
Council

OPEN MINUTES

UNCONFIRMED

Minutes of a meeting of Council held in the Council Chambers, 126-148 Oxford St, Levin on Wednesday 11 December 2024 at 11:00 am.

PRESENT

Mayor	His Worship The Mayor Bernie Wanden	
Deputy Mayor	Councillor David Allan	
Councillors	Councillor Mike Barker	
	Councillor Rogan Boyle	via A/V link
	Councillor Ross Brannigan	
	Councillor Clint Grimstone	
	Councillor Nina Hori Te Pa	
	Councillor Sam Jennings	
	Councillor Paul Olsen	
	Councillor Jonathan Procter	
	Councillor Justin Tamihana	
	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
Meeting Secretary	Grayson Rowse	Principal Advisor – Democracy

1 Apologies

There were no apologies.
Cr Boyle attended the meeting via a/v link.
Councillor Hori Te Pa joined the meeting at 11:13 am.

2 Public Participation

The following members of the public attended the meeting and spoke on the items listed:

Name	Agenda Item
Kurt Renner	Item 7.1 Waikawa Beach Vehicle Access
Maarten Quivooy – Walk on Waikawa	Item 7.1 Waikawa Beach Vehicle Access
Jeanie Truell – Walk on Waikawa	Item 7.1 Waikawa Beach Vehicle Access
Debra Betts – Waikawa Beach Residents Assoc.	Item 7.1 Waikawa Beach Vehicle Access
Gary Brown	Item 7.1 Waikawa Beach Vehicle Access
Darren Galloway	Item 7.1 Waikawa Beach Vehicle Access
Matt Fogden	Item 7.1 Waikawa Beach Vehicle Access
Lesley-Anne Walker	Item 7.1 Waikawa Beach Vehicle Access
Mary Byrne	Item 7.12: Report following Fluoridation Petition
Mark Atkin	Item 7.12: Report following Fluoridation Petition
Allan Mitchell	Item 7.12: Report following Fluoridation Petition
Viv Bold	Item 7.6: Hokio Beach Road Recreational Pathway
Charles Rudd	Item 6.1 - Notice of Motion; Item 7.4 Property Strategy Amendment - First Right of Refusal for Iwi; 7.11 Levin Wastewater Treatment Plant Long Term Location.

3 Late Items

There are not late items

4 Declaration of Interest

There were no declarations of interest

5 Confirmation of Minutes

Resolution Number [CO/2024/384](#)

MOVED by Cr Brannigan, seconded Cr Jennings:

That the minutes of the meeting of the Council held on Wednesday, 27 November 2024, be confirmed as a true and correct record.

CARRIED

Resolution Number [CO/2024/385](#)

MOVED by Cr Young, seconded Cr Jennings:

That the minutes of the meeting of the Public Excluded Meeting of Council held on Wednesday, 27 November 2024, be confirmed as a true and correct record.

CARRIED

7.1 Waikawa Beach Vehicle Access

This report shared with Council the results of a Technical Report prepared by Boffa Miskell dated 20 November 2024, which investigated options for providing vehicle access to Waikawa Beach over three parcels of Council-owned land.

The reason this Technical Report was commissioned by Council is that two of the options previously consulted on in late 2023 / early 2024 are no longer available to the Council, due to the relevant landowners deciding to not make their land available for any vehicle access.

This report outlined the background to this issue, the options considered by Boffa Miskell (and associated processes and potential costs with pursuing these options), with a view to assisting Council to provide further direction in relation to the matter of vehicle access at Waikawa Beach.

Resolution Number CO/2024/386

MOVED by Cr Young, seconded Cr Olsen:

That Report 24/845 Waikawa Beach Vehicle Access be received.

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

CARRIED

The Chief Executive noted the advice prepared for councillors is framed by the recent communication received from legal counsel from opposing stakeholders in relation to this matter.

Councillors sympathised that the current legal risk meant that the process of finding a solution would now be further drawn out, and uncertainty for all in the Waikawa Beach community remains.

Councillors lamented the division in the community and noted Council's unenviable position. A number of Councillors did urge the various parties at Waikawa Beach to work together to try and find a solution that works for all in the community.

Resolution Number CO/2024/387

MOVED by Cr Tamihana, seconded Cr Procter:

That Council notes the outcomes of the earlier consultation, which was reported to Council on 20 March 2024, and the Technical Report prepared by Boffa Miskell, which outlines the feasibility, costs, and potential impacts of constructing a vehicle accessway at the three identified locations on Council-owned land.

That Council acknowledges the strong community interest in the matter of vehicle access at Waikawa Beach and the diversity of opinions regarding whether vehicle access should be provided, as well as other aspects, including environmental, technical, and community considerations.

That Council:

Support continued investigations into the matter of vehicle access at Waikawa Beach;

direct officers to complete further work to identify and evaluate the options available to provide access to Waikawa Beach; and

instruct officers to prepare a further report and recommendations as to the way forward for this process, noting that further consultation with the community may be required based on the options identified by officers.

CARRIED

Cr Boyle voted against the motion.

7.12 Report following Fluoridation Petition

This report provided advice to Council following on from receipt of the Petition seeking a delay in the fluoridation of the water supplies in Levin and Ohau.

Resolution Number CO/2024/388

MOVED by Mayor Wanden, seconded Cr Brannigan:

That Report 24/922 Report following Fluoridation Petition be received and noted

CARRIED

Cr Barker proposed additional motions that would further clarify Council's position if it did not comply, and to watch developments at Whangarei District Council

Resolution Number CO/2024/389

MOVED by Cr Barker, seconded Cr Jennings:

That Council request the Chief Executive write to the Director General of Health seeking further information on the consequences of not complying with the fluoridation order.

CARRIED

Resolution Number CO/2024/390

MOVED by Cr Barker, seconded Cr Jennings:

That Council request the Chief Executive keep a watching brief on the Whangarei District Council situation, and reports back to Council at an appropriate time so that Council can consider any future implications or decisions.

CARRIED

6 Elected Members Reports

6.1 Notice of Motion - Submission on the Principles of the Treaty of Waitangi Bill

In accordance with Standing Order 27.1, the following Notice of Motion was considered at the Council meeting held on 11 Dec 2024:

That Horowhenua District Council make a submission against the bill, and That the information contained [in the attached notice], is fleshed out for the submission, A division was called for, voting on which was as follows:

For:
Councillors: David Allan

Against:
Councillors: Mike Barker

Rogan Boyle
Clint Grimstone
Nina Hori Te Pa
Jonathan Procter
Justin Tamihana

Ross Brannigan
Sam Jennings
Paul Olsen
Bernie Wanden
Alan Young

The division was declared EQUAL. As provided for by standing order 19.3, in the event of an equality of votes for any question, that question would be lost

LOST

The table was evenly divided on this issue.

Those in support noted the importance of representing the community's voice, protecting Māori rights, maintaining relationships with iwi, and providing a platform for community involvement on this significant issue.

Those opposed noted the importance of community consultation, avoiding Council overreach into political issues, maintaining neutrality and representing all constituents, and prioritizing local issues over national political debates.

The following part was not put as it would have the effect of negating of the motion just passed.

Should the table decide that there is not the mandate or enough information to use for developing a submission, we recommend that a draft submission opposing the Bill be brought to an Extraordinary Council meeting at the earliest date (18 December 2024). This would enable the opportunity for debate for Council, and for the public to input into the decision-making process.

Point of order: Raised by Deputy Mayor Allen – disorderly conduct – when a point of order is called the person speaking must stop. Speaking to the point of order, Cr Jennings concurred that by continuing to speak over the Mayor when point of order had been called, Cr Tamihana showed disrespect for the Chair, and should apologise and withdraw.

Ruled: Cr Tamihana to withdraw and apologise.

Outcome: Cr Tamihana withdrew and apologised.

The meeting adjourned at 1.10pm

The meeting resumed at 1.40pm

7 Reports for Decision

7.2 Endorsement of Annual Plan 2025/26 budget and draft Fees and Charges Schedule 2025/26

This report sought Council's endorsement of the budget for preparation of the Annual Plan 2025/26 which also determines whether or not consultation is required. Council was also asked to endorse the proposed Fees and Charges for 2025/26, and so enabling preparation of consultation material for those fees and charges that must be consulted on.

This report also provided an update and overview of the Annual Plan 2025/26 project.

Resolution Number CO/2024/391

MOVED by Mayor Wanden, seconded Cr Allan:

That Report 24/902 Endorsement of Annual Plan 2025/26 budget and draft Fees and Charges Schedule 2025/26 be received.

That this matter or decision is recognised as significant in terms of s76 of the Local Government Act 2002.

CARRIED

Most Councillors were generally supportive of the recommendation. They noted that the increase was what had previously been consulted.

Resolution Number CO/2024/392

MOVED by Cr Jennings, seconded Cr Brannigan:

That Council, having taken into account the information received during the Council workshops held over the last 3 months, endorse the preferred proposed average rates increase package (after accounting for growth) of 9.3% for the 2025/26 year as outlined in paragraph 25 of the report.

CARRIED

Resolution Number CO/2024/393

MOVED by Cr Jennings, seconded Cr Olsen:

That Council notes that further information about the capital programme will be presented in a Council Workshop early in 2025 with any decisions required to be presented to a subsequent Council Meeting.

CARRIED

Resolution Number CO/2024/394

MOVED by Cr Brannigan, seconded Cr Jennings:

That Council endorse the proposed Fees and Charges Schedule.

CARRIED

Resolution Number CO/2024/395

MOVED by Cr Jennings, seconded Cr Olsen:

That Council agree not to consult on the Annual Plan 2025-26 because it considers that there are no significant or material changes from the Long Term Plan 2024-2044.

CARRIED

Cr Tamihana voted against

Resolution Number CO/2024/396

MOVED by Cr Jennings, seconded Cr Allan:

That Council endorse the preparation of consultation material for consultation on new fees and RMA and Food Act fees.

CARRIED

7.3 Draft Local Waters Combined Bylaw 2025

This report proposed that the Draft Local Waters Combined Bylaw be consulted on using the special consultative procedure. The Draft Local Waters Combined Bylaw is proposed to replace the current Trade Waste Bylaw 2015, current Water Supply Bylaw 2020, revoked Wastewater Bylaw 2015, and introduce Stormwater regulations.

Resolution Number CO/2024/397

MOVED by Mayor Wanden, seconded Cr Allan:

That Report 24/790 Draft Local Waters Combined Bylaw 2025 be received.

That this matter or decision is recognised as significant in terms of s76 of the Local Government Act 2002.

CARRIED

Resolution Number CO/2024/398

MOVED by Cr Allan, seconded Cr Jennings:

That Council agrees a Bylaw is the most appropriate way of addressing Local Waters matters, section 155(1) of the Local Government Act 2002.

That Council adopt for consultation, the Draft Local Waters Combined Bylaw included in the Statement of Proposal document attached as Attachment A and acknowledges that this is the most appropriate form of bylaw (section 155(2)(a) of the Local Government Act 2002); and notes the draft bylaws do not give rise to any implications under the New Zealand Bill of Rights 1990 (section 155(2)(b) of the Local Government Act 2002).

That Council consults using the special consultative procedure as set out in section 83 of the Local Government Act 2002 for consultation purposes, and Council adopts the Statement of Proposal attached.

CARRIED

Councillors were generally supportive of the bylaw consultation document, noting the work of officers developing it with councillors through various workshops in the lead up to today's meeting.

One concern raised was given the breadth of the bylaw, and noting the current broader strategic work on Local Waters Done Well, whether the submissions should be heard by the full Council. Councillors agreed that opening membership of the Hearings and Regulatory Committee to other interested Councillors would enable that greater involvement; and the recommendation was amended to reflect this.

A further concern was raised about how Te Mana o te Wai, the Climate Action Plan and Te Tiriti o Waitangi/Treaty of Waitangi were reflected in the bylaw. A further recommendation was put for the Chief Executive to prepare additional advice on this question for the Hearings and Regulatory Committee to consider

Resolution Number CO/2024/399

MOVED by Cr Allan, seconded Cr Jennings:

That the hearing of any submissions on this matter be heard by the Hearings Committee of Council acting under delegated authority, along with other interested Councillors and a subsequent recommendation be made by the Committee to Council on this matter.

CARRIED

Resolution Number CO/2024/400

MOVED by Cr Tamihana, seconded Cr Allan:

That officers prepare advice for the Hearings Committee and Council on how Te Mana o te Wai, the Climate Action Plan, and Te Tiriti/The Treaty are reflected in the bylaw.

CARRIED

7.4 Property Strategy Amendment - First Right of Refusal for Iwi

This report suggested amendment to the Property Strategy for Council to consider, incorporating First Right of Refusal for iwi on non-core property which have been identified for disposal.

Cr Tamihana moved a procedural motion to lay this matter on the table until later meeting in 2025

Resolution Number CO/2024/401

MOVED by Cr Tamihana, seconded Cr Grimstone:

That the matter lie on the table until a later meeting in 2025.

CARRIED

7.5 Endorsement of 'He rā ki tua - Horizons Region Spaces and Places Plan for Sport and Recreation'

This report sought Council's endorsement of 'He rā ki tua - Horizons Region Spaces and Places Plan for Sport and Recreation' written and prepared by Sport Manawatu.

Resolution Number CO/2024/402

MOVED by Mayor Wanden, seconded Cr Young:

That Report 24/876 Endorsement of 'He rā ki tua - Horizons Region Spaces and Places Plan for Sport and Recreation' 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/2024/403

MOVED by Cr Procter, seconded Cr Jennings:

That Council endorses 'He rā ki tua - Horizons Region Spaces and Places Plan for Sport and Recreation'

CARRIED

7.6 Hokio Beach Road Recreational Pathway

This report informed Council on the feasibility and potential costs of the Hokio Beach Road Recreation Pathway; provided context on aspects of the project which Council Officers have the capability and capacity to assist with and; requested that Council approve the allocation of \$45,000 to support this project from the Horowhenua Blueprint Budget, to contribute towards physical works and Officer time.

Resolution Number CO/2024/404

MOVED by Mayor Wanden, seconded Cr Allan:

That Report 24/893 Hokio Beach Road Recreational Pathway be received.

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

CARRIED

Some concerns were about the project, including the lack of legal status of the community group, potential conflicts of interest, and the need for further consultation with iwi and other stakeholders.

The council ultimately approved allocating \$45,000 from the Horowhenua blueprint budget to support the delivery of stage one of the pathway project. However, there was discussion around ensuring the proper risk mitigation and community engagement is in place before proceeding with the physical works.

Resolution Number CO/2024/405

MOVED by Cr Procter, seconded Cr Olsen:

That Council approves the allocation of \$45,000 from the Horowhenua Blueprint budget to support the delivery of Stage 1 of the Hokio Beach Road Recreational Pathway, from Donnelly Park through to Arawhata Road via Hokio Beach Road.

CARRIED

7.7 Foxton and Foxton Beach Community Plan on a Page

This report presented the Foxton and Foxton Beach Community Plan on a Page to Council for endorsement.

Resolution Number CO/2024/406

MOVED by Mayor Wanden, seconded Cr Allan:

That Report 24/901 Foxton and Foxton Beach Community Plan on a Page be received.

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

CARRIED

Councillors noted the plan provides opportunities to input through the Foxton community plan, particularly around the culture and heritage aspects.

Councillors further expressed excitement about the plan and the opportunities it presents through the district planning process, especially around heritage precincts.

Resolution Number CO/2024/407

MOVED by Cr Allan, seconded Cr Brannigan:

That Council endorse the Foxton and Foxton Beach Community Plan on a Page.

CARRIED

7.8 Adoption of Policy for Responding to External Consultations

This report sought Council's adoption of the Policy for Responding to External Submissions.

Resolution Number CO/2024/408

MOVED by Mayor Wanden, seconded Cr Young:

That Report 24/903 Adoption of Policy for Responding to External Consultations be received.

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

CARRIED

Cr Jennings moved a procedural motion to lay this matter on the table until a later meeting in 2025.

Resolution Number CO/2024/409

MOVED by Cr Jennings, seconded Cr Allan:

That the matter lay on the table until a later meeting in 2025.

CARRIED

7.9 Delegations under s213 of the Building Act 2004

This report sought Council's approval for a new delegation for the Chief Executive Officer under s213 of the Building Act 2004.

Resolution Number CO/2024/410

MOVED by Mayor Wanden, seconded Cr Allan:

That Report 24/892 Delegations under s213 of the Building Act 2004 be received and noted.

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

CARRIED

Resolution Number CO/2024/411

MOVED by Cr Procter, seconded Cr Brannigan:

That Council delegates authority to the Chief Executive Officer to enter into agreements with other Building Consent Authorities (BCAs) under s213 of the Building Act 2004.

CARRIED

7.10 Heritage Strategy

This report provided guidance and detail of the Officer review and recommendation to inform Council's decision in relation to the Heritage Strategy.

Resolution Number CO/2024/412

MOVED by Mayor Wanden, seconded Cr Allan:

That Report 24/918 Heritage Strategy be received.

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

CARRIED

Council agreed to retain the existing heritage strategy, recognizing it can be implemented and aligned with other ongoing initiatives, such as community plans and district plan changes. The discussion focused on the opportunities to integrate heritage considerations through these other planning processes.

Resolution Number CO/2024/413

MOVED by Cr Jennings, seconded Cr Brannigan:

That Council agrees to retain the existing Heritage Strategy, without further update or refinement.

That Council notes that retaining the Strategy enables the actions identified in the heritage strategy to continue via other broader workstreams, such as community plans and district plan changes and the costs of implementing actions be met from the associated operating budgets.

CARRIED

7.11 Levin Wastewater Treatment Plant Long Term Location

This report provided an update on the further investigation into the relocation feasibility of the Levin Wastewater Treatment Plant (LWWTP).

Resolution Number CO/2024/414

MOVED by Mayor Wanden, seconded Cr Allan:

That Report 24/821 Levin Wastewater Treatment Plant Long Term Location be received.

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

CARRIED

While there was some fundamental opposition to allowing the treatment plant to remain next to Lake Horowhenua because of the risk it poses, Council agreed to maintain the existing site and approved an upgrade to the facilities.

A new motion was proposed opening the option for a relocation of the plant at some time in the future when and if that becomes possible.

Resolution Number CO/2024/415

MOVED by Cr Barker, seconded Cr Jennings:

That Council approve Option A, the proposed approach to upgrade the Levin WWTP at its current site consulted on with the community as part of the 2024-44 LTP.

Amended MOVED by Cr Tamihana, seconded Cr Young:

To add the words: and Council continue to explore other options for alternative future sites, to be considered as part of the future water services delivery plan.

CARRIED

Cr Procter voted against the motion.

8 Reports for Noting

8.1 Interim Organisation Performance Report December 2024

This report presented the Interim Organisation Performance Report for December 2024.

Resolution Number CO/2024/416

MOVED by Mayor Wanden, seconded Cr Brannigan:

That Report Interim Organisation Performance Report December 2024 be received and noted.

CARRIED

Councillors raises number of questions around operational matters contain within the report, which officers responded to.

8.2 Council Resolution and Actions Monitoring Report December 2024

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

Resolution Number CO/2024/417

MOVED by Mayor Wanden, seconded Cr Olsen:

That Report 24/923 Council Resolution and Actions Monitoring Report December 2024 be received and noted.

CARRIED

8.3 Long Term Plan 2024-44 Monitoring Report December 2024

The purpose of this report is to present to Council the ongoing monitoring report, which reflects the progress of those actions and recommendations from the Long Term Plan 2024 - 44.

Resolution Number CO/2024/418

MOVED by Mayor Wanden, seconded Cr Young:

That Report 24/924 Long Term Plan 2024-44 Monitoring Report December 2024 be received and noted.

CARRIED

9 Proceedings of Committees

There were no proceedings of committee.

10 Procedural motion to exclude the public

Resolution Number CO/2024/419

MOVED by Mayor Wanden, seconded Cr Allan:

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 Economic Development: Independent Service Delivery Model Review

Reason:	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.
Interests:	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. s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.
Grounds:	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.
Plain English Reason:	The report to be discussed has potential to directly impact on the current contract providers and therefore Council has an obligation to manage the contractual relationship.

C2 Council Resolution and Actions Monitoring Report December 2024

Reason:	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.
Interests:	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).
Grounds:	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.
Plain English Reason:	These actions relate to potential or actual sales of property, and contract negotiations. The public release of these actions at this time may affect sales prices or disclose negotiation points..

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

4.40pm 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.

5.15 pm

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

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

DATE:

CHAIRPERSON: