

MINUTES	MEETING	TIME
COUNCIL	THURSDAY 22 NOVEMBER 2018	8.30AM

Minutes of a meeting of the Council held on Thursday 22 November 2018, commencing at 8.30am in the Manawatū District Council Chambers, 135 Manchester Street, Feilding.

PRESENT:	Cr Michael Ford	(Chairperson)
	Cr Steve Bielski	
	Cr Barbara Cameron	
	Cr Stuart Campbell	
	Cr Shane Casey	
	Cr Hilary Humphrey	
	Cr Phil Marsh	
	Cr Andrew Quarrie	
	Cr Alison Short	
	Cr Howard Voss	
APOLOGY:	Mayor Helen Worboys	
IN ATTENDANCE:	Shayne Harris	(Acting Chief Executive)
	Brent Limmer	(General Manager – Community and Strategy)
	Hamish Waugh	(General Manager – Infrastructure)
	Rebecca Bell	(Strategy Manager)
	Janine Hawthorn	(Community Development Adviser)
	Michael Hawker	(Project Delivery Manager)
	Paul Stein	(Communications Manager)
	Lisa Thomas	(Policy Adviser)
	Mathew Bayliss	(Community Facilities Manager)
	Lorraine Thompson	(Executive Assistant – Chief Executive)
	Kirsten Pike	(Parks and Property Officer - Legal and Planning)
	Carl Johnstone	(Parks and Property Team Leader)
	Tony Thomas	(Parks and Property Project Support)
	Stacey Bell	(Economic Development Adviser)
	Rachel Raggett	(Executive Assistant – Community and Strategy)
	Paul Greig	(Compliance and Enforcement Team Leader)
	Brent Holmes	(Programme Delivery Manager (MDC))
	Brittney Evans	(Corporate Projects Adviser)
	Allie Dunn	(Governance Team Leader)

MDC 18/593 MEETING OPENING

Jocelyn Stephens of the Lifepoint Church opened the meeting in prayer.

MDC 18/594 APOLOGIES

RESOLVED

That the apologies from Her Worship the Mayor, and from Councillor Alison Short for early departure, be accepted.

Moved by: Councillor Howard Voss

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Seconded by: Councillor Phil Marsh

CARRIED

MDC 18/595 REQUESTS FOR LEAVE OF ABSENCE

There were no requests for leave of absence.

MDC 18/596 CONFIRMATION OF MINUTES

RESOLVED

That the minutes of the Council meeting held 18 October 2018 be adopted as a true and correct record.

Moved by: Councillor Alison Short

Seconded by: Councillor Howard Voss

CARRIED

MDC 18/597 DECLARATIONS OF INTEREST

Councillor Shane Casey – item 12.4 Change in Representative Ngā Manu Tāiko

Councillor Michael Ford – public excluded item (c) Segregation Strip 13 Monmouth Street

MDC 18/598 PUBLIC FORUM - FEILDING HIGH SCHOOL U15 COLTS RUGBY TEAM

Members of the Feilding High School Under 15 Colts Rugby Team spoke about their attendance at the Hurricanes under 15's tournament held in Lower Hutt from 5 to 8 September 2018. They thanked Council for the representative grant that helped them participate in the tournament, noting that although they came 12th out of the 16 teams, they learned a lot from their participation. One of their team members was awarded most valued player for the tournament.

MDC 18/599 PUBLIC FORUM - FEILDING HIGH SCHOOL GIRLS' HOCKEY TEAM

Members of the Feilding High School Girls' Hockey Team spoke about their attendance at the National Secondary School Girls Tier 3 Hockey Tournament held in Masterton from 3 to 7 September 2018 where they competed for the Jenny Hair Cup. They thanked Council for the representative grant that helped them to participate in the tournament, noting that they came second and moved in to the top tier.

MDC 18/600 PUBLIC FORUM - RILEY TUNNICLIFFE AND GEORGIE SIMPSON

Riley and Georgie spoke about competing at the New Zealand Schools Cycling Championships held in Christchurch from 29 September to 1 October 2018. They thanked Council for the representative grant that helped them to participate in the championships. In the first day of racing, Riley placed 20th and Georgie 8th, then on the second day of racing Riley placed 35th and Georgie 10th. Although they both wanted to

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achieve better results, they said they learned a lot from their trip and were ready to compete in the nationals being held in the Manawatū in 2019.

MDC 18/601 PUBLIC FORUM - BRYCE HIRSCHBERG

Bryce spoke about his attendance at the ITU World Triathlon Grand Finals held in the Gold Coast, Australia from 12 to 16 September 2018. He thanked Council for the representative grant that helped him to participate in the competition, where he placed 9th in his age group.

MDC 18/602 CHANGE IN REPRESENTATIVE – NGA MANU TAIKO MANAWATU DISTRICT COUNCIL

Report of the General Manager – Community and Strategy dated 6 November 2018 regarding a change in representatives for Kauwhata Marae on Ngā Manu Tāiko Manawatū District Council. Councillor Shane Casey declared an interest, took no part in the discussion and did not vote.

RESOLVED

That the Council notes and approves the change in representatives on Ngā Manu Tāiko Manawatū District Council for Kauwhata Marae as follows:

- **Makareta Casey (representative)**
- **Rosemary Tait (deputy)**

Moved by: Councillor Alison Short

Seconded by: Councillor Barbara Cameron

CARRIED

MDC 18/603 MINUTES FROM COMMUNITY COMMITTEES

Report of the General Manager – Community and Strategy dated 25 October 2018 presenting minutes from recent meetings of Community Committees for information.

RESOLVED

That the Council receives the minutes of the Community Committee meetings.

Moved by: Councillor Barbara Cameron

Seconded by: Councillor Phil Marsh

CARRIED

MDC 18/604 HEARING OF SUBMISSIONS – EASTER TRADING POLICY

Report of the General Manager – Community and Strategy dated 8 November 2018 presenting submissions and hearing schedule.

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9.00AM SUBMISSION #148 – SALVATION ARMY – RANCE STUART

Rance Stuart spoke to the submission from the Salvation Army, noting that Easter was their most important celebration and commemoration as it was about the death and resurrection of Jesus, especially Easter Sunday which celebrated his resurrection. He said that this was a very important day in the history of the Church, that they celebrated every day. Although it had particular importance for their Church, they recognised that they live in a secular society which did not have same reverence for that day. However, traditionally it had been a four-day weekend for families. He said that they recognised that an employee may have the choice of whether to work or not under legislation, however factors such as the loyalty of the individual to the employer may cause them to sacrifice what was important family time. There may also be some people that felt they had to work to keep their job. Their concern is that regardless of how the employer acted or intended to act, the employees themselves may place themselves under pressure to work.

In response to questions regarding whether the submission reflected a policy of the Salvation Army and explanation of the reference to a survey in the submission, Mr Stuart replied that the Church had discussions regarding their policy on Easter Trading and it was not yet a stated policy. However the submission had been created by their social policy unit which could be used a template for future submissions. He also clarified the basis of the survey noting they based their submission on facts and research.

He was thanked for his attendance and withdrew at 9.13am.

9.15AM SUBMISSION #097 – GARY BARNETT

Gary Barnett tabled and read a copy of his speech. He noted that to date over 39 Councils had created bylaws allowing retailers to open on Easter Sunday and most of the Councils that had done so were smaller Councils. He believed that the Council should support the retailers and allow trading on this day, noting that followers of the Christian faith could still worship as they saw fit with the law allowing parishioners the option not to work if they did not wish to. Although Easter had traditionally been a time for New Zealanders to spend time with friends and families he believed people should be able to decide for themselves how and when they wanted to spend their time on this day. He believed that as retailing was becoming more difficult with the advent of online shopping, the Council should support Easter Sunday trading and not dictate to any retailer when they should trade.

Questions were asked by Council regarding the following:

- Whether he would support the liberalisation of trading on Christmas and boxing day;
- His opinion on individual Councils being involved in this matter;
- Whether he believed Council should listen to the majority voice of the community; and
- What his thoughts were on workers being able to have days off.

In response he advised he would support trading on Christmas day, the Government had legislated the matter for Councils to decide, it was up to Council to make a policy and

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decision-making did not have to be based upon the number of submissions for or against, and the matter was about allowing retailers the choice to open rather than dictating to them.

One of the Councillors commented that there did not appear to be many submissions from retailers.

Mr Barnett was thanked for his attendance and withdrew at 9.24am.

MDC 18/605 RECOMMENDATIONS FROM AUDIT AND RISK COMMITTEE – FIRST QUARTER REPORT

Report of the General Manager – Corporate and Regulatory dated 9 November 2018 regarding the first quarter report to 30 September 2018. Concerns were raised regarding the increase in budget related to the Feilding Wastewater Treatment Plant and it was asked that the budget variations be reported through the Strategic Planning and Policy Committee as set out in 50.2 of the Council’s Delegations Manual.

RESOLVED

That the Council receives the First Quarter Report and the Capital Expenditure Report for the period ended 30 September 2018.

Moved by: Councillor Phil Marsh

Seconded by: Councillor Barbara Cameron

CARRIED

MDC 18/604 HEARING OF SUBMISSIONS – EASTER TRADING POLICY - CONTINUED

9.45AM SUBMISSION #113 – SARAH MCMENAMIN

Sarah McMenamin noted she was also speaking on behalf of submission #112 – Anglican Parish of the Oroua – Ven. Wendy Scott, who sent her apology for not being able to attend the hearing.

She advised that they were against the proposal to allow businesses to trade on Easter Sunday. They took this position because of religious reasons, with Easter Sunday being the most important day for members of their Church, and they valued the opportunity for people to have the day off from work to worship. However this was not just about religious observance, it was also important to protect more vulnerable workers who may feel compelled to work. She said they were not sure that there were sufficient protections in the legislation for vulnerable workers. For example zero hour contracts, and 90 day trials. She said they did not believe allowing an additional day for shops to open would benefit the community. There were only 3.5 days each year that shops were not allowed to open and believed the balance was too much in favour of businesses and employers with 361.5 days they could open for business. She asked that Council seek the common good of people in the community, and base its decision on the wellbeing of people.

Questions were asked by Council regarding the following:

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- How they felt about giving retailers and workers the choice on whether to open or work;
- If this was Christmas Day, what they thought would happen in terms of discussion;
- Their thoughts about the argument that years ago people only had two weeks annual leave, and now they had four weeks annual leave;
- Their views about insufficient protections for those wishing to choose not to work; and
- Their views on whether it is reasonable for decision-making to be given to Councils on this matter instead of there being a New Zealand wide rule.

In response she commented that the pressure on businesses would override the sense of choice, if one business opens then other businesses may feel they needed to open too. She believed that Christmas Day could be next for removing protection from trading and we could end up with Anzac Day as the last mandated day. With regard to the question about the amount of annual leave now available to workers, she believed that it was important that there were days that shops did not open and people tended to work longer and harder these days. She believed there were people that were vulnerable in their working environments and there would be pressure to work if they were worried they might lose your job. She was concerned that it would just become another standard workday with no time and a half paid. People may not feel comfortable saying no to their employer when asked to work. She felt it was unfair for the decision to be abdicated to Councils to make.

One of the Councillors commented that there did not appear to be many submissions from the businesses themselves.

She was thanked for her attendance and withdrew at 9.58am.

MDC 18/606 MINUTES OTHER COMMITTEES – FOR INFORMATION

The draft minutes of the Audit and Risk Committee meeting held 9 November 2018 and the Community Funding Committee meeting held 13 November 2018 were circulated for information.

The meeting adjourned at 10.01am and reconvened at 10.19am

MDC 18/607 DELEGATION OF AUTHORITY - UPDATES

Report of the General Manager – Corporate and Regulatory dated 26 October 2018 seeking approval for amendments to the Council’s Delegations Manual.

RESOLVED

That the Council adopts the Manawatū District Council Delegations Manual dated November 2018.

Moved by: Councillor Phil Marsh

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Seconded by: Councillor Howard Voss

CARRIED

MDC 18/608 CONTRACT MC1098 AWAHURI-FEILDING ROAD SAFETY IMPROVEMENTS -STAGE 2 - KAWAKAWA BLOCK

Report of the General Manager – Infrastructure dated 8 November 2018 seeking approval to award Contract MC1098 for the arterial road safety and rehabilitation upgrade of Awahuri-Feilding Road (Stage 2 - Kawakawa Road block) located between RP 1.376km (150m south of Lees Road) and RP 2.068km (200m south of Kawakawa Road).

RESOLVED

- 1. That Contract MC1098 for Awahuri-Feilding Road Safety Improvements (Stage 2 - Kawakawa block) be awarded to Downer Ltd for the sum of One Million, One Hundred and Twenty Eight Thousand, Eight Hundred and Sixty Three Dollars and Eighty Three Cents (excl GST).**
- 2. That the Council notes that this amount includes a 10% contingency, which can be utilised only upon the Engineer's approval.**
- 3. That the Council notes this project is 53% funded by the New Zealand Transport Agency.**

Moved by: Councillor Howard Voss

Seconded by: Councillor Shane Casey

CARRIED

MDC 18/604 HEARING OF SUBMISSIONS – EASTER TRADING POLICY - CONTINUED

10.50AM SUBMISSION #143 – FEILDING BIBLE CHAPEL – LEW MARSH

Lew Marsh representing Feilding Bible Chapel and other churches in Feilding, spoke in support of their submission. He provided background on his work as Chaplain to the Manawatū District Council from 1989 to 1998, and his work with care organisations. He spoke about the days when shops were closed on Saturday afternoons and Sundays with the exception of fuel stations and dairies. There was more time for families and less stress. The 40-hour working week had been established, but that now seemed to be gone with families under stress. He believed the proposal would remove the last vestiges of time where families could relax and spend time together. He said the world was created by God who created it over 6 days and the 7th day was a day of rest. Throughout scripture he said there was reference to the Sabbath as a day of rest. He said that Easter Sunday recognised a greater sacrifice and was a sacred day. The Council's proposal for allowing Easter Sunday trading was to recognise the importance of the retail sector and economic benefits, and to remove inequities. This was about money and economic benefits, not people. He believe it was more important for people to have time for rest and quality time with family. In conclusion he asked for the status quo to remain.

Questions were asked by Council regarding the following:

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- How he felt about the argument that years ago people only had two weeks annual leave, and now they had four weeks annual leave.

In response he commented that even with all the leave people had, they did not appear to be using it. The amount of leave people had up their sleeve was phenomenal. When asked why he thought this was the case, he said he believed this was because of pressure of work and expectations put on people to be there and perform.

Councillors also commented his reminder about the stress of living and mental health issues, and the need to review the way we live.

He was thanked for his attendance and withdrew at 10.57am.

MDC 18/609 ANNUAL PLAN 2019-20 – CONSULTATION DECISION

Report of the General Manager – Community and Strategy dated 6 November 2018 seeking a decision from Council on whether or not to undertake community consultation for the Annual Plan 2019/20.

RESOLVED

That this item of business being discussed lie on the table for discussion later in the meeting following provision of amended wording of the proposed recommendation for consideration.

Moved by: Councillor Barbara Cameron

Seconded by: Councillor Hilary Humphrey

CARRIED

MDC 18/610 2017-18 PARTNERSHIP FUND ACCOUNTABILITY REPORT – FEILDING AND DISTRICT PROMOTION INC

Report of the General Manager – Community and Strategy dated 23 October 2018 presenting the 12-month accountability reports from Feilding and District Promotion Inc. who had received partnership funding and entered into an agreement with Council for the period 1 July 2017 to 30 June 2018. Jason Clark and Yumiko Olliver-Gray from Feilding and District Promotion Inc were in attendance and spoke to their report and a copy of their audited accounts that were tabled. They also spoke about the additional cost of operating the Feilding Information Centre and noted they favour the Council directly funding this as part of their partnership. On behalf of the Council, Deputy Mayor Michael Ford thanked them for the work their organisation undertook on behalf of the community.

RESOLVED

That the Partnership Fund 12-month accountability reports for the period 1 July 2017 to 30 June 2018 from Feilding and District Promotion Inc, including their audited accounts, be received and noted.

Moved by: Councillor Shane Casey

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Seconded by: Councillor Howard Voss

CARRIED

The meeting adjourned 11.34am and reconvened 11.36am

MDC 18/611 BUNNYTHORPE PUBLIC HALL SOCIETY INC – REQUEST TO UPLIFT FUNDING

Report of the General Manager – Community and Strategy dated 30 October 2018 presenting a formal request from the Bunnythorpe Public Hall Society Inc for the release of funding which was being held by the Manawatū District Council towards the cost of a new Community Centre in Bunnythorpe. Chairperson Anne Russell and Treasurer Flo Gibson, accompanied by members of the Bunnythorpe Public Hall Society, were in attendance and gave a presentation about their request, explaining the history to this matter and showing plans for the proposed new Community Centre.

RESOLVED

That in accordance with Clause 5.2 and Schedule 5 of the “Agreement in Relation to Boundary Alteration between the Manawatū District and Palmerston North City”, approval be given to releasing the funding held by the Manawatū District Council to the Bunnythorpe Public Hall Society Inc totalling \$240,000.00 (excl GST) towards the cost of a new Community Centre in Bunnythorpe, to be funded from the Hall Separate Fund.

Moved by: Councillor Barbara Cameron

Seconded by: Councillor Alison Short

CARRIED

Councillor Alison Short left the meeting at 11.57am

MDC 18/612 PUBLIC EXCLUDED BUSINESS

RESOLVED

That the public be excluded from the following parts of the proceedings of this meeting, namely:

- a) **Awahuri Forest-Kitchener Park Trust – Trustee Vacancies**
- b) **Sanson Town Belt**
- c) **Sale of Segregation Strip – 13 Monmouth Street**
- d) **Northfeild Rise Link Strip**

That 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 are as follows:

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General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under Section 48(1) for the passing of this resolution
a) Awahuri Forest-Kitchener Park Trust – Trustee Vacancies	Section 7(2)(a) – to protect the privacy of natural persons, including that of deceased natural persons.	Section 48(1)(a) - the public conduct of the relevant part of the proceedings would be likely to result in a disclosure of information for which good reason for withholding that information would exist, under Section 7 of the Local Government Official Information and Meetings Act 1987.
b) Sanson Town Belt	Section 7(2)(h) - enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	As above
c) Sale of Segregation Strip – 13 Monmouth Street	As above	As above
d) Northfeild Rise Link Strip	As above	As above

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 6 or Section 7 of the Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public as specified above.

Moved by: Councillor Phil Marsh

Seconded by: Councillor Howard Voss

CARRIED

The meeting went into public excluded session at 11.58am and resumed open session at 1.50pm. For items MDC 18/613 to MDC 18/618, refer to public excluded minutes.

MDC 18/609 ANNUAL PLAN 2019-20 – CONSULTATION DECISION - CONTINUED

The Council resumed consideration of the report of the General Manager – Community and Strategy dated 6 November 2018 seeking a decision from Council on whether or not to undertake community consultation for the Annual Plan 2019/20.

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RESOLVED

1. That in accordance with section 95(2A) of the Local Government Act 2002, Council will not consult on the draft Annual Plan 2019/20 on the basis that the variations proposed in that plan are not significant or materially different from Year 2 of the Long Term Plan 2018-28.
2. That prior to adoption of the draft Annual Plan 2019/20, Council will provide information to the community regarding the content of the plan as well as an opportunity for community groups to seek the support of Council for community initiatives.

Moved by: Councillor Michael Ford

Seconded by: Councillor Steve Bielski

CARRIED

MDC 18/619 MEETING CLOSURE

The Deputy Mayor declared the meeting closed at 1.59pm.

Approved and adopted as a true and correct record:

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CHAIRPERSON

.....
DATE