V1.3 - 19 October 2017	

### 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)	Nicki Brady <b>Group Manager - Customer &amp; Regulatory Services</b>	
Approved by	David Clapperton <b>Chief Executive</b>	

# Risk Management Policy

<b>Section</b>	Executive
<b>Contact</b>	Chief Executive Officer
<b>Approval</b>	Council
<b>Date Approved</b>	22 November 2017
<b>Next Review</b>	01 November 2018
<b>TRIM Doc. No.</b>	D17/148621

## 1. Purpose

Horowhenua District Council (HDC) shall establish a Risk Management Policy to facilitate a current, comprehensive and effective risk management framework and associated procedures, internal controls, and governance for effective identification and management of Council's significant risks.

## 2. Scope

All HDC Council Officers and elected members (through the Finance, Audit and Risk Sub-Committee) shall play a role in the successful implementation of this policy.

Risk identification and management shall be undertaken across all HDC activities as part of strategic planning, strategic analysis, annual and long term planning, business and community partnerships, business case development, procurement plan development, project and programme management, contract management, and day to day operations.

## 3. Commencement

This policy comes into effect on 23 November 2017.

## 4. Definitions

For the purpose of this policy, unless otherwise stated, the following definitions shall apply:

- 4.1 Risk: the threat or possibility that an event, action or set of circumstances will adversely or beneficially affect HDC's ability to achieve its objectives;
- 4.2 Risk Appetite: the communication of the level of risk we are prepared to tolerate or accept in the pursuit of our strategic objectives and delivering our services to the community;
- 4.3 Risk Management: the culture, processes and structures that are directed towards the effective management of potential opportunities and possible adverse effects within HDC's environment;
- 4.4 Risk Management Framework: provide the foundations for designing, implementing, monitoring, reviewing and continually improving risk management throughout HDC;

- 4.5 Risk Management Plan: A risk register with systematic application of the practices relating to communicating, consulting and establishing the context of risk;
- 4.6 Risk Management Process: overall process of risk identification, risk analysis and risk evaluation;
- 4.7 Risk Mitigation/Treatment: process to modify risk which can involve avoiding the risk, accepting the risk to pursue an opportunity, removing the source of the risk, changing the likelihood or consequence, sharing risk, and/or retaining the risk by informed decision.

## 5. Principles

The Risk Management Process at HDC shall be based on the following principles and shall be consistent with the Joint Australian New Zealand International Standard Risk Management- Principles and Guidelines (AS/NZS ISO 31000:2009):

- 5.1 Risk management creates and protects Value by contributing to the achievement of HDC's strategic objectives and improving performance, e.g. via legislative and regulatory compliance, use of reliable and accurate information and metrics for decision-making, effective and consistent project management, operational efficiency and robust governance;
- 5.2 Risk management is an integral part of all organisational processes including governance, strategic planning, project management, change management and the business as usual activities of HDC;
- 5.3 Risk management is part of decision-making by helping decision-makers at all levels in HDC to accurately assess situations, make informed choices, prioritise actions and select the most appropriate course of action to resolve risk issues within HDC;
- 5.4 Risk management addresses uncertainty by identifying, describing and resolving the nature and source of that uncertainty within HDC;
- 5.5 Risk management is systematic, structured and timely to ensure consistent, comparable and reliable results which contribute to efficiency through a risk a management framework and risk management plan;
- 5.6 Risk management is based on the best available information including historical data, experience, stakeholder feedback, observation, evidence, forecasts, expert judgement while taking into account any limitations of the data or modelling used, or possible divergence of expert opinion. To achieve this all HDC report templates shall include a consideration of risk of strategic, financial, legal, reputational and service delivery risk.
- 5.7 Risk management is tailored to align with the vision and strategic outcomes of HDC and its risk appetite and to enable the reporting of risk issues quickly to the appropriate level of HDC;
- 5.8 Risk management is transparent and inclusive to ensure that the views of all HDC stakeholders are taken into account in the process of identifying, assessing and treating risks and to ensure that risk management remains relevant and up-to-date;
- 5.9 Risk management is dynamic, iterative and responsive to change by ensuring that the HDC risk management framework and risk management plan is sufficiently agile to sense and respond to changes in the external and internal context of Horowhenua, including changes in knowledge. This process facilitates continual improvement of the organisation which improves HDC's capability of achieving its goals and by building the organisation's capacity to recognise and reduce risk in both the present and the future.

## 6. Objectives

Risk shall be determined in the context of the Vision of the Council and the Strategic Community Outcomes to achieve: a healthy local economy and a District that is growing; a sustainable environment; a community of knowledge, culture and diversity where people are proud to live; safe, resilient and healthy communities; and positive leadership and effective partnerships.

## 7. Risk Appetite

HDC shall establish, at least annually, a Statement of Risk Appetite to provide guidance to the Chief Executive on the level of risk HDC is willing to take to achieve its strategic objectives. HDC shall require the Chief Executive to ensure that risks are measured, consistent and compatible with the capacity to manage and do not expose HDC, or its stakeholders, to an unknown, unmanaged or unacceptable degree of risk. The annual statement of risk appetite shall be incorporated into HDC's Risk Management Framework and shall focus on strategic, financial, legal, reputational and service delivery risk.

The acceptable tolerance for risk shall be determined on the following scale:

**Low Risk:** Avoidance of any form of risk and uncertainty;  
**Medium Risk:** Preference for safe delivery options that have a low degree of inherent risk;  
**High Risk:** Eager to be innovative and to choose service delivery options offering potentially higher quality/customer satisfaction despite greater inherent risk in these activities.

All HDC Council Officers shall have a duty of care to consider and report on risk, including when they are working in partnership with other organisations, and to ensure compliance, at all times, with the Risk Management Framework and the Risk Appetite set by HDC.

HDC shall be supportive to all Council Officers who manage necessary, calculated and measured risk in the context of the Risk Appetite Statement, in order to achieve the objectives set by HDC.

## 8. Risk Management Process

HDC shall draw on the best practice principles outlined in ASNZ 31000 to identify, analyse, assess, and report risks which may have a deleterious effect on the Vision and Strategic Community Outcomes and to identify a reporting structure for HDC. The Risk Management Process shall develop a Risk Matrix of Consequence (C) against Likelihood (L) which shall allow the prioritisation and treatment of identified risk. The steps involved in the Risk Management Process shall include:

### 8.1 Identification of Risk

Staff members shall be empowered, and required by the Chief Executive, to identify and communicate risks to the 5 key areas of Strategic, Financial, Legal, Reputational and Service Delivery using an agreed reporting mechanism to escalate such risks. Appropriate risks shall be recorded in a Risk Management Plan held on behalf of the Chief Executive to ensure that the impact on the Vision or strategic outcomes is managed.

### 8.2 Analysis of Risk

Risks shall be reviewed and analysed to identify the potential consequences and the likelihood of occurrence on the objectives of HDC grouped in 5 key areas of Strategic, Financial, Legal, Reputational and Service Delivery.

*Refer Appendix 1 - outlines the categorisation of Consequence (Impact), on a scale from Very Minor to Catastrophic, by key area. These descriptors are the initial benchmarking, are an integral part of the Risk Management Framework and will evolve as more metrics are sourced from events and lessons learnt from projects.*

*Refer Appendix 2 - outlines the categorisation of Likelihood, on a scale from Extremely Unlikely to Almost Certain, by key area.*

### 8.3 Assessment of Risk

The seriousness of risk shall be categorised as a function of Consequence and Likelihood as per best practice and shall involve selecting the most appropriate combination of consequence and likelihood levels known at the time. Risk assessment categories from Low to Extreme are shown in Table 1 below.

Table 1

Likelihood	Consequence				
	1 - Very minor	2 - Minor	3 - Moderate	4 - Major	5 - Catastrophic
5 - Almost certain	Low	Moderate	Significant	Extreme	Extreme
4 - Very Likely	Low	Moderate	Significant	High	Extreme
3 -Likely	Low	Moderate	Significant	Significant	Extreme
2 - Unlikely	Low	Low	Moderate	Moderate	Moderate
1 - Extremely unlikely	Low	Low	Low	Low	Low



Risk	Actions
Low	Examine where un-needed action can be reduced, Advisory Line Manager
Moderate	Managed by routine procedures, Advisory Line Manager
Low	Managed by routine procedures, Advisory Line Manager
Moderate	Managed by Group Manager and Advisory to Leadership Team
Significant	Managed by Group Manager and Advisory to Chief Executive
Significant	Managed by Group Manager and Immediate Advisory to Chief Executive & Leadership Team for review and action
High	Chief Executive & Leadership Team attention to review and manage risk and to report to next Finance, Audit and Risk Sub-committee
Extreme	Chief Executive <b>immediate</b> action required to reduce risk Immediate Advisory and consultation with Chair & Deputy Chair of Finance, Audit and Risk Sub-committee advised with subsequent reporting to the Sub-committee

#### 8.4 Roles, Responsibilities & Reporting

HDC shall assign specific risk responsibilities to specific roles to provide clarity and to strengthen the risk management framework. A reporting structure shall be in place to ensure that HDC, the Chief Executive and delegates are advised timeously of risk as appropriate.

*Appendix 3 - identifies roles, responsibilities and reporting requirements.*

#### 9. Related Procedures/Documents

Policies and frameworks which support this policy:

- HDC Risk Appetite Statement
- HDC Risk Management Framework
- HDC Business Continuity Plan
- HDC Procurement Policy and Guidelines
- HDC-Downer Alliance 3-Water Operations, Maintenance & Renewals Agreement
- HDC Fraud Policy
- HDC Protected Disclosures (Whistleblowers)Policy
- HDC Health and Safety Policy
- HDC Information Management Policy
- HDC Media and Communications Policy
- HDC Electronic Communication Policy
- HDC Gift and Rewards Policy

#### 10. Acknowledgement

For the Future of this policy and associated procedures it is acknowledged that as Horowhenua District Council embeds a consistent risk management process into its everyday practice, additional material may be developed to support those already available to Council Officers.

## APPENDIX 1 - Descriptors of Consequence

Consequence (C)	1	2	3	4	5
Risk Area	Very Minor	Minor	Moderate	Major	Catastrophic
Strategic	No impact on the Vision and Strategic Community Outcomes  Consultation on Annual or LTP, strategies or revised Vision & Community Outcomes delayed by less than 3 working days	Inconvenience or short delay in achieving the Vision and Strategic Community Outcomes  Consultation on Annual or LTP, strategies or revised Vision & Community Outcomes delayed by 3-5 working days	Significant difficulty introduced to achievement of the Vision and Strategic Community Outcomes  Lost opportunity to contribute positively to one or more of the Vision and Strategic Community Outcomes	Failure to achieve a specific Strategic Community Outcome  Lost opportunity to significantly advance a specific Strategic Community Outcomes	Failure to achieve multiple Strategic Community Outcomes  Lost opportunity to significantly advance multiple Strategic Community Outcomes
Financial	Single loss of up to \$1,000 to a part of the Horowhenua community	Single loss of \$1,000-\$10,000 to a part of the Horowhenua community	Single loss of \$10,000-\$100,000 to a part of the Horowhenua community	Single loss of \$100,000-\$500,000 to a part of the Horowhenua community	Single loss of more than \$500,000 to a part of the Horowhenua community
Service Delivery	Temporary problem with organisational capability resulting in no impact on external service delivery  Essential service unaffected Non-essential service delays of 4 hours or less  Reduced hours for amenity	Loss of organisational capability in some areas resulting in reduced support to external delivery activities and subsequent delays of 8-24 hours to households and 8 hours to a specific business or industry  Essential service delayed 4 hours Non-essential service delays of 8 hours or less  Amenity closed for up to a week	Organisation unable to function normally for less than 24-48 hours  Serious reduction in organisational capability leading to delays of 8-24 hours to a specific business or industry  Essential service delayed 8 hours Non-essential service delays of 8-24 hours  Amenity closed for 1 week to 1 month	Organisation unable to function normally for 48-72 hours  Serious reduction in organisational capability leading to delays of 24-48 hours to a specific business or industry  Essential service delayed 24-48 hours  Amenity closed for 1-2 months	Organisation unable to function for more than 72 hours  Serious reduction in organisational capability leading to delays of 48 hours or more to a specific business or industry  Essential service delayed 48 hours or more  Permanent closure of amenity

Legal	One-off minor regulatory or legislative non-compliance with no direct impact on the community's health or wellbeing and no prosecution	One-off minor regulatory or legislative non-compliance with low potential impact on the community's health or wellbeing  Inconsequential audit qualification	Complaint to the Ombudsman, Auditor-General or other statutory office  Multiple related minor non-compliances due to an underlying systemic issue  Significant breach or non-compliance resulting in regulatory scrutiny  Judicial Review (BCA/RMA decision)	Significant breach or non-compliance, or multiple breaches or non-compliances, resulting in regulatory action and/or restrictions on Council activities  Systemic failure resulting in maximum fines or penalties	Litigation by the community  Court proceeding or criminal action for breach or non-compliance  Potential for imprisonment of elected member or staff  Judicial review on a matter of rates or other funding, or on a matter with significant financial impact
Reputational	Negative feedback from individuals  Short-term 'letters to the editor' (or online equivalent) commentary  No change to overall dissatisfaction in Satisfaction Survey (13%)	Short-term loss of confidence among small sections of the community  Regional adverse political or media comment for one or two days  Sustained 'letters to the editor' (or online equivalent) commentary in usual sources  Change to overall dissatisfaction in Satisfaction Survey (15%)	Short-term and manageable loss of community confidence  Regional adverse political or media comment for more than two days  Significant social media commentary or campaign from new sources  Change to overall dissatisfaction in Satisfaction Survey (17%)	Loss of community confidence requiring significant time to remedy  National adverse political or media comment for more than two days  Regional adverse political or media comment for more than one week  Requirement for (televised) public explanation  Change to overall dissatisfaction in Satisfaction Survey (19%)	Insurmountable loss of community confidence  National adverse political or media comment for more than one week  Requirement for (televised) public apology or defence  Adverse comments or questions in Parliament  Change to overall dissatisfaction in Satisfaction Survey (22%)

## APPENDIX 2 - Descriptors of Likelihood

Likelihood (L)	Score	Descriptor
Almost Certain	5	The event is expected to occur e.g. 80% chance within the next 12 months
Very Likely	4	The event will probably occur e.g. 25% chance within the next 12 months or once in 4 years
Likely	3	The event might occur e.g. 10% chance within the next 12 months or once in 10 years
Unlikely	2	The event will probably not occur e.g. 4% chance within the next 12 months or once in 25 years
Extremely Unlikely	1	The event is not expected to occur e.g. 1-2% chance within the next 12 months or once in 50+ years

### APPENDIX 3 - Roles, Responsibilities and Reporting

	Role & Responsibility	Reporting Requirements
<b>Council</b>	<p>To be assured that a risk management framework is in place and that risks are being appropriately managed.</p> <p>Support corporate Risk Management including risk management as an element of the Councils' Long Term Plan and Annual Plans as well as other strategies, plans and documents.</p> <p>To agree, as required, the risk appetite policy (recommended by Finance, Audit and Risk Sub-Committee).</p>	<p>To receive, consider and action, as soon as practicable, High and Extreme risks identified by Finance, Audit and Risk Sub-Committee.</p>
<b>Finance, Audit and Risk Sub-Committee</b>	<p>The Committee Terms of Reference responsible for risk has responsibility to:</p> <p>Review whether management has in place a current, comprehensive and effective risk management framework for effective identification and management of Council's significant risks;</p> <p>Consider whether appropriate action is being taken by Management to mitigate Council's high and extreme risks.</p> <p>Provide guidance and governance to support significant and/or high profile elements of the risk management spectrum.</p> <p>Advise Council on matters of risk and provide objective advice and recommendations for consideration.</p> <p>To receive, on a quarterly basis, a report on the risk management plan of HDC.</p> <p>To determine, on an annual basis or more regularly depending on legislation and market forces, the risk appetite of HDC and to promulgate this to Council for ratification.</p>	<p>To report to Council all risks classified as High and Extreme.</p> <p>To review and decide on reports from the Chief Executive risks classified as High and Extreme, including risk treatment, as a set agenda item at each meeting.</p> <p>To receive and agree, on an ad hoc basis, reports from Project Leads on classified as High and Extreme as part of project reporting and to review risk management.</p> <p>To receive and note the Risk Management Plan of HDC on a quarterly basis.</p> <p>To receive a quarterly report on the movement of risk assessments and risk trends and which outlines a work programme for the treatment of risk.</p>
<b>Chief Executive</b>	<p>Appoint a Business Owner for each of the five key areas of risk.</p> <p>Approve the risk management framework and recommend it to the Finance, Audit &amp; Risk Committee.</p> <p>Establish a Risk Management Committee to review and treat identified risks.</p> <p>Establish risk reporting on the 5 key areas across and throughout HDC as a business as usual process.</p> <p>Report extreme and high risks to the Finance, Audit</p>	<p>To receive and agree, on a monthly basis, a report on the risk management plan of HDC.</p> <p>To receive reports on an as required basis of all significant classified as High and Extreme risks identified and to approve the recommendations for the management of these risks.</p> <p>To receive reports from the Risk Management Committee, on an as-required basis, on risks classified as Significant, High &amp; Extreme which require</p>

	<p>and Risk Committee and/or Council with treatment options.</p> <p>Oversee and promote a risk management culture across HDC including the development of capability of all staff to support a risk management process.</p> <p>Develop Key Performance Indicators (KPIs) for risk across HDC.</p> <p>Ensure the development of a Risk Management Plan (Risk Register) across the organisation.</p> <p>Provide direction and advice on the management of risks and ensure that appropriate treatment measures are in place to mitigate Council exposure in accordance with the Risk Appetite Statement.</p> <p>Ensure that the Council's organisation vision and values (relevant to risk) are aligned and synchronised with the strategic direction (including Community outcomes and budgetary considerations) and culture.</p> <p>Ensure that risk management is considered in everything Council undertakes and is incorporated in the messages given to the organisation.</p> <p>Support the Finance, Audit and Risk Committee in delivering its duties.</p> <p>Support the internal audit process.</p> <p>Review reports of identified breaches of policy and take appropriate action to mitigate associated risks and to prevent reoccurrence of such breaches.</p>	<p>immediate Chief Executive guidance.</p> <p>To receive risks from identified breaches of HDC policies, guidelines and frameworks.</p>
<p><b>Leadership Team</b></p>	<p>Endorse the risk management framework and champion it to the organisation.</p> <p>Provide direction on risk tolerance at a general and risk-specific level.</p> <p>Advise Risk Lead of risk management issues raised in business plans.</p> <p>Advise Risk Lead of changes identified to risk management plan from group reports.</p> <p>Maintain the overall responsibility for the effective and efficient management of all risks related to Council activities.</p> <p>Promotes a risk management culture across HDC where:</p> <ul style="list-style-type: none"> <li>• we recognise that some risks may be positive and present an opportunity for HDC;</li> <li>• risk management is a core competence of all HDC staff;</li> </ul>	<p>Receive and consider Risk Management Plan on a monthly and exception basis.</p> <p>Receive and consider other risk-related reports on an as-required basis.</p> <p>Receive initial risk assessment through submitted Business Cases of strategic, financial, service delivery, legislation and reputational issues.</p>

	<ul style="list-style-type: none"> <li>• we do not see risk as a barrier but as a normal consequence of an agile and effective business determined to improve our community;</li> <li>• our community has trust and confidence in our ability to overcome uncertainty for their benefit;</li> <li>• our view of risk is community wide, integrated and holistic; and</li> <li>• we achieve our objectives having minimised threats and captured opportunities.</li> </ul> <p>Communicate and raise awareness of risk management to Council managers and staff.</p> <p>Assist in setting the Council's risk attitude.</p> <p>Ensure that Council's assets and operations, together with liability risks and hazards to the public, are adequately protected through appropriate risk planning and budgeting, internal audit processes, and appropriate internal systems and controls.</p> <p>Ensure that a risk management process is in place and reviewed at least quarterly, or as required, for all risks for timely updating and continuous improvement.</p> <p>Integrate risk management with Council's policies, processes and practices.</p>	
<p><b>Risk Management Committee</b></p>	<p>Monitor effective implementation of the risk management framework across the organisation.</p> <p>Integrate risk management with Council's policies, process and practices.</p> <p>Ensure that the Risk Management Process is applied consistently across HDC.</p> <p>Review reports of Significant, High &amp; Extreme risks across HDC.</p> <p>Through the Chair escalates Red Risks (Significant, High &amp; Extreme) and areas of heightened risk to Chief Executive as soon as is practicable.</p> <p>Through the Chair advises Chief Executive on emerging risk trends as required.</p> <p>Develop a quarterly Risk Report for Finance Audit Risk Sub-committee which shows the movement of risk assessment and risk trends and outlines a work programme for the treatment of risk.</p> <p>Assists with the development of appropriate KPIs on risk across the organisation</p>	<p>Receive and consider at least fortnightly, or as required, reports of Significant, High and Extreme risks and ensure direct and immediate promulgation to Chief Executive.</p> <p>Receive and review monthly the Risk Management Plan to ensure it remains appropriate for reporting to the Leadership Team.</p>



<b>Alliance</b>	Utilises a Risk Management process to create a Risk Register to be reported to Principals Group as per the 3-Water Operations, Maintenance & Renewals Agreement.	Report the Alliance Risk Register (Risk Management Plan) to the Risk Management Committee on a monthly basis.
<b>Group Managers</b>	<p>'Own' risks relevant to, or arising from, their groups.</p> <p>Lead and promote a risk management culture within their groups.</p> <p>Ensure that their unit and project managers review and report on risks across the 5 key areas and action these with the guidance of the risk appetite statement either by their delegate authority or escalation to the group manager.</p> <p>Develop Key Performance Indicators (KPIs) for risk across their Group.</p> <p>Identify and report breaches of HDC policies, guidelines and frameworks within their Group and report to the Chief Executive.</p>	Receive weekly reports on an exception basis from staff on the risk assessment of staff and project leads on strategic, financial, service delivery, legislation and reputational issues.
<b>Risk Lead</b>	<p>Chair the Risk Management Committee</p> <p>Co-ordinate the risk management process and promote a risk management culture..</p> <p>Monitor weekly reports for risk management issues.</p> <p>Escalates Red Risks (Significant, High &amp; Extreme) and areas of heightened risk to Chief Executive as soon as is practicable.</p> <p>Advises Chief Executive on emerging risk trends as required.</p> <p>Assist with the development of the Risk Management Plan.</p> <p>Ensures the Risk Management Plan is kept current and up to date.</p> <p>Plan, and execute reviews and audits of the Risk Management Plan.</p> <p>Measure and report the effectiveness and adequacy of risk management and internal control processes and systems, and report to the Leadership Team.</p> <p>Assist with the education of staff on risk management.</p> <p>Provide technical assistance on risk management.</p> <p>Facilitate the management of cross-organisational risks.</p> <p>Report breaches of Policy to the Chief Executive.</p>	<p>Receives all reports on additions, deletions and amendments to the Risk Management Plan.</p> <p>Receives copies of all unit weekly/monthly reporting on risk.</p>
<b>Unit &amp; Project</b>	Lead and promote a risk management culture within their units.	Receive weekly reports on an exception basis from staff on the risk assessment of staff and project leads on strategic,

<p><b>Manager</b></p>	<p>Manage activity/project/asset risks within agreed tolerance levels/Council Risk Appetite.</p> <p>Develop, populate and manage the risk management plan for their unit in accordance with the risk management framework.</p> <p>Be responsible for the registration and maintenance of risks in the risk management plan from their business unit and at a Council-wide level as required and appropriate.</p> <p>‘Own’ risks relevant to or arising from, their teams.</p> <p>Ensure risk management and process are imbedded in strategies, policies, business plans, contracts, and standard operating procedures.</p> <p>Proactively seek out to implement best practice in all facets of business including asset management planning, emergency management planning, and disaster and recovery plans.</p> <p>Report breaches of Policy to the Group Manager.</p>	<p>financial, service delivery, legislation and reputational issues.</p>
<p><b>Staff</b></p>	<p>Identify and provide support to treat risk as it occurs in their area.</p> <p>Escalation of risk issues within their area to line manager.</p> <p>As appropriate, ‘own’ risks, controls or mitigations within their area of responsibility.</p> <p>Report to their line manager <b>any</b> risk to achievement of the vision and strategic outcomes of HDC as it is identified.</p>	<p>Prepares exception reporting on risk issues in their area.</p> <p>Considers and notes aggregated report from unit on risk issues.</p>
<p><b>Contractors and Partners</b></p>	<p>Provide support in identifying risk as it occurs.</p> <p>Ensure Council’s assets and operations, together with liability risks and hazards to the public, are adequately protected through adherence to Council’s policies and procedures.</p> <p>Respond immediately to the investigation of any report of a hazard or incident received from a resident, Council officer, employee or visitor.</p> <p>Adhere to legislative, regulatory and corporate legislation and standards.</p> <p>Maintain appropriate and adequate insurances are required under their contract.</p> <p>Ensure that they conduct their daily duties in a manner that shall not expose Council to loss or risk, and that these duties are done in accordance with the relevant procedures, policies, and legislative requirements.</p>	<p>Advises HDC lead contact of all identified risks for promulgation as appropriate to the line manager.</p>



# Proceedings of the Strategy Committee 8 November 2017

File No.: 17/574

## 1. Purpose

To present to the Extraordinary Meeting of Council the minutes of the Strategy Committee meeting held on 8 November 2017.

## 2. Recommendation

- 2.1 That Report 17/574 Proceedings of the Strategy Committee 8 November 2017 be received.
- 2.2 That the Extraordinary Meeting of Council receive the minutes of the Strategy Committee meeting held on 8 November 2017.
- 2.3 That as recommended by the Strategy Committee, Horowhenua District Council becomes a signatory to the Local Government Leaders' Water Declaration.
- 2.4 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.

## 3. Issues for Consideration

The following items require further consideration by Council:

### Local Government Leaders' Water Declaration

The Committee passed the following resolution

*THAT the Strategy Committee recommends that the Horowhenua District Council becomes a signatory to the Local Government Leaders' Water Declaration.*

and Council's endorsement is now sought.

### Consideration to Sponsor the Establishment of a Charitable Community Trust for Horowhenua

Council's ratification of the following resolution is also sought:

*THAT the Strategy Committee recommends to the Horowhenua District Council that it sponsors the establishment of a charitable community trust with the Chief Executive mandated to provide appropriate advice and assistance as the Trust is established.*

## 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 <b>Chief Executive</b>	
Approved by	David Clapperton <b>Chief Executive</b>	

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# Strategy Committee

## OPEN MINUTES

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Minutes of a meeting of the Horowhenua District Council Strategy Committee held in the Council Chambers, 126-148 Oxford St, Levin on Wednesday 8 November 2017 at 4.00 pm.

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### PRESENT

<b>Mayor</b>	Mr M Feyen
<b>Deputy Chairperson</b>	Mrs V M Kaye-Simmons
<b>Councillors</b>	Mr W E R Bishop
	Mr R J Brannigan
	Mr R H Campbell
	Mr N G Gimblett
	Mrs J F G Mason
	Mrs C B Mitchell
	Ms P Tukapua
	Mr B P Wanden

### IN ATTENDANCE

Mr D M Clapperton	(Chief Executive)
Mr D Law	(Chief Financial Officer)
Mr G Saily	(Group Manager – Infrastructure Services)
Mrs N Brady	(Group Manager – Customer & Community Services)
Mr D McCorkindale	(Group Manager – Strategy & Development)
Mr M J Lester	(Group Manager – Corporate Services)
Mrs S Grant	(Group Manager – Community Services)
Mr S Grainger	(Economic Development Manager)
Mr D Haigh	(Growth Response Project Manager)
Ms L Wilson	(Communications Manager)
Ms G O'Reilly	(Economic Development Support Officer)
Mrs K J Corkill	(Meeting Secretary)

### MEDIA IN ATTENDANCE

Ms J Rankin	("Horowhenua Mail")
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### PUBLIC IN ATTENDANCE

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

#### 1 Apologies

MOVED by Cr Campbell, seconded Cr Wanden:

*THAT the apology from Councillor Judd and apology for lateness from Deputy Mayor Bishop be accepted.*

**CARRIED**

## **2 Public Participation**

### **7.2 Consideration to Sponsor the Establishment of a Charitable Community Trust for Horowhenua**

Mr Cameron Lewis, Horowhenua Economic Development Board.

## **3 Late Items**

There were no late items.

## **4 Declarations of Interest**

None declared.

## **5 Confirmation of Minutes**

MOVED by Cr Campbell, seconded Cr Kaye-Simmons:

*THAT the minutes of the meeting of the Strategy Committee held on Wednesday, 27 September 2017, be confirmed as a true and correct record.*

**CARRIED**

## **6 Announcements**

Mayor Feyen congratulated Cr Mason on achieving her "Making Good Decisions" RMA reaccreditation.

## **7 Executive**

### **7.1 Local Government Leaders' Water Declaration**

#### **Purpose**

To bring to the Strategy Committee, for consideration, the Local Government Leaders' Water Declaration, prepared by Local Government New Zealand.

MOVED by Cr Tukapua, seconded Cr Brannigan:

*THAT Report 17/552 Local Government Leaders' Water Declaration be received.*

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

**CARRIED**

As a member of the LGNZ Policy Advisory Group which had been working on this, Cr Tukapua sought input and endorsement from around the table.

The need for local government to encourage central government to have consistency throughout the country, particularly should it come to charging for water, was stressed as water was a national resource and not something that should be fought over. LGNZ should be emphasising the cost to communities should there be a water charge.

The 2050 timeframe was also raised and discussed, with one view expressed being that that target should be brought forward and another view being that there was



already significant work being done in the rural communities when it came to water but it was a huge logistical challenge particularly in terms of the country's topography so 2050 may not be unrealistic. There was also the issue of how people used water, whether it was for personal use, stock water, bottling for sending overseas. It would have a huge impact on the economy.

Depending on this evening's decision, Mr Clapperton said a letter would be drafted that captured the views expressed and it would be circulated to Councillors for comment before being sent to Wellington.

MOVED by Cr Tukapua, seconded Cr Kaye-Simmons:

*THAT the Strategy Committee recommends that the Horowhenua District Council becomes a signatory to the Local Government Leaders' Water Declaration.*

**CARRIED**

## **9.2 Consideration to Sponsor the Establishment of a Charitable Community Trust for Horowhenua**

### **Purpose**

To consider the recommendation that Council sponsor the establishment of the proposed charitable community trust for the people of Horowhenua.

MOVED by Cr Campbell, seconded Cr Mason:

*THAT Report 17/559 Consideration to Sponsor the Establishment of a Charitable Community Trust for Horowhenua be received.*

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

**CARRIED**

Expressing his appreciation of the good relationship that existed between the Horowhenua Economic Development Board and Council, Mr Cameron Lewis, spoke in support of Council sponsoring the establishment of a Charitable Community Trust for the Horowhenua. He stressed how important economic development was for this community which faced some very big challenges, but also some huge opportunities.

He noted that the Economic Development Board had spent two years considering how economic development could be better enabled in the Horowhenua and its members were very excited at the opportunity to unlock new possibilities with a Trust that was owned by the people, for the people.

Asking that the report be taken as read, Council's Economic Development Manager, Mr Grainger responded to queries from Elected Members.

With regard to using the money currently tied up in Council property and facilities to reduce Council debt, Mr Grainger clarified that what was proposed was that if there was debt against specific properties then Council would want to pay that down. One of the key actions should this progress would be for the CE to develop a programme in relation to property as in some circumstances Council would be required to undertake public consultation for certain properties and a process that would be acceptable to both the Trust and Council would need to be developed.

The suggestion that the Mayor be included in Recommendation 2.3 to work with the Chief Executive to provide appropriate advice and assistance as the Trust was established was discussed, with views being expressed for and against the amendment.

Also queried was whether the Trust members would be comprised of the current Economic Development Board. Mr Grainger said the current Board would have an establishment role but it was proposed to set up an appointment panel which would undertake recruitment of people for the initial period and then, subject to the projects undertaken, there would be the need to recruit people with the appropriate skills and expertise to deliver the work programme.

The amended resolution was put:

MOVED by Cr Campbell, seconded Cr Mason:

THAT the Strategy Committee recommends to the Horowhenua District Council that it sponsors the establishment of a charitable community trust with the Chief Executive **and Mayor** mandated to provide appropriate advice and assistance as the Trust is established.

A division was called:

**For:**

Councillors: Ross Campbell  
Victoria Kaye-Simmons  
Joanna Mason  
Christine Mitchell

**Against:**

Councillors: Wayne Bishop  
Ross Brannigan  
Neville Gimblett  
Piri-Hira Tukapua  
Bernard Wanden

Mayor Michael Feyen abstained from voting.

The division was declared LOST by 4 votes to 5.

The original recommendation was then put.

MOVED by Cr Campbell, seconded Cr Mason:

*THAT the Strategy Committee recommends to the Horowhenua District Council that it sponsors the establishment of a charitable community trust with the Chief Executive mandated to provide appropriate advice and assistance as the Trust is established.*

**CARRIED**

**13 Procedural motion to exclude the public**

MOVED by Cr Gimblett, seconded Cr Wanden:

*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 Electricity and Natural Gas Request for Proposal Evaluations**

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
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<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)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</i></p>	<p><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>
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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**

4.42 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.

5.13 pm

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

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

**DATE:**.....

**CHAIRPERSON:**.....



# Report from Deputy Mayor

File No.: 17/599

## 1. Purpose

To provide a placeholder for a late report from the Deputy Mayor.

The Deputy Mayor's report will be circulated prior to the meeting.

## 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)	Wayne Bishop <b>Deputy Mayor</b>	
Approved by	Wayne Bishop <b>Deputy Mayor</b>	



# Notices of Motion: Council Building; Reintroduction of Development and/or Financial Contributions

File No.: 17/582

## 1. Purpose

In accordance with Standing Order 26, the Chief Executive has received Notices of Motion from Mayor Feyen, seconded by Cr Campbell, with the request that they be placed on the agenda for the 22 November 2017 Council meeting.

To provide Mayor Feyen and Cr Campbell the opportunity to speak to these Notices of Motion and for Council to consider appropriate courses of action.

## 2. Recommendation

- 2.1 That Report 17/582 Notices of Motion: Council Building; Reintroduction of Development and/or Financial Contributions be received.

## 3. Issues for Consideration

- 3.1 The Notices of Motion for consideration are:

1. That the Notice of Motion item 2 passed at the Horowhenua District Council meeting on 2 November 2016 be rescinded on the grounds that it did not record there was no Council approval for the two previous building reports by Opus International Ltd (2014) and ISPS Ltd (2016) concerning the Horowhenua District Council civic building.
2. That in light of the District's current and potential growth the Horowhenua District Council considers the reintroduction of Development and/or Financial Contributions as part of consultation for the Draft Long Term Plan 2018.

The signed NOM is **attached**.

- 3.2 The Notice of Motion, Item 2, referred to in 3.1.1 is:

*"THAT the Horowhenua District Council supports the two independent reports that have stated the Council building is safe for occupancy and that no further ratepayers' resources are to be invested in this matter."*

- 3.3 Council's direction on these Notices of Motion is sought.

## Attachments



No.	Title	Page
A	Notices of Motion - 22 November 2017	93

### 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 <b>Chief Executive</b>	
Approved by	David Clapperton <b>Chief Executive</b>	



Notice of Motion

Council Meeting: Wednesday 22 November 2017

As per Standing Orders 26 I hereby declare that:

I, Mayor Michael Feyen, seconded by Councillor Ross Campbell, request that the following Notices of Motion be put on the Agenda for the Horowhenua District Council ordinary Council meeting dated 22 November, 2017.

1.

THAT the Notice of Motion item 2 passed at the Horowhenua District Council meeting on 2 November 2016 be rescinded on the grounds that it did not record there was no Council approval for the two previous building reports by Opus International Ltd (2014) and ISPS Ltd (2016) concerning the Horowhenua District Council civic building.

2.

THAT the HDC review whether plans to set up the Independent Horowhenua Growth Trust triggers the Council's Significance Policy established under section 224A of the Local Government Act 2002  
THAT the Horowhenua District Council confirms that the Mayor, ex-officio, is a member of the Horowhenua Growth Trust committee as per Local Government Act 2002 41A (5)

3.

THAT in light of the District's current and potential growth the Horowhenua District Council considers the reintroduction of Development and or Financial Contributions as part of consultation for the Draft Long Term Plan/2018.

Signed:

Nominated Mayor Michael Feyen

Seconded Councillor Ross Campbell

Dated: 13 November 2017

Dated: 13 November 2017



# Monitoring Report to 22 November 2017

File No.: 17/509

## 1. Purpose

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

## 2. Recommendation

- 2.1 That Report 17/509 Monitoring Report to 22 November 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	96

### 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"> <li><input type="checkbox"/> Sites of Cultural Significance</li> <li><input type="checkbox"/> Historic Heritage</li> <li><input type="checkbox"/> Dunefields Assessment</li> <li><input type="checkbox"/> Coastal Hazards.</li> </ul>	D McCorkindale			<p>Research is continuing on the Sites of Cultural Significance. A Dunefields Assessment has been undertaken. Consideration is being given to the most appropriate District Plan response to the assessment findings.</p> <p>Historic Heritage Plan Change 1 has been adopted by Council 30 August 2018 and is scheduled for public notification mid October 2018.</p> <p>Paiaka Camp will be considered in the next phase of heritage</p>
	26 April 2017		Cr Campbell to be updated on the status of Paiaka Camp discussions				

MONITORING REPORT							
HOROWHENUA DISTRICT COUNCIL							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
							assessments subject to the agreement of the land owner.
17/97	15 March 2017	Draft Land Transport Bylaw 2017	<i>That the Horowhenua District Council use the special consultative procedure to consult on the draft Land Transport Bylaw 2017 and the hearing of submissions be undertaken by the Hearings Committee.</i>	K Peel		Completed	The Hearings Committee reconvened on 27 October 2017 with the Minutes and Committee's recommendations included in the 22 November Agenda.
17/146	26 April 2017	Draft Combined Foxton Reserves Management Plan	<i>THAT Council adopts the Draft Combined Foxton Reserves Management Plan and authorises Council Officers to consult on the draft document in accordance with the Reserves Act 1977.</i>	D McCorkindale		Completed	Adopted by Council on 11 October 2017
17/253	7 June 2017	Foxton Reservoir – Public Works Act	<i>THAT the Horowhenua District Council seeks permission from the Minister of Conservation</i>	G O'Neill		Completed	The Minister of Conservation has granted approval to locate the new

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>using the Public Works Act to set aside an area of Foxton Recreational Reserve for the purpose of water treatment in order that a reservoir can be construction at Foxton Reserve, Seaview Gardens.</i></p> <p><i>THAT the Horowhenua District Council's Chief Executive be delegated full authority to carry out Council's responsibilities regarding the Public Works Act processes.</i></p>				Foxton Reservoir on Foxton Recreational Reserve.
17/335	30 August 2016	Proceedings of the Foxton Community Board 26 June 2017 – Nash Parade and Bond Street Upgrade Project	<p><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></p>	G Saidy			This is in the final stages of design. It is planned to go out to tender in late November, with construction to start early in the New Year.

<b>MONITORING REPORT</b>							
<b>HOROWHENUA DISTRICT COUNCIL</b>							
<b>Item No.</b>	<b>Meeting Date</b>	<b>Item Description</b>	<b>Resolved / Action</b>	<b>Responsible Officer</b>	<b>Date to Action by</b>	<b>Date Completed</b>	<b>Officer Comment</b>
17/303	30 August 2017	Chief Executive's Report – Potential Sale of Civic Assurance House	<i>THAT the Chief Executive be authorised, on behalf of the Horowhenua District Council, to vote in favour of selling "Civic Assurance House" at a special general meeting of Civic Financial Services Ltd to be held on 5 October 2017 at 11:30 am.</i>	D Clapperton		Completed	Civic Financial Services has advised that overwhelming support had been received from tras in favour of the sale. Council would be kept informed as the sale process progressed.
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 Council resolves to consult on the draft policy as the Statement of Proposal, using the Special Consultative Procedure as required by s5B(1) of the Shop Trading Act 1990 (as</i>	M Leyland			Consultation closed 6 October 2017. Awaiting confirmation of hearing date.

MONITORING REPORT							
HOROWHENUA DISTRICT COUNCIL							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date Action by	Date Completed	Officer Comment
			<p><i>amended by the Shop Trading Hours Amendment Act 2016).</i></p> <p><i>THAT Council resolve that the Summary of Information is a fair representation of the major matters in the Statement of Proposal; is in a form determined by Council; indicates where the Statement of proposal is available; and states the period within which interested persons may present their views to Council – s83AA Local Government Act 2002.</i></p> <p><i>THAT the hearing of submissions following consultation be heard by the Hearings Committee of Council acting under delegation of Council, for a subsequent recommendation from</i></p>				



MONITORING REPORT							
HOROWHENUA DISTRICT COUNCIL							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<i>the committee to Council.</i>				
17/423	30 August 2017	Additions to Resource Consenting (Planning) Schedule of Fees and Charges	<p><i>THAT the Horowhenua District Council resolves that the additions to Resource Consent (Planning) Fees for the 2017/18 year be used as the Statement of Proposal, and the Summary of Information be consulted on using the special consultative procedure as set out in section 83 of the Local Government Act 2002.</i></p> <p><i>THAT the hearing of any submissions on this matter be heard by the Hearings Committee of Council acting under delegated authority, and a subsequent recommendation be made by the Committee to Council on this matter.</i></p>	M Leyland		Completed	Adopted by Council on 11 October 2017
17/386	30 August	Class 4 Gambling	<i>THAT Council resolves</i>	M Leyland			Consultation closes

MONITORING REPORT							
HOROWHENUA DISTRICT COUNCIL							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
	2017	Venue Policy 2014 and NZ Racing Board (TAB) Venue Policy 2014 – Review	<p><i>that the Special Consultative Procedure as detailed in the Local Government Act 2002 be used for consultation purposes in the review of these policies,</i></p> <p><i>THAT the hearing of submissions be undertaken by the Hearing Committee acting under delegated authority, for a subsequent recommendation to Council.</i></p>				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	<p><i>THAT the Horowhenua District Council resolves to continue with the process of implementing 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>	M Leyland			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
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 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</i></p>	D Clapperton		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>Executive Officer.</i>				
17/508	11 October 2017	Provision of Suspensory Loan to Foxton and Beach Bowling Club	<p><i>THAT Council provides a suspensory loan of \$200,000 to the Foxton and Beach Bowling Club Incorporated at 0% interest, to be repaid if community support for the use of the Endowment Fund is not forthcoming, on such other terms and conditions as determined by Council's Chief Executive Officer and subject to Foxton and Beach Bowling Club Incorporated showing its ability to repay the loan.</i></p> <p><i>THAT the loan be subject to the Foxton and Beach Bowling Club Incorporated ensuring the clubrooms and facilities may be utilised by members of the public.</i></p>	D Clapperton			Late item on today's Agenda

MONITORING REPORT							
HOROWHENUA DISTRICT COUNCIL							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date Action by	to Date Completed	Officer Comment
			<i>THAT Council consult with the community to determine the level of support for use of the Endowment Fund to provide a grant of \$200,000 to the Foxton and Beach Bowling Club Incorporated for the purpose of installing an artificial turf, surrounding apron and to upgrade the existing car park.</i>				



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# Chief Executive's Report to 22 November 2017

File No.: 17/368

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## 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 17/368 Chief Executive's Report to 22 November 2017 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 Councillors Judd and Brannigan be appointed to the Hearings Committee for the purpose of the Draft Easter Sunday Trading Policy hearing.
- 2.4 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.

## 3. Chief Executive Updates

### 3.1 Economic Update

- Statistics NZ released the provisional Subnational Population Estimates for the year to June 2017. Horowhenua's population grew by 1.8% (600 people), taking the district's total population to 32,500 people. This compares to an estimated average population growth rate of 0.4% p.a. over the previous decade.
- September quarter benefit numbers were released by the Ministry of Social Development. Despite a growing population, job seeker numbers has decreased by -6.1% (95 people) compared to the September 2016 quarter, and total beneficiaries have reduced by -4.4% (156 people).
- Investment into the district remains strong, with a number of business relocations and expansions currently occurring. This increase in activity is set to have a positive impact for job growth over the coming months. The most notable recent example of this is the creation of 100 new jobs at Alliance Meats.
- A tightening property market continues to put pressure on house values in the district. Real estate agents indicate that there is still a high demand for property in the Horowhenua, particularly from out-of-towners, but tightening supply is constraining sales volumes. Understanding these pressures Officers have recently publicly notified a change to the District Plan (Plan Change 2: Residential Development) that seeks to create a greater range of residential development opportunities within the existing urban areas of the district. Officers also continue to progress the review of the Horowhenua Development Plan (2008) and are currently developing the draft Growth Strategy that will identify the land supply needs for the district looking out to 2040.

### 3.2 Appointments to the Hearings Committee

1. Council has recently consulted on a draft Easter Sunday Trading Policy for the Horowhenua District. Submissions have closed and now need to be considered by the Hearings Committee for a subsequent recommendation to Council.

2. Three of the four current members of the Hearings Committee have either a real or perceived conflict of interest in this matter and therefore are not able act. As a consequence there is a need to appoint two (2) other Councillors to the Hearings Committee for the purpose of the Draft Easter Sunday Trading Policy.
3. It is proposed that the two appointees be Councillors Judd and Brannigan, both of whom have confirmed they have no real or perceived conflict on the subject matter – see recommendation 2.3.

### 3.3 **Foxton and Beach Bowling Club**

Following on from discussions with the Club and public consultation being undertaken with the Foxton Beach community, Council's approval is now sought for a grant from the Foxton Beach Endowment Fund to the Foxton and Beach Bowling Club (FBBC) to the sum of \$200,000 to enable work to proceed on the construction of an artificial bowling green and remedial works to the FBBC carpark, subject to a recommendation from the 11 December 2017 Foxton Community Board meeting.

A verbal report will be provided.

### 3.4 **Potential Sale of Civic Assurance House**

Further to Council, on 30 August 2017, resolving to vote in favour of Civic Financial Services selling Civic Assurance House, **attached** is a letter from Civic Financial Services reporting back on the result of the Special General Meeting held on 5 October 2017 with "overwhelming support" being received in favour of the sale. As noted, Council will be kept informed when a new timetable for sale is produced.

### 3.5 **Horizons Passenger Transport Committee**

Report from Cr Gimblett, Council's representative on this Committee:

"The Horizons Passenger Transport Committee consists of five Regional Councillors plus one elected representative from each of the constituent district or city councils. The latter have no voting rights. The Committee meets three monthly, I missed the last visit due to the visit of Hon Anne Tolley, but attended the meeting on 17 October.

*To summarise:*

- Horowhenua has three bus services plus the Total Mobility service under the control of Horizons and Foxton Beach community van plus a contribution to the Health Shuttle.
- The once a week Day Out In Town service connecting Foxton, Shannon and Levin carried 2,115 passengers last year. This is the highest average passenger count of any Horizons service. 47.6% of passengers were SuperGold card patrons. Other services range from 4% to 26% Gold Card. With a flat fee of \$2 for others on this bus service the average cost per passenger to Horizons is \$7.64 (other services range from 52c to \$12.75). The fare box recovery (a combination of fares paid and funding from a 3rd party such as a district council) was 8%. The aim for Horizons is 45 to 50%. Total dollar cost to Horizons was \$16,162. This is a trial service only, contract due to expire in 2018.
- The Levin to Waikanae service operates twice weekly since April. Of 1,365 passengers 93.6% are SuperGold card holders. Cost per passenger to Horizons is \$4.26 and fare box recovery 28%. Wellington Regional Council also contributes.
- The Levin to Palmerston North morning service, returning in the evening, operates Monday to Friday. Horizons' cost per passenger last year was \$1.87 and fare box recovery 56%. Total Horizons cost \$16k.



- All Horizons bus services (and nationally) have been suffering from declining passenger numbers for several years - petrol prices are too low. Horizons have recently trialled more frequent services on some routes with a considerable increase in passenger numbers but increased total costs. They are intending to trial increased frequency in Whanganui for 6 months at a cost of between \$88k and \$157k. Current Whanganui service costs are approximately \$600k, to give a perspective on Horowhenua costs.
- The Foxton Beach community van received \$2,267 for 984 trips.
- The Levin Health Shuttle is the only health shuttle in the region not fully funded by Horizons. \$31,800 in funding.
- Total Mobility services have had a change in legislation since 1 October putting all small passenger vehicles (Uber, taxis, Driving Miss Daisy etc) on the same footing for Passenger Transport which will allow an expansion of the number of providers for total mobility services. Basic requirements are enshrined in legislation but Horizons will be keeping a watching brief for any additional contractual requirements. Levin has 920 active users of this service, taking 35,127 trips last year.
- Lew Rohloff and Margaret Williams also made a submission requesting further improvements in the Levin to Waikanae service and a better service between Levin and PN.
- As a Council we need to monitor the Day Out In Town service, based on cost recovery and HDC needs to consider what ongoing support it should provide for improved services to PN and Waikanae.”

### 3.6 Long Term Plan Monitoring Report

The Monitoring Report prepared for those items raised by submitters during the 2015/2025 Long Term Plan submission process, in ensuing discussion or passed by way of resolution, is **attached**, with completed items having been removed.

### 3.7 Annual Plan Monitoring Report

See **attached**.

## Attachments



No.	Title	Page
A	Civic Financial Services - Report on SGM 5 October 2017	111
B	Long Term Plan 2015-2025 - Monitoring Report - November 2017 Update	112
C	Horowhenua District Council - Annual Plan - Monitoring Report 2017-2018	120

### 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 <b>Chief Executive</b>	
Approved by	David Clapperton <b>Chief Executive</b>	



Mr David Clapperton  
Chief Executive  
Horowhenua District Council  
Private Bag 4002  
LEVIN 5540

16 October 2017

**Report on Special General Meeting held on Thursday 5 October 2017**

As you will be aware there was a Special General Meeting of Civic Financial Services Limited held in Civic Assurance House, 116 Lambton Quay, Wellington on Thursday 5 October 2017.

The purpose of the meeting was to consider and if thought fit, approve the Directors using their best endeavours and acting in their view in the best interests of the Company to achieve a satisfactory price for the sale of Civic Assurance House.

We received voting papers from 32 councils which represented 49.5% of the Company's total shareholding. I can report back that there was overwhelming support in favour of this resolution to sell Civic Assurance House with 5,507,566 votes for and 63,434 votes against the proposal; a total of 98.9% votes in favour of the resolution.

Two shareholders representing 13.1% of the total shareholding did not get their voting papers in by the due date but wished it recorded that they supported the proposal.

In the information pack sent to you on 23rd August we advised that if the sale was supported a two month tender process will be initiated however this has been delayed as the updated earthquake rating review we requested as part of the sales pack will not now be received until late January/ early February 2018.

Your Board will now take the appropriate action to progress this forward and will keep you informed when a new timetable for sale is produced.

Yours sincerely,

Ian Brown  
Chief Executive  
Email: [ian.brown@civicfs.co.nz](mailto:ian.brown@civicfs.co.nz)

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**MONITORING REPORT**  
**Long Term Plan 2015 - 25**

Item	Resolved	Responsible Officer	Action Date	Status	Officer Comment
13.	THAT officers' carry out investigation and action options in 2015/2016 financial year to improve pedestrian and vehicle safety at the intersection of service lanes and Bath St, as planned.	Kevin Peel	30 June		Improvements will be made before the end of the financial year.
16.	THAT feasibility studies of the proposed work in relation to Foxton/ Foxton beach including, Bond Street, Signal St, Roundabout at Park St/Ladys Mile/Robinson Rd Intersection, Seabury/Linklater Intersection and widening of Andresen St are completed for consideration by the Foxton Community Board into the 2015/2016 financial year.	Kevin Peel	30 June		<p>The Roundabout at Park St/Ladys Mile/Robinson Rd Intersection has been completed.</p> <p>Bond/Nash Improvements design completed and will go out to tender soon for construction in this financial year.</p> <p>Traffic counts in Andresen St do not justify expenditure at this present time.</p> <p>An upgrade of Seabury/Linklater Intersection is not currently warranted. There have been no reported crashes within the last 5 years and there are not traffic delays. The RoNS work will be ongoing for several years.</p>
22.	THAT the programme of works for roading as identified in the Infrastructure Strategy be implemented and that officers continue to work closely with NZTA on the RONS project to ensure the best outcome for the Horowhenua community.	Kevin Peel	Ongoing		
26.	THAT the programme of works for roading as	Kevin Peel	30 June		The Foxton Main Street Project is

MONITORING REPORT Long Term Plan 2015 - 25					
Item	Resolved	Responsible Officer	Action Date	Status	Officer Comment
	identified in the Infrastructure Strategy be implemented and Council carry out work in Foxton Main Street as planned, with a communications plan, regarding the design and construction time frame, being prepared.				progressing well and will be complete this financial year.
30.	THAT Council requests a joint Business Case from the Levin Waitarere Surf Life Saving Club and Council officers to allow Council to consider options for supporting fundraising efforts for the new clubroom.	TBA	1 Jul 2015		Ongoing liaison with group occurs. Awaiting on completion of land accretion process to enable the designation to be given effect.
42.	THAT current work programmes that enable children and young people to participate in sport and recreational activities are continued and strengthened.	James Richmond	Ongoing		Ongoing – Council officers have delivered as well as practically assisted with the delivery of a range of sport and recreational events that have targeted children and young people.
43.	THAT Officers work with the Foxton Community Board during planning for Te Awahou-Nieuwe Stroom to discuss opportunities for marketing and promoting the Foxton and Foxton Beach area.	Lacey Wilson	Ongoing		Ongoing dialogue and action continues on improving marketing the district.
44.	THAT Officers review the 2001 SunSmart Policy within the next 12 months, including consideration of its relevance, impact and financial implications on the delivery of Council services. Following the review, that a report be presented to the Community Wellbeing Executive for consideration.	James Richmond	30 June 2016		Sunsmart Policy Review not yet completed . Current policy is mainly focused on shade provision and other options are being explored.
48.	THAT the Council acknowledges the	James Richmond	February 2017		An extended season with Foxton Pool

**MONITORING REPORT**  
**Long Term Plan 2015 - 25**

Item	Resolved	Responsible Officer	Action Date	Status	Officer Comment
	<p>submission from the Foxton Community Board and recommends that Officers carry out further research into the Foxton Aquatic Centre, in conjunction with the current ventilation project, with any recommendations for Capital Expenditure to be reviewed for the 2016/2017 Annual Plan.</p>				<p>has just concluded. Data and customer feedback was obtained to inform a report being prepared for Council in new year re future facility use.</p> <p>A building assessment related to Foxton Pool in terms of its long term requirements is being concluded in November to inform this report.</p> <p>Ventilation work is currently being carried out for 2016 /2017 season.</p>
53.	<p>THAT Council allocate \$1,000,000 (\$100,000 per annum) from the Foxton Beach Freeholding Account towards parks and reserves in Foxton Beach over 2015-2025.</p>	Arthur Nelson	Complete		<p>A draft Investment Plan has been prepared, based upon the ideas and aspiration of the local community. The draft Plan was presented to the previous Community Board, for sign-off before being released for community feedback. However, following the recent election, the new Community Board will be briefed on the project shortly, before considering/ confirming next steps.</p>
56.	<p>THAT Council acknowledges, with thanks, the submission from</p>	Arthur Nelson	1 Jul 2015		<p>Sports field review has commenced but will require</p>

<b>MONITORING REPORT Long Term Plan 2015 - 25</b>					
<b>Item</b>	<b>Resolved</b>	<b>Responsible Officer</b>	<b>Action Date</b>	<b>Status</b>	<b>Officer Comment</b>
	Tokomaru Village and Residents Association and confirms that officers will be undertaking a district wide review of sports field provision during the 2015/2016 financial year.				additional work in 2017-2018.
67.	THAT Council officers review the existing Reserve Management Plan for Waitare Beach foreshore reserve as a priority with a view to identifying a current and integrated approach to management of the area.	Arthur Nelson	Complete		The RMP is being drafted. The RMP has been drafted and has gone out for consultation Adopted April 2017
68.	THAT Council acknowledges the submission from Mr Hine, and updates its Reserve Management Plans for Waitare Domain and Beach foreshore, and prepare one for the Wairarawa stream reserve.	Arthur Nelson	Complete		The RMP is being drafted. RMP's for Waitare beach and the foreshore have been consulted on. Adopted April 2017
72.	THAT Council acknowledges, with thanks, the submission from Mr & Mrs Thomas and will undertake a review of sportsfield provision in 2015/2016. Successive reviews of reserves may follow thereafter.	Arthur Nelson	Ongoing		Sports field review has commenced but is unlikely to be completed prior to June 2017.
74.	THAT Council agree in principle to looking at options to establish a stop-over site in Foxton for self-contained vehicles and that Officers will investigate options on the basis that any such site not be in an area zoned for commercial or industrial development unless on a temporary basis.	Arthur Nelson	1 Nov 2015		No further update at this stage. Site has been visited with FCB initial proposals are Victoria Park or the Foxton Loop.
77.	THAT Council Officers prioritise an updated Reserve Management Plan	Arthur Nelson	1 Dec 2015		Ongoing



**MONITORING REPORT**  
**Long Term Plan 2015 - 25**

Item	Resolved	Responsible Officer	Action Date	Status	Officer Comment
	for Foxton Beach foreshore.				
78.	THAT Council Officers consider further beautification works at Target Reserve in the context of other Community and Council driven initiatives, and an overall Reserve Management Plan for the site.	Arthur Nelson	Aug 2015		Beautification works will be undertaken as part of overall development of the Reserve No further developments at this point
79.	THAT Council will continue to evaluate options for the velodrome/cycle-track at the Levin Domain.	Arthur Nelson	Jan 2016		No update at this stage.  Minor repairs have been completed on the velodrome no further works are suggested at this point funding for refurbishment has been deferred into 2017-2018
81.	THAT Council acknowledges, with thanks, the submission from Mr Murdoch on behalf of both SoRT and that \$32,500 funding is allocated for the first year of the LTP and Council Officers work with SoRT with regard to projects funded by that allocation.	Arthur Nelson	Complete		Resource consent application in process for physical works. A 34 year resource consent has been granted. Remove from Monitoring plan
86.	THAT Council Officers discuss wider community access to the proposed new surf club facility at Waitarere Beach as part of the lease negotiations with the Surf Club.	Arthur Nelson	Ongoing		Outline consent granted. No further work required at this stage by officers. No further work at this point until land designation is complete and funding provided for rebuild.
99.	THAT Officers will continue to work with key stakeholders in relation to the District Plan Rules to understand the most effective way forward and	David McCorkindale			Plan Change 2 (Residential Development) was publicly notified on 3 November 2017. Submissions on this



MONITORING REPORT Long Term Plan 2015 - 25					
Item	Resolved	Responsible Officer	Action Date	Status	Officer Comment
	the extent of any changes that may be considered necessary to the District Plan. It is possible that a future plan change to the District Plan may be justified following further investigations and allowing time for the implementation of the new rules to be monitored.				Plan Change close 5 December 2017.
Economic Development	105 THAT Council acknowledges the submission from the Tokomaru Village and Community Association and recommends that the Tokomaru Community be retained in the work plan for the development of a Community Response Plan.	James Richmond	1 Jul		EMO continuing to work with Tokomaru Village and Community Association to strengthen local response arrangements , improve local coordination and increase community awareness of disasters.
	107 THAT Council accepts in principle the proposed to introduce the use of water tanks for new urban residential homes.	Gallo Saidy	30 Nov		Report is not yet ready for adoption Report completed and Council was Briefed in March 2016 meeting.
Emergency Management & Rural Fire	108 THAT Council requests Officers to prepare a full business case for the use of water tanks for new and existing urban residential homes by 30 Nov 2015 before a final decision is made by Council.	Gallo Saidy	30 Nov		Report including business case completed and Council briefed in March 2016 meeting.
	109 THAT the programme of works related to water, wastewater and stormwater services identified in the Infrastructure Strategy be implemented.	Gallo Saidy			Ongoing
Three Waters	110 THAT officers continue to investigate a solution for the water discolouration issue in Foxton and Foxton Beach by	Dan Gerrard	30 Jun 2016		Foxton – Complete Foxton Beach - Investigation underway.




**MONITORING REPORT**  
**Long Term Plan 2015 - 25**

Item	Resolved	Responsible Officer	Action Date	Status	Officer Comment
111	Jun 2016. THAT Council does not consider changing the fundamental business model for the 3 waters services delivery.	Gallo Saily			Horowhenua Alliance is now formed
112	THAT Officers examine the policy of reading meters on restricted supplies and charging for volumes used in excess of the 1,000 litres/day, and report back to Council with a recommendation for either maintaining or changing the charging policy by Nov 2015.	Dan Gerrard	30 Nov 2015		Identified 108 high water users. Discussion show only a very few could have restrictors put in place as they do not have storage tanks or pressure pumps. report to Council in August 2016
118	THAT the Council prepares and lodges an application for resource consent renewal for Waitarere Beach Wastewater Disposal by Dec 2016.	Gallo Saily	Dec 2016		Complete
119	THAT Officers provide submitters of the proposed funding for Waitarere Beach Stormwater works.	Gallo Saily	30 Oct 2015		Funding allocation of \$30,000 is provided for these works. Complete
120	THAT Officers liaise and work with Horizons' officers in the implementation of stormwater projects to get the best value from both Councils' projects.	Dan Gerrard/Rohit Srivastava	Ongoing		Liaise with Horizons on implementation of relevant projects
121	THAT Officers provide the submitter in relation to Okarito Avenue Stormwater with clarification of the programmed works in the Long Term Plan.	Gallo Saily	30 Apr 2016		Complete North East Levin Workshop for with submitters on going.
123	THAT Officers review the costs of the solid waste services within the next 12 months to ensure the services Council provide are cost effective.	Ryan Hughes	30 Jun 2016		WMMP Under review. Review services and ensure they are cost effective – currently under review
124	THAT within 12 months Council undertakes some	Ryan Hughes	30 May 2016		The Enviroschools has not been

<b>MONITORING REPORT</b> <b>Long Term Plan 2015 - 25</b>					
<b>Item</b>	<b>Resolved</b>	<b>Responsible Officer</b>	<b>Action Date</b>	<b>Status</b>	<b>Officer Comment</b>
130	<p>analysis to better compare the EnviroSchools programme and the Zero Waste Education programme, and alternative methods of delivering waste minimisation education, and determine which programme better suits the community's needs.</p> <p>THAT the Council retains the Financial Strategy and its objectives of:</p> <ol style="list-style-type: none"> <li>1. balancing the budget in three years;</li> <li>2. ensuring that debt is used solely to fund -level of service and growth capital projects from year 3;</li> <li>3. that depreciation funding is used to fund renewals from year 3;</li> <li>4. that debt is paid off from year 7;</li> <li>5. that debt does not breach the 175% of operating income threshold.</li> </ol>	Doug Law	1 Jul		<p>reviewed in detail, however the contract expires in June 2019 when a complete review will be done in conjunction with the Waste Minimisation Plan which needs to be completed by June 2018</p> <p>Ongoing - this requires constant monitoring and reporting to ensure we remain on track</p>

ANNUAL PLAN MONITORING REPORT 2017

completed	in progress	off track	transfer to 2017-18
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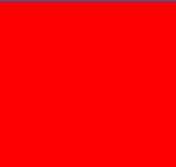




Item	Item Description	Area	Resolved	Officer	Action By Date	Traffic Light Status	Officer Comment
1A	<b>Shared Pathways</b>	District	<i>THAT the Horowhenua District Council allocates \$250,000 in 2017/18 to commence the development of a shared pathways network for the Horowhenua District.</i>	Kevin Peel			
1B	<b>Shared Pathways</b>	District	<i>THAT the Horowhenua District Council supports the Horowhenua Shared Pathways Network group and other stakeholders in prioritising the development of the shared pathways network for 2017/18.</i>	Kevin Peel			In discussions with Downer to get a cadet on secondment, through the Alliance, as a dedicated resource to manage the Shared Pathways projects. 2018-21 LTP has \$300k in the subsidised budget (which is in the NZTA budget for their consideration) and \$250k in the unsubsidised budget. Once budgets are confirmed a clearer plan will
1C	<b>Shared Pathways</b>	District	<i>THAT the Horowhenua District Council supports the Horowhenua Shared Pathways Network group and other stakeholders in developing a ten (10) year 'implementation plan' of the Horowhenua Shared Pathways Strategy (inclusive of a funding plan), so that required funding can be consulted on in the draft Long Term Plan 2018-2028.</i>	Kevin Peel			

							be developed.
2A	<b>Heritage Incentive Funding</b>	District	<i>THAT, from 1 July 2017, the Horowhenua District Council allocates \$50,000 per annum to the 'Heritage Incentive Fund' for the preservation and enhancement of local heritage buildings, structures and sites in the Horowhenua District.</i>	Doug Law			Provision has been made in the 17/18 budget for \$50,000 to be allocated.
2B	<b>Heritage Incentive Funding</b>	District	<i>THAT officers develop a report by 30 September 2017, for Council's consideration, exploring the various incentive tools available to heritage property owners, for the allocation of the Heritage Incentive Fund.</i>	Caitlin O'Shea			Officers are currently preparing a discussion paper to be presented at a briefing to Council that includes options for the Council to consider when choosing which approach it will take to allocating the \$50,000 per annum. This review will occur in 2021/22
2C	<b>Heritage Incentive Funding</b>	District	<i>THAT the Horowhenua District Council reviews the funding allocation to the Heritage Incentive Fund in 2021/22.</i>				
3A	<b>Lake Accord</b>	District	<i>THAT the Horowhenua District Council remains committed to the Lake Accord and continues to work on Action Plan items that have been allocated to Horowhenua District Council.</i>				
4A	<b>Finance</b>	District	<i>THAT the Horowhenua District Council continues to explore joint service arrangements with neighbouring councils to reduce 'back office expenditure' where it is practicable to do so.</i>	Doug Law			Actively discussed at MW LASS and other forums

4B	<b>Finance</b>	<i>District</i>	<i>THAT any increase in the use of Targeted Rates be considered by the Horowhenua District Council during the review of the Revenue and Financing Policy in 2017/18.</i>	Doug Law	transfer to 2018-19	Discussed by Council as part of the Revenue and Financing Policy review
4C	<b>Finance</b>	<i>District</i>	<i>THAT the Horowhenua District Council reviews the Financial Strategy debt limits and affordability of debt levels as part of the preparation of the Long Term Plan 2018-2028.</i>	Doug Law		About to be reviewed
4D	<b>Finance</b>	<i>District</i>	<i>THAT the Horowhenua District Council reviews the Financial Strategy rates limits and affordability of rates as part of the preparation of the Long Term Plan 2018-2028.</i>	Doug Law		Rates limits will be set but affordability is yet to be addressed
4E	<b>Finance</b>	<i>District</i>	<i>THAT the Horowhenua District Council considers transitioning to full capital value rating as part of the preparation of the Long Term Plan 2018-2028 and the review of the Revenue and Financing Policy.</i>	Doug Law	transfer to 2018-19	Has been delayed until next financial Year
5A	<b>Land Transport</b>	<i>District</i>	<i>THAT the Horowhenua District Council continues to advocate on behalf of the community for improvements to local public transport.</i>	Kevin Peel		Public Transport is a Horizons function. There is currently no plans by Horizons for PT in the Horowhenua.
6A	<b>Solid Waste</b>	<i>District</i>	<i>THAT the Horowhenua District Council supports the Solid Waste Services Review.</i>	Ryan Hughes		Solid waste services review is now underway and recommendations will be presented to Council for approval

6B	<b>Solid Waste</b>	District	<i>THAT the Horowhenua District Council supports investigations into recycling as part of the Solid Waste Services Review.</i>	Ryan Hughes		Investigations into recycling are underway as part of the solid waste services review
7A	<b>Community Facilities</b>	Shannon	<i>THAT the Horowhenua District Council considers the potential development of a community hub in Shannon as part of the preparation of the next Long Term Plan.</i>	James Richmond		Included in LTP consultation.
7B	<b>Community Facilities</b>	Foxton	<i>THAT the Horowhenua District Council encourages that, a Community Development application is made by Manawatu College for Council funding as part of a collaborative community partnership.</i>	James Richmond		Initial conversations had. Funding applications to be completed
7C	<b>Community Facilities</b>	Foxton	<i>THAT the Horowhenua District Council proceeds with its earlier support to continue to operate Foxton Pool as a five (5) month operation for 2017/18.</i>	James Richmond		Complete
7D	<b>Community Facilities</b>	Tokomaru	<i>THAT the Horowhenua District Council facilitates discussions with the Tokomaru Village and Community Association, the Ministry of Education and the Board of Trustees and/or principals of the Tokomaru and Opiki Schools regarding the provision of aquatic services in northern Horowhenua.</i>	James Richmond		Officers in contact to arrange pool parties for Term 1 2018
7E	<b>Community Facilities</b>	District	<i>THAT a provisional sum of \$10,000 be included in the 2017/18 Annual Plan for aquatic activities agreed by the parties.</i>	James Richmond		Initial contact made with schools
8A	<b>Parks &amp; Reserves</b>	Waitarere Beach	<i>THAT the existing budget allowed for reprofiling of dunes at Waitarere Beach is held over until completion of the new surf lifesaving club building.</i>	Arther Nelson		Completed



8B	<b>Parks &amp; Reserves</b>	Shannon	<i>THAT a capital sum of \$15,000 is made available in the 2017/18 Annual Plan to redecorate the toilets under Shannon Grandstand, and that operational budgets for Shannon Domain are increased by a further \$15,000 to allow the toilets to remain open for the benefit of park users during 2017/18.</i>	Arthur Nelson		Completed
8C	<b>Parks &amp; Reserves</b>	Shannon	<i>THAT Council is supportive of officers facilitating the removal of the Shannon Domain cycling/running track for health and safety reasons, as previously requested by the Shannon Domain User Group.</i>	Arthur Nelson		Ongoing
8D	<b>Parks &amp; Reserves</b>	Foxton	<i>THAT Council considers the special nature of the Ramsar site at Foxton and make provision in the upcoming Long Term Plan (2018-2028) to provide a budget for improvement and maintenance.</i>	Arthur Nelson		No budget included in LTP
8E	<b>Parks &amp; Reserves</b>	Levin	<i>THAT Council considers the funding requirements to achieve the strategic development plan of the Levin Adventure Park in the upcoming Long Term Plan (2018-2028).</i>	Arthur Nelson		Ongoing
8F	<b>Parks &amp; Reserves</b>	Levin	<i>THAT the Adventure Park Trust, in consultation with Council officers, consider whether a children's bike park is desirable in the context of the strategic plan.</i>	Arthur Nelson		Ongoing
9A	<b>Property</b>	Foxton	<i>THAT no further capital investment is made by the Horowhenua District Council in Coronation Hall in 2017/18</i>	Arthur Nelson		Completed
9B	<b>Property</b>	District	<i>THAT capital funding of renewals, and lease renewal beyond 2020 be consulted on in preparation for the 2018-2021 Long Term Plan.</i>	Arthur Nelson		Ongoing



File No.: 17/567

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## Horowhenua District Council Meeting Schedule for 2018

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### 1. Purpose

To seek Council's approval of the proposed meeting schedule of the Council and its committees for the period from February to December 2018.

### 2. Executive Summary

Council is required to hold meetings as outlined in Schedule 7, Clause 19(1) of the Local Government Act 2002. This report outlines the proposed meeting schedule for 2018.

### 3. Recommendation

- 3.1 That Report 17/567 Horowhenua District Council Meeting Schedule for 2018 be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act
- 3.3 That Council adopts the schedule of meetings for the committees of Council for the period January to December 2018 (Attachment 1)
- 3.4 That Council notes that additional ordinary, extraordinary and multi-day meetings may be scheduled from time to time in consultation with the Mayor and Chief Executive.
- 3.5 That it is noted that meeting times for other committees and subcommittees will be formally notified when they are required in accordance with the Local Government Official Information and Meetings Act 1987 and Local Government Act 2002.

### 4. Meeting Schedule

- 4.1 As outlined in Schedule 7, Clause 19(1) of Local Government Act 2002, Horowhenua District Council must hold meetings that are necessary for the good governance of Horowhenua District.
- 4.2 It is good practice for Council to adopt a schedule of meetings for the following calendar year. This will allow the business of the Council to be conducted in an orderly and transparent manner, thus enabling an open democratic process, and to allow public notification of meetings to be given in compliance with the Local Government Official Information and Meetings Act 1987.
- 4.3 A schedule also allows for elected members to plan their commitments over the year.
- 4.4 The yearly meeting schedule is based on the current governance structure comprising committees of which Council, Finance, Audit & Risk Subcommittee and the Strategy Committee will operate on a six (6) weekly cycle.
- 4.5 For 2018, a meeting commencement time of 3:00 pm is proposed. For the 2017 year, the meeting commencement time has been 4:00 pm. An earlier time of 3:00 pm has been proposed due to the high workload expected in the 2018 year with the review of the Long Term Plan, as well as regular meetings. Adopting a 3:00 pm commencement time will mean that Council briefings can be scheduled in after meetings.

4.6 Attached in Appendix A is the meeting schedule to be adopted.

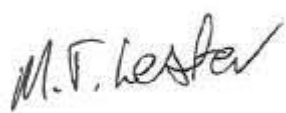
**Confirmation of statutory compliance**

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.

**5. Appendices**

No.	Title	Page
A	Horowhenua District Council - Council & Committee Meeting Schedule - 2018	127

Author(s)	Mark Lester <b>Group Manager - Corporate Services</b>	
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Approved by	David Clapperton <b>Chief Executive</b>	
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	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Council</b> Frequency: 6 weekly 3:00pm	31	-	7	18	-	6	18	29	-	10	21	-
<b>Council for Long Term Plan Purposes</b> Frequency: as required <i>Start times to be confirmed</i>	-	14 Adoption of Consultation Document	-	-	1, 2, 3 Hearings 23, 24 Deliberations	20 Adoption of Annual Plan	-	-	-	-	-	-

**Committees of Council**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Finance, Audit &amp; Risk Subcommittee</b> Frequency: 6 weekly 3:00pm	-	14	21	-	There are no meetings in May due to Long Term Plan focus	20	-	1	12	24	-	5
<b>Strategy Committee</b> Frequency: 6 weekly 3:00pm	-	28		4		-	4	15	26	-	7	-
<b>Community Wellbeing Committee</b> Bi-Monthly 1.00 pm	-	13	-	10		-	12	-	14	-	9	-

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Foxton Community Board</b> Frequency: 6 weekly 6.00 pm	-	12	26	-	7	18	30	-	10	29		10



# Documents Executed and Electronic Transactions Authorities Signed

File No.: 17/568

## 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 17/568 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 Form and Transfer Instrument for the sale of 69 Nash Parade, Foxton Beach contained in Certificate of Title 618762, WN8D/286.
  - (b) Electronic Transaction Authority Form and Transfer Instrument for the sale of 6 Chrystall Street, Foxton Beach contained in Certificate of Title 244229, WN11D/729.
  - (c) Bond binding Margaret Joan Adamson to Horowhenua District Council in the sum of Six Thousand and Three Hundred Dollars (\$6,300.00) to comply with conditions of consent 502/2016/3861 relating to 1184 square metres more or less situated at 31 Bond Street, Foxton Beach and being all land described in Lot 502 Deposited Plan 18833 and comprised in Certificate of Title WN5D/205 (Wellington Registry).
  - (d) Deed of Novation between Housing New Zealand Corporation as Continuing Party and HDC as Retiring Party and Compassion Horowhenua Limited Partnership as Substituted Party.
  - (e) Deed of Guarantee between HDC as Guarantor and Housing New Zealand Corporation as Lender.

## 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 <b>Chief Executive</b>	
Approved by	David Clapperton <b>Chief Executive</b>	

File No.: 17/534

## Provisional Local Alcohol Policy - Appeals

### 1. Purpose

The purpose of this report is to advise Council that appeals against the Horowhenua District Council Provisional Local Alcohol Policy (PLAP) have been lodged with the Alcohol Regulatory and Licensing Authority (ARLA).

### 2. Executive Summary

On adoption of a Provisional Local Alcohol Policy, those persons that appealed the draft Local Alcohol Policy are notified of the PLAP being adopted, and they have the right under the Sale and Supply of Alcohol Act 2012 to appeal the PLAP. Two appeals have been lodged.

### 3. Recommendation

- 3.1 That Report 17/534 Provisional Local Alcohol Policy - Appeals 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 resolve that the Hearings Committee of Council be directed to act on behalf of Council on this matter as may be required following notification by the Licensing Authority.

### 4. Background / Previous Council Decisions

- 4.1 There have been a number of reports to Council in respect of a Local Alcohol Policy.
- 4.2 On the recommendation of the Hearings Committee, following the hearing and consideration of submissions to the draft LAP, Council adopted the PLAP at its meeting of 30 August 2017.

### 5. Discussion

- 5.1 Following the adoption of the PLAP on 30 August 2017, the original submitters to the draft LAP were advised the PLAP had been adopted. The submitters were able to, within 30 days of public notification being given, appeal to the Licensing Authority against any element of the resulting provisional local alcohol policy.
- 5.2 The only ground on which an element of the PLAP can be appealed against is that it is unreasonable in the light of the object of the Act.

*S4(1) Object. The object of this Act is that –*

- (a) *The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*
- (b) *The harm caused by the excessive or inappropriate consumption of alcohol should be minimized.*

(2) *For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes –*

*(a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and*

*(b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).*

- 5.3 At the conclusion of the appeal period we had received notification of two (2) appeals to the PLAP having been lodged with the Licensing Authority. The appeals were from Foodstuffs North Island and Progressive Enterprises Limited, both being submitters to the draft LAP, although only Progressive appeared before the Hearings Committee during the deliberation phase. Foodstuffs had stated they wished to appear, were notified of the hearing, but failed to appear.
- 5.4 In summary both appeals focus on the proposed temporary 2 year cap on no new “Off” licences being granted for stand-alone bottle stores or in respect of grocery stores (the proposed cap excluded supermarkets). In addition Foodstuffs North Island have appealed 3 other conditions in the PLAP relating to “Off Licences” – discretionary conditions; maximum trading hours; and locational requirements. A copy of the respective appeals is attached as **Attachment A and Attachment B**.
- 5.5 The next steps in this process rests with the Licensing Authority, who may dismiss the appeals or ask Council to reconsider an element that has been appealed. The appellant has no right of appeal against the decision of the licensing authority.
- 5.6 If the licensing authority asks Council to reconsider an element of the PLAP, Council must –
- (a) resubmit the policy to the licensing authority with the element deleted; or
  - (b) resubmit the policy to the licensing authority with the element replaced with a new or amended element; or
  - (c) appeal to the High Court against the licensing authority’s finding that the element is unreasonable in the light of the Object of this Act; or
  - (d) abandon the provisional policy.
- 5.7 It is considered appropriate at this point that Council resolve to appoint the Hearings Committee to act on this matter as may be advised to Council by the Licensing Authority, hence **recommendation 3.3**.

## 6. Options

Once the decision of the Licensing Authority is known the options available are as described in clause 5.6 above.

## 7. Consultation

There is no consultation required to be undertaken.

## 8. Legal Considerations

There are no legal requirements or statutory obligations affecting this matter at this point in time.

## 9. Financial Considerations

There is no financial impact.



## 10. Other Considerations

There are no other considerations.

## 11. Next Steps

We will be advised of the Licensing Authority decision in due course, and as a result of that the next step would be for the Hearings Committee consideration and a subsequent recommendation to Council as to what those proposed next steps would be – see Clause 5.6 above.

## 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

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B	Notice of Appeal - Foodstuffs North Island	164

Author(s)	Mike Lepper <b>Customer and Regulatory Services Manager</b>	
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Approved by	Nicki Brady <b>Group Manager - Customer &amp; Regulatory Services</b>	
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## Tamara Catchpole

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**From:** Customer Services - Public  
**Sent:** Monday, 2 October 2017 8:11 a.m.  
**To:** Records Processing  
**Subject:** FW: Notice of Appeal - Progressive Enterprises Limited - Horowhenua Provisional Local Alcohol Policy  
**Attachments:** Notice of Appeal - Progressive Enterprises Limited - 290917.pdf; Cover Letter - 290917.pdf

---

**From:** Chris Timbs [<mailto:Chris@berrysimons.co.nz>]  
**Sent:** Friday, 29 September 2017 5:01 p.m.  
**To:** [ARLA@justice.govt.nz](mailto:ARLA@justice.govt.nz)  
**Cc:** Customer Services - Public  
**Subject:** Notice of Appeal - Progressive Enterprises Limited - Horowhenua Provisional Local Alcohol Policy

Dear Registrar,

Please see **attached** for filing and service a Notice of Appeal on behalf of Progressive Enterprises Limited. A hard copy follows by post.

Kind Regards,

**Chris Timbs**  
Associate



**Berry Simons Environmental Law**  
Level 1, Old South British Building, 3-13 Shortland Street, Auckland  
PO Box 3144, Shortland Street, Auckland 1140  
T 09 969 2300 F 09 969 2304  
W [berrysimons.co.nz](http://berrysimons.co.nz)

This communication is confidential information and may also be legally privileged, intended only for the persons named above. If this communication is not addressed to you, you must not use, read, distribute or copy this document. If you have received this document by mistake, please call us immediately (collect to the person and number above) and destroy this original message.

RECEIVED ON  
2/10/2017



29 September 2017

The Secretary of the Licensing Authority  
Alcohol Regulatory and Licencing Authority  
Private Bag 32001  
Featherston Street  
WELLINGTON 6146

Dear Secretary

**PROGRESSIVE ENTERPRISES LIMITED - NOTICE OF APPEAL AGAINST THE  
HOROWHENUA DISTRICT COUNCIL PROVISIONAL LOCAL ALCOHOL POLICY**

1. We act for Progressive Enterprises Limited.
2. Please find **enclosed** for filing the original copy of Progressive Enterprises' notice of appeal against the Horowhenua District Council Provisional Local Alcohol Policy. This appeal is filed pursuant to section 81 of the Sale and Supply of Alcohol Act 2012 ("**the Act**").
3. An electronic copy of these notices was also filed with the Alcohol Regulatory and Licensing Authority on 29 September 2017.
4. In accordance with the Sale and Supply of Alcohol (Fees) Regulations 2013, please also find **enclosed** the required filing fees (a cheque for \$517.50 for the appeal).
5. A copy of Progressive Enterprises' appeal has also been sent, by email, to the Horowhenua District Council as required by the Act.
6. Progressive Enterprises' address for service in relation to these appeals is:

**Andrew Braggins**  
**Partner**  
**Berry Simons**  
**PO Box 3144**  
**Shortland Street**  
**Auckland 1140**

7. Please let me know if you have any queries.

Yours sincerely



**Andrew Braggins**  
Partner

DDI: +64 9 909 7310  
Mobile: +64 21 66 22 49  
Email: [andrew@berrysimons.co.nz](mailto:andrew@berrysimons.co.nz)

CC: [enquiries@horowhenua.govt.nz](mailto:enquiries@horowhenua.govt.nz)




## Alcohol Regulatory and Licensing Authority

For more information visit [www.justice.govt.nz/tribunals](http://www.justice.govt.nz/tribunals)

# Notice of Appeal against a Provisional Local Alcohol Policy

Section 81, Sale and Supply of Alcohol Act 2012

 <b>Who should use this form?</b>	Any person or agency that made submissions as part of the special consultative procedure on a draft local alcohol policy, who wishes to appeal to the licensing authority against any element of the resulting provisional local alcohol policy.
<b>Important Information</b>	<ol style="list-style-type: none"><li>1. Please print in CAPITAL LETTERS.</li><li>2. This must be made within 30 days of the public notification of the provisional local alcohol policy.</li><li>3. The only ground on which an element of the provisional policy can be appealed against is that it is unreasonable in the light of the object of the Act.</li><li>4. You must provide a copy of your submission on the draft local alcohol policy if one was made.</li><li>5. You must send a copy of the notice of appeal to the relevant territorial authorities at the same time as you lodge this appeal.</li><li>6. You can file this form with your fee by post or in person with the Alcohol Regulatory and Licensing Authority. To: The Secretary Alcohol Regulatory and Licensing Authority Private Bag 32001 Featherston Street Wellington</li></ol>

Please fill in all sections below:

<b>Part 1: Details of appellant</b>		
<b>What is your name?</b>		
Organisation (if applicable)	Progressive Enterprises Limited	
Surname	c/o Andrew Braggins, Partner, Berry Simons	
First name		
Middle name(s)		
<b>What is your address for service?</b>		
Street	Level 1, South British Insurance Building, 3-13 Shortland Street	PO Box 3144
Suburb	Auckland CBD	
City/town	Auckland	Post code 1140
<b>How can we contact you?</b>		
Daytime contact phone number ( 09 )	909 7310	Mobile
Email address	andrew@berrysimons.co.nz	
Page 1	For more information visit <a href="http://www.justice.govt.nz/tribunals">www.justice.govt.nz/tribunals</a>	ARLA 03/14 - 2



### Part 2: Territorial authority details

List the Territorial Authority(s) associated with the provisional local alcohol policy you are appealing against.

**Territorial Authority(s):**

Horowhenua District Council

### Part 3: Grounds of appeal

Please detail the element of the provisional local alcohol policy that you are appealing and why the element is unreasonable in light of the object of the Sale and Supply of Alcohol Act 2012. Ensure this is in sufficient detail to fully inform the licensing authority and other parties of the issues in the appeal.

(If you need more space please attach a separate sheet)

see Notice of Appeal attached.



BEFORE THE ALCOHOL REGULATORY AND LICENSING AUTHORITY  
AT WELLINGTON

[ ]-2017-[ ]

**IN THE MATTER** of the Sale and Supply of  
Alcohol Act 2012 ("the Act")

**AND**

**IN THE MATTER** of an appeal pursuant to  
section 81(1) of the Act in  
respect of decisions of the  
Far North District Council on  
**THE HOROWHENUA  
DISTRICT COUNCIL  
PROVISIONAL LOCAL  
ALCOHOL POLICY 2017**

**BETWEEN** **PROGRESSIVE  
ENTERPRISES LIMITED**

**Appellant**

**AND** **HOROWHENUA DISTRICT  
COUNCIL**

**Respondent**

**NOTICE OF APPEAL TO THE ALCOHOL REGULATORY AND LICENSING  
AUTHORITY AGAINST THE HOROWHENUA DISTRICT COUNCIL  
PROVISIONAL LOCAL ALCOHOL POLICY**

Dated 29 September 2017

**Berry Simons**  
A W Braggins  
Level 1  
Old South British Building  
3-13 Shortland Street  
PO Box 3144  
Auckland 1140  
Phone (09) 969 2300  
Fax (09) 969 2304  
[andrew@berrysimons.co.nz](mailto:andrew@berrysimons.co.nz)

Page | 1



**TO:** Alcohol Regulatory and Licensing Authority  
Tribunals Unit  
Private Bag 32-001  
Featherston Street  
WELLINGTON 6146

**1. NAME OF APPELLANT**

1.1 PROGRESSIVE ENTERPRISES LIMITED ("Progressive Enterprises") appeals against the Horowhenua District Council's ("Council") Provisional Local Alcohol Policy ("PLAP") as set out in this notice of appeal.

1.2 Progressive Enterprises is one of New Zealand's leading supermarket operators and currently operates over 180 licensed Countdown supermarkets across New Zealand. (Note: Progressive Enterprises' subsidiary, General Distributors Limited, operates its supermarkets and holds its off-licences on a store by store basis.) Progressive Enterprises is also the franchisor of the SuperValue and FreshChoice brands in New Zealand, which represents a further 60 stores, independently operated by franchisees. Some of the SuperValue and FreshChoice stores are small supermarkets (under 1,000m<sup>2</sup> GFA) and are categorised under the Sale and Supply of Alcohol Act 2012 ("the Act") as grocery stores.

**2. SUBMISSION OF APPELLANT**

2.1 Progressive Enterprises made a submission on the draft Local Alcohol Policy released for public consultation by the Council. A copy of this submission is attached as **Appendix A**.

**3. DECISION OF COUNCIL**

3.1 Progressive Enterprises received notice of the Council's PLAP on or around 5 September 2017.

**4. ELEMENTS OF THE PLAP WHICH PROGRESSIVE ENTERPRISES IS APPEALING AGAINST**

**Scope of appeal**

4.1 Progressive Enterprises appeals against the following elements of the PLAP:

- (a) The temporary cap placed on the total number of off-licenced bottle and grocery store premises in each town or township in the district (Element 6.2(c)).

**Relief sought**

- 4.2 The Council should be directed to reconsider the element appealed against.

5. **GROUNDS AND REASONS FOR THE APPEAL**

**Ground of appeal**

- 5.1 Progressive Enterprises considers that the element appealed against is unreasonable in the light of the object of the Act.

**General reasons for appeal**

- 5.2 Without limiting the generality of the ground of appeal, the reasons why Progressive Enterprises considers that the Horowhenua PLAP is unreasonable in the light of the object of the Act include (without limitation) the following:

- (a) The councils' reasons for adopting elements of the PLAP are unclear, uncertain and unreasonable in light of the object of the Act.
- (a) The PLAP does not appropriately respond to the local characteristics of the Alcohol Related Harm in Horowhenua.
- (b) The PLAP is unreasonable in light of the mandatory criteria in section 78 of the Act.
- (c) The PLAP is unreasonable in light of:
  - (i) The differing needs of different types of off-licences and differing community concerns about different types of off-licences; and
  - (ii) The differing needs of the various communities in Horowhenua.

6. **OTHER MATTERS**

- 6.1 Progressive Enterprises supports the remainder of the PLAP and would wish to be heard in support of these provisions should any person appeal them.
- 6.2 Progressive Enterprises would be willing to attend mediation or other forms of alternative dispute resolution in relation to this appeal.

7. **ATTACHMENTS**

- 7.1 Attached is a copy of the submissions Progressive made on the draft LAP that became the PLAP (**Appendix A**).
- 7.2 Attached is a copy of the PLAP (**Appendix B**).

**DATED** at **AUCKLAND** this 29<sup>th</sup> day of September 2017.

**Progressive Enterprises Limited**

by its duly authorised solicitors and agents  
Berry Simons, per:



**A W Braggins / C F Timbs**

This document is filed by Andrew Braggins, solicitor for the Appellants whose address for service is at the offices of Berry Simons, Level 1, Old South British Building, 3 – 13 Shortland Street, Auckland. Documents for service on the above named may be left at that address or may be:

1. Emailed to Andrew@berrysimons.co.nz
2. Posted to the solicitor at PO Box 3144, Shortland Street, Auckland 1140; or
3. Transmitted to the solicitor by facsimile to 64-9-969-2304.

**SUBMISSION TO THE HOROWHENUA DISTRICT COUNCIL  
ON THE HOROWHENUA DRAFT LOCAL ALCOHOL POLICY**

**17 MARCH 2017**



**PROGRESSIVE**

Progressive Enterprises Ltd  
Head Office  
80 Favona Road  
Mangere Auckland  
Tel 09 275 2788  
Fax 09 275 3074  
Private Bag 93306  
Otahuhu Auckland 1133  
New Zealand

**By email:** [enquiries@horowhenua.govt.nz](mailto:enquiries@horowhenua.govt.nz)  
(Subject line – *Proposed Local Alcohol Policy – Submission*)

**From:** Progressive Enterprises Limited  
Private Bag 93306  
Otahuhu  
Auckland 2024

**Contact Person:** Paul Radich  
**Phone:** (09) 255 3070  
**Email:** paul.radich@countdown.co.nz

Pp on behalf of Paul Radich

Paul Radich  
Alcohol Responsibility Manager, Corporate Affairs  
Progressive Enterprises Limited

Progressive Enterprises wishes to appear before the Horowhenua District Council ("**Council**") to present this submission.

## 1. KEY POINTS

### Introduction

- 1.1 Progressive Enterprises supports the purpose and object of the Sale and Supply of Alcohol Act 2012 ("the Act") and we are committed to selling beer and wine in a responsible and safe manner. We believe that the Horowhenua Draft Local Alcohol Policy ("Draft LAP") is a sensible response to the local needs of Horowhenua.

### Licensed hours

- 1.2 Whilst we support the application of the Act's national default off-licence hours (ie 7am to 11pm) we do not oppose a 10pm off-licence hour restriction in the Horowhenua district.

### Location for off-licences

- 1.3 We do not oppose the locational controls of the Draft LAP. We are unsure whether a Draft LAP can specify notification requirements and suggest that the Council obtain advice on that aspect.

### Discretionary conditions

- 1.4 We also believe that the discretionary conditions are suitably clear that they can be reasonably understood and applied by the District Licensing Committee and licence holders.

### Potential changes to the Draft LAP

- 1.5 In the event that the Council considers altering the Draft LAP, we would like the opportunity to discuss the appropriateness of the changes as we do not know what changes other submitters might seek.

## 2. PROGRESSIVE ENTERPRISES

- 2.1 Progressive Enterprises is one of New Zealand's leading supermarket operators and currently operates over 180 Countdown supermarkets across New Zealand. It is also the franchisor of the SuperValue and FreshChoice brands in New Zealand, which represents a further 55+ stores, independently operated by local franchisees. Some of the SuperValue and FreshChoice stores are small supermarkets and are categorised under the Act as grocery stores. We include them when we refer to supermarkets in this submission.

- 2.2 We are a retail investor and employer in the Horowhenua area, and play an active part in the communities we work and live in. In Horowhenua district, we operate one Countdown supermarket which is Countdown Levin, which usually trades between 7am and 10pm and has current licensed hours of 7am to 10pm.

- 2.3 We understand and agree that drinking alcohol has the potential to cause serious harm<sup>1</sup> particularly if people drink alcohol excessively or inappropriately. To address this potential harm the Act sets in place a default national licensing approach and also allows councils to tackle local issues, supported by evidence of actual alcohol related harm ("ARH") in the local community.

<sup>1</sup> Law Commission Report, Alcohol in Our Lives at chapter 2.

- 2.4 Reducing ARH caused by the excessive and inappropriate consumption of alcohol needs action from all parts of the community. As a retailer, we have a role to play together with other off-licensees, on-licensees, regulatory agencies and consumers. We are committed to ensuring that all our stores sell and supply alcohol (beer and wine) in a safe and responsible manner and have written policies to ensure this (see **Appendix 1** for more details). We support efficient, effective and reasonable initiatives that minimise ARH and we are proud to have a number of policies and processes in our stores which go beyond minimum measures prescribed by legislation.
- 2.5 By law, supermarkets sell beer and wine only. We appreciate that a licence to do so is not a right, but a privilege, and we work very hard to maintain that privilege. With 2.5 million customers across the country each week, Progressive Enterprises is nationally recognised as a good operator within the licensing industry. Our ID 25 policies are over and above that required by the law and through our business practices, we strive to achieve best practice in the way that we promote and sell beer and wine.
- 2.6 We note that decisions on the Draft LAP are also made under the Local Government Act 2002 ("**LGA**"). Under the LGA, councils need to assess matters such as the benefits and costs of each option in terms of the present and future interests of the district or region<sup>2</sup>. To make these sort of decisions it is critical to have a sound evidence base.

### **3. RECOMMENDATIONS**

- 3.1 Progressive Enterprises does not seek changes to the Draft LAP provisions.

---

<sup>2</sup> Section 77 of the Local Government Act 2002.

**APPENDIX 1: PROGRESSIVE ENTERPRISES AS A RESPONSIBLE OPERATOR**

1. Progressive Enterprises has a Liquor Policy and we also have in-store communications which address the sale of beer and wine in our supermarkets.
2. Our policy makes it clear that intoxicated persons are not permitted to enter or remain on the premises. Observing customers tends to be easier in a supermarket environment owing to the fact that it is brightly lit and there is individual interaction at the check-out. This is supported by the extremely small number of off-licence breaches which occur in our supermarkets across New Zealand, despite serving 2.5 million customers every week. Our supermarkets already have extensive CCTV coverage.
3. The supermarket store experience itself promotes the availability of food and non-alcoholic beverages. Under the new Act, supermarkets are not able to display non-alcoholic beverages within the "single area" for beer and wine (except alcohol-free beer and wine).
4. In our stores specifically, every sale of beer or wine must be approved by a supervisor, no matter whether the customer is 18 or 80. We have an ID 25 policy which is above and beyond the legal requirement around identification, as well as a policy to request identification where a member of the group looks under 25 and our staff reasonably believes that there is a possibility that beer or wine may be being purchased for this person. We believe most customers are now very aware of what constitutes appropriate ID. Store supervisors will ask for drivers licence, passport or the HANZ card, and no other form of ID is acceptable.
5. It is our company policy not to sell beer or wine that specifically markets to and promotes the consumption of alcohol by young people. We also have a policy of not selling beer or wine below cost.





# PROVISIONAL LOCAL ALCOHOL POLICY





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HOROWHENUA DISTRICT COUNCIL  
LOCAL ALCOHOL POLICY

1. INTRODUCTION AND EXPLANATORY MATERIAL

- 1.1 The Sale and Supply of Alcohol Act 2012 (the Act) has the following objectives:
- (a) that the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
  - (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
- 1.2 Alcohol related harm is defined very widely and includes any crime, damage, death, disease, disorderly behaviour, illness or injury, and harm to individuals or the community, either directly or indirectly caused by excessive or inappropriate alcohol consumption.
- 1.3 The Act allows territorial authorities to make a local alcohol policy (LAP). The LAP is a set of policies, made by the Council in consultation with its community, about the sale and supply of alcohol in its geographical area. Horowhenua District Council has decided to develop a LAP for its district and to set restrictions and conditions for licensed premises within the district.
- 1.4 Once the LAP comes into force, Council's District Licensing Committee (DLC) and the Alcohol Regulatory Licensing Authority (ARLA) must have regard to the policy when they make decisions on licence applications.
- 1.5 Once adopted, the LAP will enable the District Licensing Committee to:
- Limit the location of licensed premises in particular areas or near certain types of facilities, such as in specific neighbourhoods or near schools or churches;
  - Limit the density of licensed premises by specifying whether new licences or types of licences should be issued in a particular areas;
  - Impose conditions on groups of licences, such as a "one-way door" condition that would allow patrons to leave premises but not enter or re-enter after a certain time;
  - Recommend discretionary conditions for licences;
  - Restrict or extend the default maximum trading hours set in the Act, which are:
    - 8.00 am – 4.00 am for on-licences (such as hotels and restaurants)
    - 7.00 am - 11.00 pm for off-licences (such as bottle stores and supermarkets).
- 1.6 Where the LAP does set maximum trading hours, the District Licensing Committee has discretion to set the permitted trading hours as more restrictive than the maximum trading hours in the LAP.
- 1.7 The LAP can be more restrictive in its provisions relating to licensed premises, but cannot permit activities not allowed by the District Plan. The Horowhenua District Plan provides for entertainment activities (including licensed premises) within the commercial zone, or by resource consent.
- 1.8 Section 117 of the Act permits the District Licensing Committee and the Alcohol Regulatory Licensing Authority to issue any licence subject to "any reasonable conditions not inconsistent with this Act". The LAP includes policies to guide the District Licensing Committee and Alcohol Regulatory Licensing Authority as to the discretionary conditions that may be appropriate.

2. **CRITERIA FOR CONSIDERING LICENSING APPLICATIONS**

- 2.1 The purpose of the LAP is to provide local guidance to the Council's District Licensing Committee in deciding whether to issue or renew a licence.
- 2.2 Under section 105 of the Act, the DLC has to have regard to a range of matters in addition to any relevant local alcohol policy when considering a licence application. The types of matters include:
- the object of the Act;
  - the suitability of the applicant;
  - the design and layout of any proposed premises;
- whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence;
- whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that—
    - they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
    - it is nevertheless desirable not to issue any further licences.
- 2.3 The Act says that a licence may be refused or conditions applied if the issue of the licence, or the consequences of the issue of the licence, would be inconsistent with the LAP (section 108 and 109). Where a licence is renewed and it will be inconsistent with the provisions of the LAP, conditions may be imposed (section 133).

3. **GOALS OF THIS LAP**

The LAP provides direction for the DLC so that licensing decisions:

- contribute to Horowhenua being a safe and healthy District;
- reflect local communities' character and amenity and their values, preferences and needs;
- encourage licensed environments that foster positive, responsible drinking behaviour and minimise alcohol-related harm.

4. **OBJECTIVES OF THE LAP**

The objectives of the LAP are to provide a policy which:

- reflects the views of local communities as to the appropriate location, number, hours and conditions that should apply to licensed premises within their communities;
- provides certainty and clarity for applicants and the public as to whether a proposed license application will meet the criteria of the LAP;
- provides effective guidance for the decisions of the DLC and ARLA.

5. **DEFINITIONS**

- 5.1 When reading this LAP, the following words and phrases have been used. For further details refer to the section of the Act referenced.

## 5.2 Types of Licences

- **on-licences** where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol there (see section 14 of the Act);
- **off-licences** where the licensee sells alcohol from a premises for consumption somewhere else (see section 17 of the Act);
- **club licences** where the licensee (e.g. a club) can sell and supply alcohol for consumption on the club premises to authorised customers (see section 21 of the Act); and
- **special licences** which can be either on-site or off-site special licences. With an on-site special, the licensee can sell or supply alcohol for consumption there to people attending an event described in it. With an off-site special, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it (see section 22 of the Act).

### Notes:

Some premises hold more than one licence – for example, a tavern will hold an on-licence and may also hold an off-licence and be able to sell alcohol which is consumed off the premises.

The Act allows special licences to be issued for up to 12 months. Unlike other kinds of licence, special licences are not subject to the Act's default maximum hours so can apply up to 24 hours a day. Special licences are to allow the sale or supply of alcohol at events and are not intended to be a substitute for a "Club", "on" or "off" licence.

## 5.3 Other terms

- bottle store** means retail premises where (in the opinion of the DLC) at least 85% of the annual sales revenue is expected to be earned from the sale of alcohol for consumption somewhere else (refer section 32(1) of the Act).
- bar** in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol (refer section 5(1) of the Act).
- café** has the same meaning as restaurant in terms of the licence.
- club** means a body that –
- (a) is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or
  - (b) is a body corporate whose object is not (or none of whose objects is) gain; or
  - (c) holds a permanent club charter (refer section 5(1) of the Act).
- grocery store** grocery store means a shop that –
- (a) has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and
  - (b) comprises premises where –
    - (i) a range of food products and other household items is sold; but

- (ii) the principal business carried on is or will be the sale of food products (refer sections 5(1) and 33(1) of the Act).

<b>hotel</b>	means premises used or intended to be used in the course of business principally for providing to the public – (a) lodging; and (b) alcohol, meals, and refreshments for consumption on the premises (refer section 5(1) of the Act).
<b>night-club</b>	a place of entertainment open at night which normally provides music and space for dancing and may provide a show, e.g. of comedy or other 'acts'.
<b>supermarket</b>	means supermarket premises with a floor area of at least 1,000 m <sup>2</sup> (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items) (refer section 5(1) of the Act).
<b>tavern</b>	means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public, but does not include an airport bar (refer section 5(1) of the Act).

## 6. OFF-LICENCES

### 6.1 Hours

The following maximum trading hours apply to all off-licensed premises in the Horowhenua District territorial area and includes all off-licence sales including over the counter sales:

Monday to Sunday	7.00 am to 10.00 pm.
------------------	----------------------

### 6.2 Location

- (a) From the date this LAP comes into force no off-licences are to be issued for any premises unless that premises is already licensed; or is located on land zoned commercial or a Resource Consent has been granted by Council for its operation either before or after that date.
- (b) No new off-licences in respect of a bottle store shall be issued for any premises located within 100 metres of the legal site boundary of any school, early childcare facility, place of worship, Marae, health care facility, public park or reserve, urupa, cemetery, bus stop primarily used by minors or other Off-Licence premises existing at the time the licence application is made.

Note: Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.

- (c) From the date this LAP comes into force there will be a temporary cap placed on the total number of off-licensed bottle and grocery store premises in each town or township in the district. The cap will remain in place for a period of 2 years, or until such a time as this policy is reviewed. The number of permitted licences for bottle stores and grocery stores for each area of the district will be determined by the number of operative licences for each of these types issued at the time this policy is enacted. This provision does not apply to supermarket premises.



### 6.3 Discretionary Conditions

Conditions relating to the following matters may be appropriate for off licences:

- Supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores;
- Display of safe drinking messages/material;
- Supermarkets, grocery stores and bottle stores will give effect to the principles of Crime Prevention Through Environmental Design with regards to the following outcomes:
  - Lighting
    - internal lighting inside the premises enables passive surveillance by staff and active surveillance by CCTV
    - lighting allows customers to be seen as they enter the premises
    - lighting allows staff to check IDs
    - external areas such as car parks and loading bays are well lit, subject to the requirements of any resource consent or a district plan rule.
  - Internal Layout
    - general points of sale are positioned near the main entrance.
  - CCTV
    - CCTV is installed in suitable locations to monitor vulnerable areas (areas which are not easily or not continuously monitored by staff).
    - customers are aware of the CCTV system.
  - Staff
    - relevant staff understand how to operate the CCTV system.
    - there are sufficient numbers of staff to ensure control of the premises during trading hours.
  - Advertising Signage -
    - the display of alcohol-related advertising signage will be considered as part of the effect on the amenity and good order of the locality during the application consideration process.

## 7. ON-LICENCES

### 7.1 Hours

The following maximum trading hours apply to all on-licensed premises in the Horowhenua District territorial area (other than hotel in-bedroom (mini-bar) sales):

Monday to Sunday	9.00 am to until 1.00 am the following day
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The following hours apply to hotel in-bedroom (mini-bar) sales:

Monday to Sunday	24 hours per day.
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### 7.2 Locations

- (a) From the date this LAP comes into force no on-licences are to be issued for any premises unless that premises is already licensed; or is located on land zoned commercial or a Resource Consent has been granted by Council for its operation either before or after that date.
- (b) No new on-licences shall be issued for any premises located within 100 metres of the legal site boundary of any school, early childcare facility, place of worship, Marae, health care facility, public park or reserve, urupa, cemetery, bus stop primarily used by minors existing at the time the licence application is made.

Note: Renewal of a licence shall be unaffected should such a facility later establish at a site within 100 metres of the premises.

### 7.3 Discretionary Conditions

Conditions relating to the following matters may be considered generally appropriate for on-licensed premises such as night-clubs and late-night bars:

- 'One-way door' restrictions;
- The time entertainment finishes;
- Provision of additional security (staff) after 'x' hour, as determined by the DLC;
- The installation and operation of CCTV cameras on the exterior of, and within a premises;
- Provision of effective exterior lighting;
- Restrictions on the size of servings (e.g. 'doubles') and time of 'last orders';
- Management of patrons queuing to enter the licensed premises;
- Restriction on the use of outdoor areas after 'x' hour, as determined by the DLC;
- That where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours may be more restrictive than the maximum trading hours contained in this LAP;
- Application of the principles of Crime Prevention Through Environmental Design;
- The display of advertising signage will be considered as part of the effect on the amenity and good order of the locality during the application consideration process.

The following conditions may be appropriate for on-licensed premises such as BYO restaurants:

- The holder of a manager's certificate to be on duty during busy periods, e.g. Thursday, Friday and Saturday nights;
- That where a licence is granted for the first time (first time meaning premises where the prospective licensee has never held a liquor licence previously or is operating a premises that has never been a licensed premises before), the trading hours are more restrictive than the maximum trading hours contained in this LAP.

## 8. SPECIAL LICENCES

### 8.1 Hours

The hours (opening and closing) and duration of a special licence are set at the discretion of the DLC for each event, having regard to the nature of the event or series of events.

### 8.2 On and Off-site

Special licences may be issued both for off-site consumption (e.g. wine sales from a market stall) or for on-site consumption, e.g. at a community event or when a bar has a special licence to open earlier/close later for significant events. Generally for premises holding existing on-licences, the conditions of a special licence will specify a closing time no more than two hours later than permitted by their on-licence.

### 8.3 Discretionary Conditions

In addition to the discretionary conditions in Section 147 of the Act, the following conditions may be considered appropriate for special licences:

- Any special licence for a series of events should not be for a period exceeding 6 months, and the number of events is not to exceed 20.
- A 'One-way door' restriction to apply from a specified time.
- No glassware is to be taken outside the building or onto grass or artificial grass surfaces.
- Plastic containers or cans to be used for any event (except when it is being served and remains within the building).
- Areas to be clearly defined / cordoned off / demarcated where liquor is being sold/consumed outside of the building, e.g. beer tent. Where appropriate people are to remain within the defined area.
- The holder of a manager's certificate to be present when alcohol is available for sale, or the number of manager's certificate holders required may be specified.
- The maximum number of alcoholic drinks per sale transaction may be specified.
- A register to be maintained recording any incidents or issues of concern, and is to be available to Police or Licensing Inspector on request.

## 9. CLUB LICENCES

### 9.1 Hours

The following maximum trading hours apply to all club-licensed premises:

Monday to Sunday	9.00 am until 1.00 am the following day.
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### 9.2 Discretionary Conditions

Conditions relating to the following matters may be appropriate for Club licensed premises depending on the size and nature of the club:

- a requirement for the holder of a manager's certificate to be present when alcohol is available for sale during busy periods, e.g. more than 100 people are on the Club premises.

## 10. POLICY REVIEW

Pursuant to section 97 of the Act Council must review its LAP using the Special Consultative Procedure no later than six (6) years after it comes into force and no later than six (6) years after the most recent review of it was completed. The first review is to be conducted within 2 years of the operative date of this policy – see clause 6.2(c).






## Alcohol Regulatory and Licensing Authority

For more information visit [www.justice.govt.nz/tribunals](http://www.justice.govt.nz/tribunals)

# Notice of Appeal against a Provisional Local Alcohol Policy

Section 81, Sale and Supply of Alcohol Act 2012

 <b>Who should use this form?</b>	Any person or agency that made submissions as part of the special consultative procedure on a draft local alcohol policy, who wishes to appeal to the licensing authority against any element of the resulting provisional local alcohol policy.
<b>Important Information</b>	<ol style="list-style-type: none"><li>1. Please print in CAPITAL LETTERS.</li><li>2. This must be made within 30 days of the public notification of the provisional local alcohol policy.</li><li>3. The only ground on which an element of the provisional policy can be appealed against is that it is unreasonable in the light of the object of the Act.</li><li>4. You must provide a copy of your submission on the draft local alcohol policy if one was made.</li><li>5. You must send a copy of the notice of appeal to the relevant territorial authorities at the same time as you lodge this appeal.</li><li>6. You can file this form with your fee by post or in person with the Alcohol Regulatory and Licensing Authority. To: The Secretary Alcohol Regulatory and Licensing Authority Private Bag 32001 Featherston Street Wellington</li></ol>

Please fill in all sections below:

<b>Part 1: Details of appellant</b>		
<b>What is your name?</b>		
Organisation (if applicable)	Foodstuffs North Island Limited	
Surname	By its solicitor: IainThain	
First name		
Middle name(s)		
<b>What is your address for service?</b>		
Street	Level 22, DLA Piper Tower, 205 Queen Street	PO Box 160
Suburb	Auckland City	
City/town	Auckland	Post code 1010
<b>How can we contact you?</b>		
Daytime contact phone number ( 09 )	300 3818	Mobile 021 388 012
Email address	iain.thain@dlapiper.com	







### Part 6: Checklist

Before you submit this form please check that:

- You have answered every question;
- You have signed and dated this form;
- You have attached a copy of your submission on the draft local alcohol policy if applicable
- You have attached additional documentation listed in section 4 if applicable
- You have included the prescribed fee of \$450, plus GST (\$517.50). Cheques are to be made payable to:  
**Alcohol Regulatory and Licensing Authority.** Please do not send cash through the post.

### Licensing Authority's Contact Details:



Alcohol Regulatory and Licensing Authority  
Tribunals Unit  
Private Bag 32-001, Featherston Street, Wellington 6146  
DX SX11159

Level 1, 86 Customhouse Quay, Wellington 6011

[www.justice.govt.nz/tribunals](http://www.justice.govt.nz/tribunals)

Ph: (04) 462 6660  
Fax: (04) 462 6686  
Email: [ARLA@justice.govt.nz](mailto:ARLA@justice.govt.nz)

### Elements of the PLAP appealed against

Foodstuffs North Island Limited appeals against the following elements of Horowhenua District Council's provisional local alcohol policy (PLAP):

- 1 Clause 6.1 of the PLAP: Maximum trading hours for off-licences;
- 2 Clause 6.2(b) of the PLAP: Locational prohibition on new off-licences for bottle stores;
- 3 Clause 6.2(c) of the PLAP: Temporary cap on off-licensed bottle store and grocery store premises; and
- 4 Clause 6.3 of the PLAP: Discretionary conditions. In particular, the condition relating to advertising signage.

### Grounds of appeal

These elements of the PLAP are unreasonable in the light of the object of the Sale and Supply of Alcohol Act 2012 (**the Act**) for the following reasons:

#### Element 1 - Maximum trading hours for off-licences

- 1.1 The PLAP proposes maximum off-licence trading hours of 7am to 10pm, Monday to Sunday, to apply to all off-licensed premises in the Horowhenua region and including all off-licence sales.
- 1.2 In relation to supermarkets and grocery stores and the proposed maximum off-licensed trading hours, no regard has been or is had to the provisions of the Act which apply to beer, wine and mead sales from those types of off-licensed premises (for example, the requirement for single-area conditions including restrictions on display, promotion and advertising of alcohol).
- 1.3 The proposed maximum off-licensed trading hours in the PLAP are not based on or supported by any, or any sufficient, evidence that prohibiting sales of beer, wine or mead from supermarkets and grocery stores between 10pm (being the closing time proposed in the PLAP) and 11pm (being the default national maximum closing time set out in section 43(1)(b) of the Act) will reduce or minimise harm caused by the excessive or inappropriate consumption of alcohol.
- 1.4 The proposal of maximum off-licence trading hours in the PLAP goes beyond what is reasonably necessary, and would unreasonably restrict the responsible sale, supply, purchase and consumption of beer, wine and mead.
- 1.5 The proposal of maximum off-licence trading hours in the PLAP is unreasonable in that it does not reflect or achieve a balance between the positive benefits associated with responsible drinking and the objective of minimising alcohol-related harm without penalising responsible sellers, purchasers and drinkers of alcohol.
- 1.6 The element as proposed is ultra vires the Act because it is in conflict with section 49 of the Act relating to the remote sale of alcohol.

#### Element 2 - Locational prohibition on new off-licences for bottle stores

- 2.1 The PLAP proposes a blanket prohibition on all new bottle store off-licences within 100 metres of the site boundary of any school, early childcare facility, place of worship, Marae,

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health care facility, public park or reserve, urupa, cemetery, bus stop primarily used by minors or other off-licence premises existing at the time the relevant application is made.

- 2.2 The element unreasonably prejudices and burdens potential applicants for a new bottle store off-licence as it does not allow for applications where the Applicant can show that they will not add to alcohol-related harm in an area.
- 2.3 In formulating the element, no, or insufficient regard has been had or is had to the practical implications of a change in ownership of existing bottle store premises.
- 2.4 The element is not based on or supported by any sufficient evidence that it will reduce harm caused by excessive or inappropriate consumption of alcohol in the Horowhenua region or that such harm is related to the location of bottle stores in proximity to the specified areas.
- 2.5 The element lacks clarity and goes beyond what is reasonably necessary, and would unreasonably restrict the responsible sale, supply, purchase and consumption alcohol.

**Element 3 - Temporary cap on off-licensed bottle store and grocery store premises**

- 3.1 Clause 6.2(c) of the PLAP would place a blanket cap on the total number of bottle store and grocery store off-licences permitted in each town or township in the Horowhenua region for 2 year, or until the policy is reviewed.
- 3.2 In formulating the element, no, or insufficient, regard has been had or is had to the differences between individual off-licensed premises or between types of off-licensed premises. In relation to grocery stores, no regard has been or is had to the provisions of the Act which apply to beer, wine and mead sales from those off-licensed premises (for example, the requirement for single-area conditions including restrictions on display, promotion and advertising of alcohol).
- 3.3 The element is not based on or supported by any sufficient evidence that it will reduce harm caused by the excessive or inappropriate consumption of alcohol in the Horowhenua region or the relevant areas.
- 3.4 The element as proposed is not in fact a temporary cap, goes beyond what is reasonably necessary, and would unreasonably restrict the responsible sale, supply, purchase and consumption of beer, wine and mead.
- 3.5 The proposal would unreasonably prejudice and burden potential applicants for off-licences as it does not allow for applications where the Applicant can show that they will not add to alcohol-related harm in an area.
- 3.6 The element would also unreasonably constrain the ability of the relevant areas to develop in response to changes, including in population, demographics and city planning.
- 3.7 The element does not reflect or achieve a balance between the positive benefits associated with responsible drinking and the objective of minimising alcohol related harm without penalising responsible sellers, purchasers and drinkers of alcohol.

**Element 4 - Discretionary conditions**

- 4.1 The element as drafted appears to propose, as a discretionary condition, that supermarkets, grocery stores and bottle stores must give effect to the principles of Crime Prevention

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Through Environmental Design with regards to the outcome that the display of alcohol-related advertising signage will be considered as part of the effect on the amenity and good order of the locality during the application consideration process.

- 4.2 The element is ultra vires the Act as it purports to control the decision-making functions of the DLCs or ARLA and is not a policy within the meaning of or allowed by section 77(1) of the Act.
- 4.3 The element as drafted is unreasonably ambiguous, if not meaningless, even if (as it appears to purport to be) it is a policy under section 77(1)(f) of the Act. It unreasonably provides no meaningful guidance to the DLCs, ARLA, or existing and prospective licensees.

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24 March 2017

Horowhenua District Council

By email [michael.EL@horowhenua.govt.nz](mailto:michael.EL@horowhenua.govt.nz)

**Submission on the Horowhenua District Council's Draft Local Alcohol Policy**

**Summary of submission**

Foodstuffs is the franchisor of the PAK'nSAVE, Gilmours, New World, Four Square and Write Price brands. Foodstuffs takes many steps to ensure our stores are responsible retailers of alcohol.

Foodstuffs believes that the maximum licensed hours for supermarket and grocery stores should be 7am-11pm, but recognises that its stores do not currently operate past 10pm.

It should be made clearer in the draft LAP that the proposed maximum trading hours do not apply to remote sales of alcohol.

Provisions in the draft LAP relating to notification, special licences and discretionary conditions that are ultra vires the Act should be removed or amended.

The draft LAP should be drafted clearly to align with the Act and any errors should be amended.

**Who we are**

The Foodstuffs Co-operatives franchised stores employ more than 30,000 people nationwide across approximately 137 New World, 50 PAK'nSAVE, 274 Four Square stores and other related brands. This extended footprint means we are an integral component of almost all local communities big and small throughout New Zealand.

As a proudly 100% Kiwi owned and operated business, the Foodstuffs Co-operatives have grown from humble beginnings to become New Zealand's biggest grocery distributor, and one of the country's largest organisations. Stores are active members of their communities and as large employers continuously strive to give back by sponsoring and giving support to a wide range of charitable initiatives, sports teams and schools.

Foodstuffs North Island Limited (**Foodstuffs**) is the franchisor of 44 PAK'nSAVE, 98 New World, 183 Four Square, and 7 Gilmours stores. It is also franchisor of the Write Price brand in the North Island. Our stores are a major employer in the Horowhenua Region with six franchised stores. Our stores in the Region are as follows:

- Write Price
- Foxton New World
- Levin New World
- Four Square Foxton Beach
- Four Square Shannon
- Four Square Waitarere

We may in the future open more stores in your Region.

**Steps undertaken by Foodstuffs to ensure our stores are responsible retailers of alcohol**





Foodstuffs works hard to ensure that it, and every one of its stores, is a responsible retailer of alcohol. As a business, we ensure our stores understand fully their obligations under the current legislation regarding the sale of liquor.

Before a new employee can sell alcohol to customers, they must complete induction training which teaches the employee about their responsibilities under the Sale and Supply of Alcohol Act 2012 (**Act**). All employees must then undertake refresher courses which they must pass. There are voluntary online courses which store owners can recommend to their staff and, on occasion, Foodstuffs may require employees to complete this online course in addition to their mandatory training. After receiving training, staff are required to sign an acknowledgement stating that they understand their obligations under the Act.

All duty managers and operation managers are required to carry out their Licence Controller Qualification and Foodstuffs requires that all stores have at least two people employed with their General Manager's Certificate, with supermarkets having a much larger number than this.

Our point of sale systems prompt the verification of age when an alcohol product is scanned. All stores have an "Under 25: ID required" policy which requires anyone who looks under the age of 25 to provide proof of their age.

Additionally, we have an independent programme in place where all of our stores are 'mystery shopped' to ensure proof of age compliance is being adhered to. There are heavy penalties for liquor audit fails (both internal and 'police stings'), which include fines, additional training programmes and referring repeat offenders to our Board of Directors which can result in a store owner's franchise agreement with Foodstuffs being terminated.

Due to the seriousness of the consequences of a liquor audit failure, our store owners are vigilant in ensuring that the Act is adhered to, in particular the prohibitions on supply to minors and intoxicated persons.

#### **Foodstuffs' submissions**

Foodstuffs appreciates the opportunity to provide feedback on the draft LAP. Foodstuffs commends the Council on producing a Draft LAP which seeks to balance the needs of the community, local business and other key stakeholders such as the Police and Medical Officers of Health, who each have differing perspectives and views on alcohol in the community.

#### **Submission one - Maximum hours for off-licences**

We set out below for your reference the current licence and store trading hours for our stores in your Region.

Store	Store opening hours (week days maximum)		Current Licence Hours
Write Price	7am	8pm	7am to 9pm
Foxton New World	7am	8pm	7am to 11pm
Levin New World	7am	10pm	7am to 11pm
Four Square Foxton Beach	7am	9pm	7am to 8pm
Four Square Shannon	5am	7pm	7am to 11pm
Four Square Waitarere	7am	7pm	7am – 11pm

#### *Morning Hours*

The draft LAP proposes that the maximum licensed hours for all off-licences will commence at 7am. We fully support this proposal as it covers all of our stores existing morning hours and we are



unaware of any research that shows that restricting the morning hours for off-licences reduces alcohol-related harm.

*Evening hours*

The draft LAP proposes that the maximum trading hours for all off-licences will conclude at 10pm.

Ideally, Foodstuffs would like to see the maximum trading hours for the Horowhenua District extended to 11pm.

This is because maximum licensed hours are not the default licence hours that licensees can obtain as a right – the licence hours are set by the licence decision-maker after assessment of the licence application (or renewal application) in accordance with the Act. We do not believe there would be many off-licence holders who would have legitimate reasons for needing a liquor licence to 11pm, and we value the flexibility that allows legitimate and scrupulous off-licence holders to apply for such a licence if future growth in the Horowhenua District indicated that customers would benefit from this. In addition, we believe that there are many valid reasons for distinguishing supermarkets and grocery stores from other types of off-licences.

We believe that the Council should consider the likelihood of harm being caused by the differing types of premises. Most sales of alcohol from our supermarkets and grocery stores occur when a customer is purchasing alcohol as part of a wider grocery shop. Our supermarkets and grocery stores can only sell beer and wine, they cannot sell RTDs or spirits, and they will also be subject to the 'Single Area condition' limiting the location of alcohol in the store to a particular defined area.

However, Foodstuffs recognises that we currently do not have any stores in the Horowhenua District operating beyond 10pm.

*Ultra Vires*

We note that it is unclear whether the maximum trading hours provision is purporting to restrict the hours for *all* sales of off-licence alcohol, including *remote* sales of alcohol made pursuant to an off-licence. Restricting the hours for remote sales of alcohol is ultra vires the Act, as section 49 of the Act specifically exempts remote sales from the trading hours restrictions.

**Submission two – Location**

*Clause 6.2(a)*

The draft LAP contains certain restrictions on the issuing of off-licences for premises outside of the commercial zone. However, it is unclear whether this clause adds anything to the existing regulatory regime, as the District Plan and Resource Consent process already determine whether an off-licence can establish outside of the commercial zone.

*Clause 6.2(b)*

We support the Council's recognition in this provision of the different types of off-licences and the differing likelihoods of harm attributable to these off-licences. However, we would suggest that the Council consider defining the sites referred to in this provision, such as 'school' and 'public park'.

**Submission four - Notice of Licence Application**

*Ultra Vires*

Foodstuffs acknowledges that the Council may have concerns with the notification provisions prescribed in the Act.

However, provisions of a local alcohol policy that impose requirements in relation to notification of applications for new off-licences or renewals of off-licences, that are over and above the requirements of the Act, do not fall within the matters outlined in section 77 of the Act. Clause 6.3 of the Draft LAP is therefore ultra vires.

It is important to note that the Act prescribes the form and the manner in which applicants must make and notify their applications. These obligations are not to be imposed by the Territorial Authority, as this would be an interference with the independent statutory role of licensing authorities and the separation of powers doctrine implied in the Act at sections 77(1), 108 and 109.

**Submission five – Discretionary conditions**

*Crime Prevention Through Environmental Design*

Foodstuffs notes that the provision in clause 6.4 relating to the application of the principles of Crime Prevention Through Environmental Design (**CPTED**) is not clearly drafted.

Given that certainty and clarity is an objective of the Draft LAP, we suggest amending the wording of this provision to 'Application of the following principles of Crime Prevention Through Environmental Design.' and deleting the sentence 'Supermarkets and bottle stores...the following outcomes'. We make this suggestion because the list included in that provision is not a list of outcomes, rather it is a list of principles, and the reference to supermarkets and bottle stores serves only to repeat the primary paragraph of clause 6.4. These amendments would both simplify and clarify the provision, without changing the substantive effect.

*Advertising Signage*

We assume that the condition relating to advertising signage relates to *alcohol* product advertising, as required by section 77(3) of the Act. To ensure that this is clear, we suggest including the words 'alcohol-related' directly before 'advertising signage'.

However, we also have concerns that the specific wording of this condition is ultra vires the Act. The provision purports to prescribe what the District Licensing Committee (**DLC**) must consider when determining the effect of an off-licence application on amenity and good order of the locality. It is unlikely that a District Licensing Committee would not consider alcohol related advertising signage when making this determination, but significantly, the Act gives the responsibility for undertaking this evaluative decision specifically to the licensing authority as an independent body from the Territorial Authority. It is not for the Territorial Authority to prescribe how a licensing authority is to exercise its decision-making functions.

We also consider that this condition, or a modified condition specifically relating to alcohol-related advertising signage, should be listed as a separate discretionary condition from the list of CPTED principles.

For completeness, we note that this condition is repeated in the Draft LAP at clause 7.4.

**Submission six - Special licences**

*Hours*

Foodstuffs has similar concerns in relation to clause 8.1 as a special licence is not subject to section 43 of the Act (default national maximum trading hours). As noted in the Draft Lap, the hours and duration of a special licence are at the discretion of the DLC for each event.

We therefore suggest that the Council amend this clause to clarify that it is a discretionary condition that the DLC 'may' consider for special licences, where appropriate.

### Submission seven - Drafting clarification

In relation to the general clarity of the Draft LAP, we have noticed some minor drafting errors and/or points of clarification that we would like to suggest that the Council take into consideration. We note that in a recent decision by the Alcohol Regulatory and Licensing Authority in relation to appeals of the Dunedin City Council's Local Alcohol Policy, it was determined that:

'A LAP can provide parameters for a DLC to operate within (provided they are consistent with the object of the Act), but that does not permit a territorial authority the ability to make discretionary conditions under the Act compulsory thereby fettering a DLC's discretion in respect of a particular application before it. The LAP is one of the matters to be considered under s 105, when granting a licence. But a LAP cannot seek to do more than indicate 'at a policy level' what kinds of discretionary conditions a DLC might consider in respect of individual applications.'<sup>1</sup>

#### Clauses 1.3

We note that the phrase 'to set restrictions and conditions for licensed premises' suggests that the LAP may fetter the discretion of a DLC. We therefore suggest amending the wording to 'suggest restrictions and discretionary conditions for licensed premises...'.<sup>1</sup>

#### Clause 1.5

For similar reasons, we suggest amending 'Recommend' to 'Suggest' and to amend 'Impose conditions on groups of licences, such as a "one-way door" condition...' to 'Suggest a "one-way door" condition...'.<sup>1</sup>

#### Clause 2.2

We suggest amending this clause to better align with the specific wording in the Act to state:

'...The matters include:

...

whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence; and

whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that -

- o They would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
- o It is nevertheless desirable not to issue any further licences.'

#### Clause 4

We commend the Council for seeking certainty and clarity as objectives for its Draft LAP. However, we note that it is unclear what is meant by 'whether a proposed license application will meet the criteria of the LAP'. We note that the criteria for licence applications is set out in the Act, and although the LAP is something to which the DLC must have regard, whether the applicant meets the criteria of the Act is for the DLC to determine.

#### Clause 5.2

<sup>1</sup> Dunedin City Council v Foodstuffs South Island Limited & Ors [2016] NZARLA PH 21 - 26 at [93].

We suggest amending the 'special licences' provision to 'on-site special licence' and 'off-site special licence', and also amending the 'Notes' provision to '...a tavern will hold an on-licence and may also hold an off-licence to be able...'

*Clause 5.3*

We note that 'annual sale revenue' should be 'annual sales revenue' and that the section reference should be section 32(1)(b) of the Act. We also note that at (a) in the 'club' provision 'a body having' should be 'a body corporate having' and that in the supermarket definition 'means premises' should be 'means supermarket premises'.

We also suggest that for clarity the reference to 'food product' is '(as defined in the Act)' and the reference to 'principal business' is '(as determined in accordance with the Act and the regulations made under the Act)'. In addition, the definition of 'tavern' should include '(but does not include an airport bar (as defined in the Act)).'

Foodstuffs would also like to seek clarity around the meaning of '(generally speaking)' in the bottle store provision and as to why 'principally' is underlined in the 'bar' provision.

*Clause 8.3*

We note there appears to be a minor drafting error at the end of the first bullet point in this clause.

**Presenting submission in person**

Once again, Foodstuffs is grateful for the opportunity to make this written submission. We would also like the opportunity to present our submission in person, together with a number of our franchisees.

Regards

**Angela Dimery**

Solicitor

**FOODSTUFFS**

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File No.: 17/519

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## Review of Delegations - Customer & Regulatory Services

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### 1. Purpose

To propose a series of officer and contractor 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 and contractors 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 various changes in legislation over recent times together with internal changes in the Regulatory space and therefore it is now timely that delegations in place are reviewed and updated, hence this Report.

### 3. Recommendation

- 3.1 That Report 17/519 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 23 November 2017.

### 4. Background / Previous Council Decisions

Delegations have been reviewed from time to time – the last time they were reviewed and resolved by Council was in May 2016.

### 5. Discussion

There are no issues associated with this matter. This report is purely to ensure that up-to-date delegations are in place that reflect both the practicalities for officers and contractors 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 and contractors may not have correct and legal delegations to conduct their duties, hence a 'risk' exposure to Council and the inability of staff and contractors 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 and contractors 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, for example -

- The Fencing of Swimming Pools Act has recently been repealed and the authority on this matter is now included in the Building Act;
- If a building officer does not have a delegation to grant a building consent, the territorial authority is allowing the granting and subsequently issuing of a building consent without the appropriate officer authority to do so.
- An amendment to the Resource Management Act effective 18 October 2017 requiring the need for additional delegations to be put in place for Resource Management Planners allowing them to conduct day to day duties.

8.2 It is also just good practical commonsense to review delegations periodically to ensure that changes to legislation have been captured.

8.3 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 and Contractor Warrants of Appointment, and the Horowhenua District Council Delegations Register will be updated.

## 12. Supporting Information

<b>Strategic Fit/Strategic Outcome</b> – Not Applicable
<b>Decision Making</b> – 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**

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Author(s)	Mike Lepper <b>Customer and Regulatory Services Manager</b>	
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Approved by	Nicki Brady <b>Group Manager - Customer &amp; Regulatory Services</b>	
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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 o objection    |
| (d) Section 33D(4) | To give written Notice – Decision on a Menacing Dog o 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.

## Customer & Regulatory Services Manager

### Consents Lead

### Compliance Lead

### Customer Experience Lead

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 Customer & Regulatory Services Manager or in their absence the Compliance Lead).

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..

## **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<br>and 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

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- (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, Customer & Regulatory Service Manager, Consents Lead, Compliance Lead, Strategic Planner, and Resource Management Planners

Section or Clause Number	Delegation Description	Delegated To (Acronym)	Notes
		<p>Council Chief Executive (CE),</p> <p>Group Manager Customer &amp; Regulatory Services (GMCRS)</p> <p>Customer and Regulatory Services Manager (CRSM)</p> <p>Group Manager – Strategy and Development (GMSD)</p> <p>Consents Lead (CL)</p> <p>Compliance Lead (CPL)</p> <p>Strategic Planner (SP)</p> <p>Resource Consents Planners (P) (including any Enforcement Officer)</p> <p>In consultation with the Chairperson of the Hearing Committee (ICWC). See notes</p>	<p>1. Delegations include temporary Acting CE, GMCRS, SPSM, or SP when relevant or required.</p> <p>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.</p>



<b>LOCAL GOVERNMENT ACT 1974</b>			
327A	Cancellation of building line restrictions	CE, GMCRS, CRSM, GMSD, CL, SP, SP	
348	The power to exercise all powers of Council in respect of private roads and private ways	CE, GMCRS, CRSM, GMSD, CL, SP, P	
319(i)	To name (alter name) of roads	CE	
319	General powers in respect of roads	CE, GMCRS, CRSM, GMSD, CL, SP, P	
<b>LOCAL GOVERNMENT ACT 2002</b>			
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, CRSM, 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	
<b>UNIT TITLES ACT 2010</b>			
32(2)	The power to provide certification pursuant to subsection (2)	CE, GMCRS, CRSM, GMSD, CL, SP	

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

41C	The power to request further information prior to or at a Hearing.	CE, GMCRS, CRSM, 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, CRSM, GMSD, CL, SP, P (ICWC).	
42A(1)	The power to commission a report by an officer or consultant for hearing.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
42A(5)	The Authority to waive compliance with service of documents requirements.	CE, GMCRS, CRSM, 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, CRSM, 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, CRSM, 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, CRSM, GMSD, CL, SP, P	
91	The power to defer an application pending additional consents.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
92(1)	The power to request further information relating to an application.	CE, GMCRS, CRSM, GMSD, CL, SP, P	

92(2)	The power to commission a report on any matter relating to the application.	CE, GMCRS, CRSM, 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, CRSM, GMSD, CL, SP, P	
92A(3)	The power to decline an application for failure to meet requirements under this subsection.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
92B(2)	The power to decline an application in accordance with this section.	CE, GMCRS, CRSM, 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, CRSM, GMSD, CL, SP, P	
99	The power to convene a pre-hearing meeting and exercise all powers under this section.	CE, GMCRS, CRSM, 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, CRSM, GMSD, CL, SP, P (ICWC).	
100	The power to determine that a hearing is not needed.	CE, GMCRS, CRSM, GMSD, CL, SP, P (ICWC)	
101	The power to fix a hearing date and time and place of the hearing.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
102	Functions in relation to joint hearings.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
103	Functions in relation to combined hearings for resource consents in relation to the same proposal.	CE, GMCRS, CRSM, 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, CRSM, 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, CRSM, GMSD, CL, SP, P (ICWC)	
108	The power to determine conditions of a resource consent	CE, GMCRS, CRSM, GMSD, CL, SP, P	
108A (1), (2) &(3)	Bonds	CE, GMCRS, CRSM, GMSD, CL, SP, P, CML	
109	The power to authorise Council use of bond funds	CE, GMCRS, CRSM, 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, CRSM, GMSD, CL, SP, P	
125	The power to extend the period within which a resource consent lapses.	CE, GMCRS, CRSM, 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, CRSM, 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, CRSM, 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, CRSM, GMSD, CL, SP, P	
138	The power to grant or refuse partial or full surrender of a resource consent.	CE, GMCRS, CRSM, 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, CRSM, GMSD, CL, SP, P	
139A	The power to grant or refuse an application for an existing use certificate.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
149Z	The power to process applications referred from the Minister for the Environment or the EPA.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
169	The power to process notices of requirement from a requiring authority.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
170	The power to decide whether to include a notice of requirement in a proposed plan change.	CE, GMCRS, CRSM, GMSD, CL, SP, P (ICWC)	

171	Ability to make a recommendation to a requiring authority on a notice requirement – see s169 above	CE, GMCRS, CRSM, 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, CRSM, GMSD, CL, SP, P (ICWC).	
176A(2)	The power to waive the requirement for an outline plan.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
176A(4)	The power to request changes to an outline plan.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
176A(5)	The power to Appeal against the decision of a requiring authority to the Environment Court.	CE, GMCRS, CRSM, GMSD, CL, SP, P (ICWC).	
181	The power to alter a designation.	CE, GMCRS, CRSM, 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, CRSM, GMSD, CL, SP, P (ICWC).	
190	The power to process notices of requirement for a heritage order from a heritage authority.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
191	Ability to request changes	CE, GMCRS, CRSM, GMSD, CL, SP, P	
195A	The power to alter heritage orders.	CE, GMCRS, CRSM, 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, CRSM, 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, CRSM, GMSD, CL, SP, P (ICWC)	

220	The power to impose conditions on subdivision consents.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
221(1)	The power to impose a condition requiring the issuing of a consent notice.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
221(3)(b)	The power to review, vary or cancel any consent notice.	CE, GMCRS, CRSM, 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, CRSM, GMSD, CL, SP, P	
223	The power to approve any survey plan	CE, GMCRS, CRSM, GMSD, CL, SP, P	
224(c)	Power to certify compliance with specified conditions prior to deposit of survey plan.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
224(f)	Power to certify compliance with building code provisions.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
226(e)	Power to issue a certificate in accordance with this Section.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
S232.	The power to approve the creation of an esplanade strip in accordance with S232 (1) and (2).	CE, GMCRS, CRSM, 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, CRSM, GMSD, CL, SP, P	
234(7)	The power to certify a varied or cancelled esplanade strip.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
235	Power to agree to create an esplanade strip with the agreement of the registered proprietor.	CE, GMCRS, CRSM, GMSD, CL, SP, P	



237	The power to approve survey plans where esplanade reserves or esplanade strips are required.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
237B	The power to authorise the creation, variation, or cancellation of easements.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
240(1) and (3)	The power to endorse survey plans with covenants and to approve the covenant instrument.	CE, GMCRS, CRSM, 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, CRSM, 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, CRSM, GMSD, CL, SP, P	
241continued	The power to cancel in whole or in part any condition described in Subsection (2).	CE, GMCRS, CRSM, GMSD, CL, SP, P	
243	The power to revoke an easement in whole or in part.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
274	The power to nominate an officer or other person to attend a proceeding of the Environment Court.	CE, GMCRS, CRSM, 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, CRSM, GMSD, CL, SP, P (ICWC)	
316	The power to apply for an enforcement order or interim enforcement order.	CE, GMCRS, CRSM, GMSD, CL, SP, P	
325A(2)	The power to cancel an abatement notice.	CE, GMCRS, CRSM, GMSD, CL, SP, P	

325A(5)	The power to determine an application to review and/or amend an abatement notice.	CE, GMCRS, CRSM, 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, CRSM, 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, CRSM, 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, CRSM, 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.: 17/572

## 1. Purpose

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

## 2. Recommendation

- 2.1 That Report 17/572 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 – 24/09/17 to 07/11/17

Approved Date	File Ref	Applicant	Address
02/10/2017	2017/50	Johnston Street Properties Limited	56 Johnston Street, Foxton
03/10/2017	2017/53	Nigel Bruce & Carol Anne Christensen	Heights Road, Tokomaru Road
05/10/2017	2017/43	Jeremy Craig Jones	1015 Queen Street East, Levin Rural
05/10/2017	2017/57	Christoph Heinrich Huelsmann	12 Hokio Beach Road, Levin
17/10/2017	2017/56	Hamish Luke Goodwin	435 Tararua Road, Levin Rural
17/10/2017	2017/58	Lesley Smith	16 Union Street, Foxton
19/10/2017	2017/62	Erica & Richard Baldwin	42 Vogel Street, Shannon
24/10/2017	2017/60	Tiritea Trust & J R Whitehead	16A Norbiton Road, Foxton
26/10/2017	2017/61	Sharon Butler	8 Holben Parade, Foxton Beach
27/10/2017	2017/51	Waitarere Rise Limited	263 Waitarere Rise Avenue, Waitarere Beach
02/11/2017	2017/59	Philip Craig Hall	11 Papaitonga Lake Road, Levin Rural

### Land Use Resource Consents Approved – 24/09/17 to 07/11/17

Approved Date	File Ref	Applicant	Address
25/09/2017	2017/56	Nigel & Lucy Jane Everton	86 Hokio Sand Road, Levin Rural
27/09/2017	2017/62	JJJ Holdings Limited	36 Ihaka Hakuene Street, Manakau
27/09/2017	2017/64	Wayne Spencer & Lauren Marie	33 Glade Park Lane, Tokomaru

		Shuker	Rural
04/10/2017	2017/63	Andrew Peter & Morag Collins	170 Gladstone Road, Levin Rural
04/10/2017	2017/65	William David & Susan Jayne Spratt	193 Bruce, Road, Levin Rural
18/10/2017	2017/68	Tony John & Colleen Gaye Burgess	1155 SH1, Levin Rural
19/10/2017	2017/70	Horowhenua District Council	1 Nash Parade, Foxton Beach
24/10/2017	2017/72	Craig Warren Diffey	12 Sheffield Street, Levin
26/10/2017	2017/55	Spark New Zealand Trading Ltd	1A Linklater Avenue, Foxton Beach
31/10/2017	2017/71	MJ Davie Builder Limited	51A Bath Street, Levin
06/11/2017	2017/73	Shunila Wati & Graham Hamilton	55 Waikawa Beach Road, Levin Rural
06/11/2017	2017/74	Himatangi Station Limited	SH1, Foxton/Himatangi

(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)	Mike Lepper <b>Customer and Regulatory Services Manager</b>	
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Approved by	Nicki Brady <b>Group Manager - Customer &amp; Regulatory Services</b>	
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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 Community Recognition & Funding Committee 17 October 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.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

### C2 Proceedings of the Finance, Audit & Risk Subcommittee 1 November 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 6 and 7.	s6(b) - The making available of the information would be likely to endanger the safety of a person. 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 6 and 7.

### C3 Proceedings of the Strategy Committee 8 November 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)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

### C4 Employment Matters

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

### C5 28 Harbour Street, Foxton

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities. S7(2)(i) – The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)..	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.