
Council

OPEN MINUTES CONFIRMED

Minutes of a meeting of Council held in the Council Chambers, 126-148 Oxford St, Levin on Wednesday 20 March 2024 at 1:00 pm.

PRESENT

Mayor	His Worship The Mayor Bernie Wanden	
Deputy Mayor	Councillor David Allan	
Councillors	Councillor Mike Barker	
	Councillor Rogan Boyle	
	Councillor Ross Brannigan	Late, via a/v link
	Councillor Clint Grimstone	
	Councillor Nina Hori Te Pa	
	Councillor Sam Jennings	Via a/v link
	Councillor Paul Olsen	
	Councillor Jonathan Procter	
	Councillor Justin Tamihana	
	Councillor Piri-Hira Tukapua	
	Councillor Alan Young	

IN ATTENDANCE

Reporting Officer	Monique Davidson	Chief Executive
	Daniel Haigh	Group Manager - Community Infrastructure
	Jacinta Straker	Group Manager - Organisation Performance
	Brent Harvey	Group Manager - Community Experience and Services
	David McCorkindale	Group Manager – Community Vision and Delivery
	Blair Spencer	Group Manager – Housing & Business Development
	Ashley Huria	Business Performance Manager
	Grayson Rowse	Principal Advisor – Democracy
Meeting Secretary	Alice Peterson	Business Support Officer – Democracy
	Lacey Winiata	Parks and Property Manager
	Stephan Titze	Parks and Property Project Lead

1 Apologies

There were no apologies but it was noted Cr Jennings was attending via audio visual link and Cr Brannigan would be late but would also join by audio visual link

4 Declaration of Interest

There were no declarations of interests

2 Public Participation

Viv Bold attended the meeting and spoke to item 7.2 Update on Liquefaction Policy Approach.

The following people attended the meeting and spoke to their submissions included in item 7.3 Waikawa Beach Vehicle Accessway.

<u>Name</u>	<u>Submission no.</u>
Colin Peard	251
Kurt Renner	280
Jeanie Truell	295
Bryan Madge	231
Euan Playle	459
Pat O'Sullivan (<i>Waikawa Beach Ratepayers Association</i>)	66
Jan Jordan	311
Debra Betts (<i>Walk On Waikawa</i>)	453
David Nalder	372
Miraz Jordan	309
Dona Annett-Bright	485
Alan Signal	244
Christian Casbolt	281
Stephen Griffiths	124
Steve Bailey	197
Siobhan Fahy	369

3 Late Items

Resolution Number CO/2024/38

MOVED by Cr Young, seconded Cr Tamihana:

That Items No. 7.3 and 7.5 in relation to Waikawa Beach Vehicle Access-way be considered as a late item due to the report not being available at the time the agenda was prepared as discussions were ongoing with related parties, and this item cannot wait to a subsequent meeting because the community have submitted on this matter and were expecting to speak to their submissions,

And item 7.4 in relation to Regional Collaboration on a Water Services Delivery Plan be considered as a late item as the information was not available at the time of the agenda was prepared and this matter cannot wait until a later meeting as Council may need to appoint a representative to the Advisory Oversight Group which will meet before the next meeting of Council.

CARRIED

Item 7.3 and its related item 7.5 were brought forward in the meeting to cater for the submitters and members of the public who had attended the meeting

7.3 Waikawa Beach Vehicle Access-way, and

7.5 Addendum to Item 7.3 Waikawa Beach Access-way

This report is to updated the Council on the outcomes of the recent community consultation regarding the provision of vehicle access to Waikawa Beach. The findings are intended to facilitate informed decision-making by elected members, taking into account the sentiments of the private land owners and the community and regarding this matter.

The addendum provided additional guidance and advice to Council

This report directly aligns with one of Council's top 10 priorities "Get the basics right and support the customer focussed delivery of core services".

Resolution Number CO/2024/39

MOVED by Mayor Wanden, seconded Cr Allan:

- 2.1 That Report 24/164 Addendum to item 7.3 Waikawa Beach Vehicle Accessway be received.
- 2.2 That this matter or decision is recognised as significant in terms of S76 of the Local Government Act.
- 2.3 That Council formally receive the submitters made to the Waikawa Beach Vehicle Access-Way consultation, and in doing so note its comprehensive engagement process which has met the requirements of s77 – s82 of the Local Government Act.

CARRIED

Officers presented these late items, and outlined the challenges facing Council in reaching a solution to his matter. Council does not own the land over which access is currently granted. Officer acknowledged the generosity of the current owners over the last 35 years in allowing public access across their land. However, the owners now wish to pursue their own aspirations in respect to the land.

For these reasons, options 1 and 2 present in report 7.3 are now no longer viable options as these involved utilising the current access.

Subsequently the options now open to Council are limited. Office presented alternative recommendations, in report 7.5, for Council to consider, noting the change in circumstances.

Councillors asked about the existing footbridge and its renewal plan. Officers advised the existing foot bridge is nearing the end of its life. The current budget for its renewal is insufficient so a request will need to come back to Council for additional funding.;

Councillors queried whether any analysis had been done on vehicle emissions if there was no access at Waikawa Beach and vehicles had to travel south or north to access the beach. No analysis of this type had been done.

Councillors queried whether they could consider other options at this point. The advice was that only those options that were consulted one could be considered at this point, but that if there is further investigation in options, all reasonable practicable option could be considered at that time. Council needed to decide, now that options 1 and 2 were no longer viable, whether they wanted officers to bring back a report looking at option 3 only, or whether additional options should be investigated. Any further investigation and development of options by officers would be at the direction of Council.

There was some concerns expressed by Councillors that the current recommendations, if passed, could be read to exclude the option of not permitting vehicle access. The Chief Executive explained that by proceeding with the proposed approach, council was free to consider all practicable options as part of a fresh options consideration. This would include the option of not having vehicle access. An amendment was proposed to make this explicit.

The Mayor acknowledged and thanked the member of the public who had attended and spoke.

Resolution Number CO/2024/40

MOVED by Mayor Wanden, seconded Cr Tamihana:

2.4 That Council note that Options 1 and 2 as they were consulted are not viable options at this time.

CARRIED

During debate, Councillors noted the consultation process has indicated a particular steer that access should be maintained, but that there was need to spend more time to get this matter right.

There was general agreement that improving the existing pedestrian access as important regardless of any other solution implemented.

An alternative view was offered that the table should listen to local iwi who did not support vehicle access, and to note the likely future effects coastal inundation which may make any vehicle access redundant.

All Councillors supported the need to ensure that any process going forward is mindful of and facilitative of a socially cohesive Waikawa Beach community.

Resolution Number CO/2024/41

MOVED by Cr Jennings, seconded Cr Olsen:

2.6 That after hearing submissions on Options 1, 2, 3, and given the general level of support for the provision of a vehicle accessway, that Council pauses the current process and requests the Chief Executive to report back to Council on alternative options to provide vehicle accessway at Waikawa Beach.

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

For:

Councillors: David Allan
Mike Barker
Clint Grimstone
Nina Hori Te Pa
Sam Jennings

Against:

Councillors: Rogan Boyle

Paul Olsen
Jonathan Procter
Justin Tamihana
Piri-Hira Tukapua
Bernie Wanden
Alan Young

Cr Ross Brannigan was absent.

The division was declared CARRIED by 11 votes to 1.

CARRIED

Resolution Number CO/2024/42

MOVED by Cr Allan, seconded Cr Grimstone:

Amendment

That after the words “Waikawa Beach”, add, “along with the option of not permitting vehicle access”.

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

For:

Against:

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

Cr Ross Brannigan was absent.

The division was declared CARRIED by 12 votes to 0.

CARRIED

Resolution Number CO/2024/43

MOVED by Mayor Wanden, seconded Cr Boyle:

Amendment

That after the words “Council on” add the word “potential”

CARRIED

For clarity, after amendments, the full resolution reads:

That after hearing submissions on Options 1, 2, 3, and given the general level of support for the provision of a vehicle accessway, that Council pauses the current process and requests the Chief Executive to report back to Council on *potential* alternative options to provide vehicle accessway at Waikawa Beach *along with the option of not permitting vehicle access*.

7.4 Regional Collaboration on a Water Services Delivery Plan

This report provided an overview of the Government's intended legislative changes to give effect to Local Water Done Well policy, including the requirement on councils to develop a water service delivery plan.

Options were discussed on progressing alignment with Manawatu-Whanganui regional colleagues, whilst also considering a future water service delivery model with other councils in the Wellington region. At this stage Council is keeping its options open.

A memorandum of understanding was presented setting out the collaboration process to develop a water services plan across the Wellington region, with a request to nominate an elected member to be Council's representative on the Advisory Oversight Group.

Councillors questioned whether there were any costs associated with the MoU. At this point there are no costs anticipated, other than staff time. There will eventually be cost implications but these will be brought back to council for a decision.

While there is no longer any three waters transition funding available, there is a possibility that existing unspent Better Off funding could be re-allocated to meet any costs.

A feasibility study is expected by June, at which time Council will be able to make a better informed decision on its strategic direction in relation to three waters.

Resolution Number CO/2024/44

MOVED by Mayor Wanden, seconded Cr Allan:

- 2.1 That Report 24/155 Regional Collaboration on a Water Services Delivery Plan be received.
- 2.2 That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.

CARRIED

Resolution Number CO/2024/45

MOVED by Cr Allan, seconded Cr Boyle:

- 2.3 That Council notes the work progressing on Manawatu-Whanganui CCO Project Feasibility.

CARRIED

Resolution Number CO/2024/46

MOVED by Cr Allan, seconded Cr Grimstone:

- 2.4 That Council approves signing of a Memorandum of Understanding to jointly develop a water service delivery plan with the other councils in the Wellington region.

CARRIED

Resolution Number CO/2024/47

MOVED by Cr Boyle, seconded Cr Allan:

- 2.5 That Council agrees to delegate authority to the Chief Executive to finalise the Memorandum of Understanding, consistent with discussions and any amendments made by the Committee.

CARRIED

Resolution Number CO/2024/48

MOVED by Cr Jennings, seconded Cr Olsen:

- 2.6 That Council agrees to nominate Mayor Wanden to be Council's representative on the Advisory Oversight Group for the joint water service delivery plan process in the Wellington Region, and appoints Cr Tukapua as nominated alternate.

CARRIED

5 Confirmation of Minutes

Resolution Number CO/2024/49

MOVED by Cr Allan, seconded Mayor Wanden:

That the minutes of the meeting of the Council held on Wednesday, 6 March 2024, be confirmed as a true and correct record.

That the minutes of the meeting of the In Committee Meeting of Council held on Wednesday, 6 March 2024, be confirmed as a true and correct record.

CARRIED

6 Elected Members Reports

6.1 Mayoral Report - March 2024

1. Purpose

- 1.1 The purpose of this report is for His Worship the Mayor to report to Council on community events and Council-related meetings attended during February 2024, and provide an update on items of interest.

Resolution Number CO/2024/50

MOVED by Mayor Wanden, seconded Cr Allan:

- 2.1 That Report Mayoral Report - March 2024 be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

6.2 Proposed Remit to the 2024 LGNZ AGM

This report is to present to Council a proposed remit for consideration. The remit has been put forward by Crs Tamihana and Hori Te Pa, as part of a wider cohort of Māori Ward Councillors from across the Horizons Region. This paper has been prepared on their behalf.

Councillor Brannigan entered the meeting at 04:05 pm.

Resolution Number CO/2024/51

MOVED by Mayor Wanden, seconded Cr Allan:

- 2.1 That Report 24/118 Proposed Remit to the 2024 LGNZ AGM be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

Resolution Number CO/2024/52

MOVED by Cr Hori Te Pa, seconded Cr Allan:

- 2.3 That Council support the following remit for consideration at the Zone Three Meeting and if successful, the LGNZ AGM 2024:

That LGNZ lobbies Central Government to ensure that Māori Wards and constituencies are treated the same as all other wards in that they should not be subject to a referendum.

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

For:

Councillors: David Allan
Rogan Boyle
Ross Brannigan
Clint Grimstone
Nina Hori Te Pa
Sam Jennings
Paul Olsen
Jonathan Procter
Justin Tamihana
Piri-Hira Tukapua
Bernie Wanden
Alan Young

Against:

Councillors: Mike Barker

The division was declared **CARRIED** by 12 votes to 1.

CARRIED

7 Reports for Decision

Cr Brannigan declared a conflict of interest in relation to item 7.1 and withdrew from the meeting taking no part in the discussion or voting of this item.

7.1 Service Delivery - Section 17 A Review prioritised workplans

This report provided Council with an update on the programme of the Local Government Act (2002) Section 17A Reviews.

This report directly aligns with one of Council's top 10 priorities "Get the basics right and support the customer focused delivery of core services" and actively supports out other area of focus "Review and approve Section 17a Reviews, to ensure we are reviewing the way we deliver services"

Officers introduced the report and clarified that activities that indicated no review would be undertaken, this only referred to the prescribed s17a review process.

Clarification around the use of consultants, and conflicts of interest around engagement of consultants.

Councillors discussed the prioritisation of some items over the others. Some timings around s17a reviews will be affected by separate decisions made by council through other processes such as the LTP consultations.

Resolution Number CO/2024/53

MOVED by Mayor Wanden, seconded Cr Young:

- 2.1 That Report 24/127 Service Delivery - Section 17 A Review prioritised workplans be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

Resolution Number CO/2024/54

MOVED by Cr Allan, seconded Cr Grimstone:

- 2.3 That Council endorse the attached Section 17 A prioritised work program.

CARRIED

9.2 Proceedings of Te Awahou Foxton Community Board 4 March 2024

1. Purpose

To present to the Council the minutes of the Te Awahou Foxton Community Board meeting held on 04 March 2024.

Resolution Number CO/2024/55

MOVED by Cr Allan, seconded Cr Hori Te Pa:

- 2.1 That Report 24/146 Proceedings of Te Awahou Foxton Community Board 4 March 2024 be received.
- 2.2 That the Council receives the minutes of the Te Awahou Foxton Community Board meeting held on 04 March 2024.

CARRIED

Community Board Deputy Chair Trevor Chalmers joined the table alongside officers.

Officers noted apologies from Hadyn Turoa who could not attend today's meeting, however, Mr Turoa did send word that the hapū owners were comfortable with the report and proposed process as presented.

Officers introduced the report and briefly explained the proceeds to date, culminating with the development of the policy review process. Which the Baird recommends of Council for adoption. The Board also expressed a view that Council fund the review of the policy not from the Endowment fund itself, however, officers do not recommend this approach.

Council should be responsible for the cost because Council has overall responsibility for the fund.

TAFCB have been consistent in their views that the review should not be funded form the Endowment Fund. However, Council does not have any funding for this review.

Resolution Number CO/2024/56

MOVED by Cr Olsen, seconded Cr Boyle:

2.3 That Council adopt the Foxton Beach Endowment Fund Review Process including reference to pages 85 & 86 of Appendix A, the complete work.

CARRIED

MOVED by Cr Tamihana, seconded Cr Boyle

2.4 That Council fund the review of the Foxton Beach Endowment Fund Review.

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

For:

Councillors: Nina Hori Te Pa
Justin Tamihana

Against:

Councillors: David Allan
Mike Barker
Rogan Boyle
Ross Brannigan
Clint Grimstone
Sam Jennings
Paul Olsen
Jonathan Procter
Piri-Hira Tukapua
Mayor Bernie Wanden
Alan Young

The division was declared LOST by 2 votes to 11.

Resolution Number CO/2024/57

MOVED by Cr Tukapua, seconded Cr Allan:

That the Review costs be funded form the Foxton Beach Freeholding account.

CARRIED

7.2 Liquefaction: Policy Approach Update

This report sought approval to adopt the updated desktop mapping assessment and resulting proposed changes to the policy approach. The aim was to enhance the customer experience and to improve districtwide outcomes.

Resolution Number CO/2024/58

MOVED by Mayor Wanden, seconded Cr Tukapua:

That Report 24/147 Liquefaction: Policy Approach Update be received.

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

CARRIED

Resolution Number CO/2024/59

MOVED by Cr Tukapua, seconded Cr Procter:

- 3.5 That Council adopts Option 3 - receive Horowhenua District Liquefaction Vulnerability Assessment attached as Appendix A and adopt policy approach D for building consents & C for resource consents as outlined in the report Options for Liquefaction Assessment for Resource and Building Consent, attached as Appendix B with the modified screening tool attached as Appendix C.

This approach would see the development of Horowhenua-specific guidance for all buildings consents except for commercial or industrial development. These latter developments would have no liquefaction assessment/mitigation guidance provided to engineering practitioners. Resource consents would be treated in a similar manner except for urban scale residential developments which would adopt the Canterbury guidance.

In addition the modified screening tool would be utilised to further refine and enhance guidance.

- 3.6 That Council adopts Option 4 - Acknowledge that the improvement process is ongoing and that continued investment in time be employed to enhance the HDC approach to Liquefaction Policy, including meeting with MBIE, MfE, MoR and consulting engineers directly to develop further clarity of intent and approach.

CARRIED

8 Reports for Noting

8.1 Interim Organisation Performance Report

This report presented the Interim Organisation Performance Report for November 2023.

This report directly aligns with one of Council's top 10 priorities "Get the basics right and support the customer focussed delivery of core services".

Resolution Number CO/2024/60

MOVED by Mayor Wanden, seconded Cr Procter:

- 2.1 That Report 24/125 Interim Organisation Performance Report be received.

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

CARRIED

Resolution Number CO/2024/61

MOVED by Mayor Wanden, seconded Cr Grimstone:

- 2.3 That having considered all matters raised in the Interim Organisation Performance Report 20 March 2024 the report be noted.

CARRIED

8.2 Long Term Plan 2021-2041 Monitoring Report March 2024

This report presented Council the ongoing monitoring report, which reflects the progress of those actions and recommendations from the Long Term Plan 2021-2041 and Long Term Plan 2021-2041 Amendment deliberations.

This report directly aligns with one of Council's top 10 priorities "Get the basics right and support the customer focussed delivery of core services".

Councillors expressed concerns at the quality and usefulness of the updates in the Long Term Plan Monitoring Report.

The Chief Executive responded that officers were renewing efforts to provide better quality and timely updates.

Resolution Number CO/2024/62

MOVED by Mayor Wanden, seconded Cr Grimstone:

- 2.1 That Report 24/24 Long Term Plan 2021-2041 Monitoring Report March 2024 be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

8.3 Council Resolution and Actions Monitoring Report March 2024

This report presented Council the updated monitoring report covering resolutions and requested actions from previous meetings of Council.

This report directly aligns with one of Council's top 10 priorities "Get the basics right and support the customer focussed delivery of core services".

Resolution Number CO/2024/63

MOVED by Mayor Wanden, seconded Cr Procter:

- 2.1 That Report 24/117 Council Resolution and Actions Monitoring Report March 2024 be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

CARRIED

9 Proceedings of Committees

9.1 Proceedings of the Risk and Assurance Committee Meeting 21 February 2024

This report presented Council the minutes of the Risk and Assurance Committee meeting held on 21 February 2024.

Resolution Number CO/2024/64

MOVED by Mayor Wanden, seconded Cr Grimstone:

- 2.1 That Report 24/142 Proceedings of the Risk and Assurance Committee Meeting 21 February 2024 be received.
- 2.2 That the Council receives the minutes of the Risk and Assurance Committee meeting held on 21 February 2024.

CARRIED

10 Procedural motion to exclude the public

Resolution Number CO/2024/65

MOVED by Mayor Wanden, seconded Cr Young:

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 Levin Town Centre Transformation - Request for Expressions of Interest - Redevelopment of the Bath Street/Salisbury Street Carpark, Levin

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

C2 Oxford Street Plane Trees

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	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of

reason for withholding exists under section 7.	information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	information for which good reason for withholding exists under section 7.
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C3 Council Resolution and Actions Monitoring Report March 2024

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

C4 Proceedings of the Chief Executive Employment and Performance Committee 14 February 2024

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

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

CARRIED

5:08pm The public were excluded.

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

6.30 pm

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

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

DATE: .8 May 2024.....

CHAIRPERSON: 