



**HOROWHENUA
DISTRICT
COUNCIL**

AGENDA

ORDINARY MEETING

HOROWHENUA DISTRICT COUNCIL

10 NOVEMBER 2010

NOTICE IS HEREBY GIVEN that a meeting of the Horowhenua District Council will be held in the Horowhenua District Council Chambers, 126-148 Oxford Street, Levin, on Wednesday, 10 November 2010 commencing at 4.15 p.m.

Members of the Horowhenua District Council are:

His Worship the Mayor, Mr B J Duffy (Chair)
Cr D A Allan
Cr G G Good
Cr A M Hunt
Cr B F Judd
Cr V Kaye-Simmons
Cr P K Keenan
Cr L E McMeeken
Cr N D H Murray
Cr A D Rush
Cr R N Shaw

Reporting Officer: Mr D G Ward (Chief Executive Officer)
Meeting Secretary: Mrs K J Corkill

Business will be according to the attached Agenda.

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AGENDA

10 NOVEMBER 2010

ORDER OF BUSINESS:

1. Apologies
An apology has been received from Councillor A D Rush.
 2. Public Speaking Rights
Notification to speak is required by 12 noon on the day of the meeting. Further information is available on www.horowhenua.govt.nz or by phoning 06 366 0999
 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. Members' Conflict 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.
 5. Announcements

Horowhenua College
At 7.00pm Liz Lewis, Biology teacher, and Ali Rogers and Nathan Young, students from Horowhenua College, will be in attendance to acknowledge these two students achievements being scholarship level questions in Biology. These were judged as having been the best answers for 6 of the 8 seminars held throughout the year with the Liggins Institute (Auckland University). There were 103 schools registered for this event.
 5. Receipt of Minutes - Ordinary Meeting 6 October 2010 (Minute Items 1974-1985)
 6. Confirmation of Minutes - Inaugural Meeting 27 October 2010
Meeting 28 October 2010 (Minute Items 1989-1993)
 6. Matters Arising
-

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PROCEEDINGS OF COMMITTEES

Item-1994 Foxton Community Board Proceedings 4 October 2010

File No 4320

To: His Worship the Mayor and Councillors
Horowhenua District Council

From: Chief Executive Officer

Date: 10 November 2010

1. Purpose

- a. To present to the Horowhenua District Council the minutes of the Foxton Community Board meeting held on 4 October 2010.

2. Recommendation

- a. That Report 4320 be received.
- b. That the Horowhenua District Council **receive** the minutes of Foxton Community Board meeting held on 4 October 2010.

3. Issues for Consideration

- a. The following items considered by the Foxton Community Board meeting held on 4 October 2010 will require further consideration by the Horowhenua District Council and will be included on a future Council agenda:

Item 496 - Foxton Recycling Station Relocation

“THAT the Foxton Community Board recommends the relocation of the Foxton Recycling Centre to the Foxton Waste Transfer Station in such a way as to ensure the general public has continued access to recycling facilities at no cost between 7.00 am and 5.00 pm, seven (7) days a week

AND FURTHER

THAT the location be reviewed for suitability of design and operational hours in twelve (12) months time.”

Item 498 - Chief Executive Officer's Report to 4 October 2010 - Part

"THAT the Foxton Community Board recommends to Council that staff negotiate the engagement of a Task Force Green Group comprising Foxton or Foxton Beach residents to undertake approved tasks."

Prepared

D G Ward
Chief Executive Officer

4. Attachments

- a. Minutes Foxton Community Board meeting 4 October 2010.

**MINUTES OF THE ORDINARY MEETING OF THE HOROWHENUA DISTRICT COUNCIL'S
FOXTON COMMUNITY BOARD HELD IN THE CHAMBERS, MAIN STREET, FOXTON ON
MONDAY, 4 OCTOBER 2010 COMMENCING AT 6:30 PM**

PRESENT

Mr B P Vertongen QSM (Chair)
Ms N J Ellwood
Mr N G Gimblett
Mr J A Murdoch
Mr D J Roache
Cr D A Allan (HDC appointed representative)
Cr A M Hunt (HDC appointed representative)

IN ATTENDANCE

Mr D G Ward (Chief Executive Officer)
Mr W Potts (Community Services Manager)
Mr D de Burgh (Solid Waste Engineer)
Mr D J Tate (Parks Assets Officer)
Mr M R Tregonning (Property Officer)
Mrs K J Corkill (Meeting Secretary)

ALSO IN ATTENDANCE

His Worship the Mayor, B J Duffy

APOLOGIES

There were no apologies recorded.

PUBLIC IN ATTENDANCE

There were 21 members of the public in attendance at the commencement of the meeting.

ANNOUNCEMENTS

Public Speaking Rights

Item 495 Foxton Pool
Bryan Ten Have

Item 496 Foxton Recycling Centre
George Sanson on behalf of the Foxton RSA
Bruce McIntyre - Manawatu College
Ernie Crombie
Mike Coupe

Item 498 CEO's Report
-3h. Stormwater Issues to be addressed in Foxton and Foxton Beach
Michelle Lack
Richard White
Paul Stevens
Holly Robinson

Wendy/Dennis Walton
Allan Cuthbertson
Kevin Higgin
Bob Chatfield

-3i. Forbes Road Marketing
Bryan Ten Have
Mike Coupe

There were no late items for consideration and no advice of any Members' conflicts of interest.

Mr Gimblett expressed his appreciation for the work that the Foxton Tourist & Development Association put in around the community, which he felt should be recognised.

CONFIRMATION OF MINUTES

Ordinary Meeting 30 August 2010 (Minute Items 482-491)

Resolved

(Allan / Roache)

"THAT the minutes of the Ordinary Meeting held on 30 August 2010 (Minute Items 482-491), as submitted, be confirmed as a true and correct record."

MATTERS ARISING

Mr Gimblett noted that the answers due to be tabled at tonight's meeting to the questions raised in relation to the Freeholding Fund were not included on the Agenda, with Mr Wad advising that he had provided a response to Mr Roache and would circulate a copy of other Board Members.

REPORTS

Item-494 Monitoring Report Foxton Community Board to 4 October 2010

File No 4297

Purpose

To provide an update on the Foxton Community Board Monitoring Report to 4 October 2010.

Resolved

(Allan / Roache)

"THAT Report 4297 be received."

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

Item 460 Foxton Pool - General Report

Mr Ward advised this was covered in the next Report on the Agenda, and Council's Parks Assets Officer, Doug Tate, would be speaking to this.

Item-495 Foxton Pool

File No 4289

Purpose

To provide the Foxton Community Board with an overview of plans for operation of Foxton Pools for the 2010/2011 season.

Resolved

(Roache / Allan)

“THAT Report 4289 be received.”

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

Mr Tate joined the tabled to speak to this report, working through the issues for consideration and noting the measures that would be taken to maximise utilisation.

In relation to the provision of Learn to Swim programmes, Mr Tate advised that Council had revised its view and would be holding a mixture of lessons.

The projected revenue for the Pool was queried, with Mr Ward advising that the actual revenue for last season had been \$20,470.00, with the projected budget for the current year being \$32,000.00, which anticipated a healthy increase in patronage.

Maintenance, or lack thereof, with possible deterioration of the facility, was raised as a concern, with Mr Tate advising that Council had a very robust Management Plan for Aquatics and Asset Management Plans provided for ongoing maintenance.

Mr Ten Have was welcomed to the table to exercise his speaking rights. He raised the fact that the Foxton Pool had been constructed with a significant contribution from the Freeholding Fund and queried the targeted rate for some ratepayers who had already contributed via the Freeholding Account, particularly as the Pool season was limited.

Mr Ward advised Mr Ten Have that his comments had been noted.

Item-496 Foxton Recycling Station Relocation

File No 4313

Purpose

To update the Foxton Community Board on further investigations carried out by Council Officers on points raised at the Foxton Community Board meeting held on 30 August 2010 in relation to the Foxton Recycling Station located on Ladys Mile.

To present information to allow the Board to make an informed decision on the future location and the level of service of the static recycling station in Foxton.

Resolved

(Roache / Gimblett)

“THAT Report 4313 on Proposed Relocation of the Foxton Recycling Station be received.”
“THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.”

Council’s Solid Waste Engineer, Duncan de Burgh, noted that this proposal remained the same as had previously been recommended to the Community Board, that the Foxton Recycling Station be relocated, reiterating the reasons that this was supported by Officers. He also noted:

- that since the last report additional support had been received from the community for relocation;
- the proposed site would be inside the first gate at the Transfer Station, not inside the Transfer Station itself and it was not proposed to reduce access to only four hours per day.

In response to a query in relation to comparative operating costs, Mr Ward advised that there would be potential operating savings of approximately \$10,000.00 per year. The operation would be less costly because of a reduction in staff required.

The lack of a resource consent for the current site was raised as a concern, with Mr de Burgh advising that the issue had only recently come to light.

The following was raised in discussion:

- the possible relocation raised issues for SORT who did not wish to see an increase in fly tipping in the River Loop area, particularly if hours of access were reduced;
- with the proposed Te Awahou Development, there could be issues if Harbour Street was closed and people had to take route through town to reach the facility.

Mr de Burgh noted that what was proposed was a recycling station, not a transfer station. It was possible that cameras could be located and used to identify fly tippers.

Mr Vertongen reiterated his previous support for the Recycling Station being retained in its current location. He believed the issues raised by Officers could be addressed and also noted the proximity of the water bore in Shannon to the wastewater treatment plant, which had never been raised as a health issue in relation to contamination. He also suggested that any possible savings would be used to clean up after fly tippers.

In response to Mr Vertongen’s comments, Mr de Burgh noted:

- the resource consent issue was historical and it had only now been identified that one was required;
- the contractors had raised the fact that the facility could not be serviced from the back;
- in relation to environmental concerns, an outside consultant had recognised the proximity of the Recycling Station to the water bore as a major risk;
- he did not believe the 1.6 km distance from the current site to the proposed location would deter people from recycling;
- for those with issues, a second recycling crate could be requested.

Mr Ward read out a letter, dated 23 September 2010, that had been directed to the Foxton Community Board from the Foxton RSA outlining the RSA’s support for relocating the Recycling Station and Mr George Sanson was welcomed to the table to speak on behalf of the Foxton RSA.

Resolved

(Roache / Hunt)

"THAT the letter from the Foxton Returned Services Association dated 23 September 2010 in relation to the Foxton Recycling Centre be received."

A copy of the Foxton RSA's letter is **attached** to the official minutes.

Mr Sanson said the RSA was not against the recycling units as such, but there had been problems with rubbish blowing on to the RSA grounds. There were also visibility issues with members coming out of the entrance, particularly when the school came out and there were a lot of students on bikes. The RSA had a nice new building and when members came from other areas it did not give a positive impression to have the Recycling Station in its present location.

A letter from Manawatu College dated 23 September 2010 in relation to the Foxton Recycling Station was read to the meeting.

Resolved

(Roache / Hunt)

"THAT the letter from Manawatu College dated 23 September 2010 in relation to the Foxton Recycling Centre be received."

A copy of Manawatu College's letter is **attached** to the official minutes.

Mr McIntyre, Principal of Manawatu College, said that while he appreciated the advantages of the current location of the recycling station, he believed these were outweighed by the disadvantages. He understood that last year a rugby league practice had to be called off because of broken glass (bottles) which were in the middle of the field. Three weeks ago, during the day, there was also an issue with broken bottles. Whilst he believed the person who had recently been maintaining the station had been doing a good job, it was still too close to the school. He was not advocating where it should be relocated to, just somewhere away from the school. The school was also in the process of re-landscaping its frontage and the Recycling Station in its current location would detract from that project.

Mr Ernie Crombie spoke from an opposing view, suggesting that moving the Recycling Station would have a detrimental effect on encouraging recycling in the area and what was needed was for the current station to be rebuilt in more durable materials, perhaps concrete, and the facility tidied up. He had seen a recycling station in a built up area in Palmerston North that ran successfully with no issues of mess and he believed any perceived problems with operating the facility could be overcome. He was concerned that shifting the station would be a big disservice to the town.

Mr Coupe noted that three years ago the same subject had been debated and the Community Board still had the same issue in front of it. He suggested that the Board would ignore public opinion at its peril. He had done a survey of 102 people - he had gone through the phone book and telephoned phone numbers that started with '363' - and the consensus was that the recycling station should be moved. He believed it would be successful if there was more thought into how the station was set up.

In response to a query to Mr Sanson and Mr McIntyre that if the current Recycling Station was enhanced would they still be of the same opinion, Mr Sanson said he believed it would still be dangerous and it would still not address broken glass issues.

Mr Gimblett said for a long time he had supported the retaining of the Foxton Recycling Station in its current location. However, now it was time to be pragmatic and bring the issue to a resolution.

After further discussion on the proposal, its possible consequences, it was:

Resolved

(Gimblett / Hunt)

“THAT the Foxton Community Board recommends the relocation of the Foxton Recycling Centre to the Foxton Waste Transfer Station in such a way as to ensure the general public has continued access to recycling facilities at no cost between 7.00 am and 5.00 pm, seven (7) days a week

AND FURTHER

THAT the location be reviewed for suitability of design and operational hours in twelve (12) months time.”

CARRIED UNANIMOUSLY

Cr Hunt stressed the need for education in the process, suggesting the “Community Connection” be used to send a clear message to the community to ensure the new site was successful.

Mr Ward advised that as well as using the “Community Connection”, brochures on the changes would be dropped in letter boxes in Foxton and Foxton Beach.

Item-497 Council Resolutions Relating to Foxton Community Board

File No 4299

Purpose

To inform the Board of resolutions that the Horowhenua District Council passed at its meeting on 1 September 2010 relating to the Foxton Community Board.

Resolved

(Roache / Gimblett)

“THAT Report 4299 be received.”

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

Item-498 Chief Executive Officer's Report to 4 October 2010

File No 4300

Purpose

To present to the Foxton Community Board, for information, issues relating to the Foxton Community Board area.

Resolved

(Roache / Ellwood)

“THAT Report 4300 be received.”

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

Prior to working through the items in his report, Mr Ward advised that the water bore consent had been received, the bore had been commissioned today and was now in use.

3a. Foxton Beach Surf Club Building

Mr Ward referred to supplementary notes provided by Council's Facilities Assets Manager, Peter Shore, in relation to the Surf Club building. A meeting had been held with members of the Surf Club last week when issues in relation to the building had been discussed. Mr Shore would be holding a further meeting with Surf Club members later this week to progress matters. This item would remain on the Monitoring Report.

3c. Task Force Green

Mr Ward acknowledged the work Mr Murdoch had done behind the scenes in promoting this initiative and preparing a list of suggested works such a group could do. The opportunity to provide employment for individuals within the community would be positive, with the suggestion being to follow the same model used by Community Max, which had provided very successful.

Resolved

(Vertongen / Roache)

“THAT the Foxton Community Board recommends to Council that staff negotiate the engagement of a Task Force Green Group comprising Foxton or Foxton Beach residents to undertake approved tasks.”

CARRIED

Mr Murdoch further commented that this would be undertaken with the involvement of SORT and Horizons Regional Council. He understood that Horizons was considering a parallel scheme and some innovative suggestions had come from within the community about possible works that could be done.

Some coordination would be required between the two Councils to facilitate projects undertaken, with Mr Ward confirming that whatever was undertaken would be done in a complementary way. Projects would be approved by Doug Tate and officers, with the Community Board's approval.

3d. Memorial Hall

In response to a query, Mr Ward advised that the light fittings, of which there were 8, had cost \$150.00 each. The overall cost for the upgrade had been \$62,000.00, with some of the funding coming from last year's budget.

When the refitting of the windows was completed, it was queried if any thought had been given to providing some form of curtain, sunscreen or window tinting to address the intense sunlight/glare issue. Mr Ward advised he would redirect that question to Doug Tate.

Mr Vertongen reiterated a previous suggestion that at the rededication service, the Community Max workers should receive a certificate or some form of recognition to acknowledge the wonderful work they had done.

3g. Pinewood Motor Camp/Playground

Mr Ward advised he now had the feasibility study and would circulate it to Board members.

Cr Hunt commented:

- she was concerned that the feasibility study had not been available prior to Board Members having to make a decision on investing in a commercial activity;
- it was not only about the cost, but also the likelihood of a return;
- she did not believe the siting of the playground was as acceptable as she had first thought because of the proximity to the dunes and the trees;
- she was concerned to see the old Yacht Club was being demolished when no decision had yet been made on that and she felt this was precipitous.

Mr Ward noted that the date in the Camp update (Agenda page 22) for the letting of the contract for demolition of the Yacht Club should read Thursday 30 September 2010, not October. However, in hindsight this perhaps should have waited until after tonight's Board meeting.

Resolved

(Gimblett / Murdoch)

"THAT the Foxton Community Board adopt the proposals as contained within the report prepared relating to the Pinewood Motor Camp."

CARRIED

3h. Stormwater Issues to be addressed in Foxton and Foxton Beach

Submitters Michele Lack, Richard White, Paul Stevens, Holly Robinson, Wendy Walton, Allan Cuthbertson, Kevin Higgin and Bob Chatfield all spoke in relation to the problems they were experiencing with flooding in Motuiti Road and the toll it was taking on their properties, their personal lives, their physical, emotional and economic wellbeing.

It was suggested that, while this was not a new problem, it had been worse in the last three or so years, and with the prospect of global warming, it was not believed that the situation would improve without suitable intervention.

Copies of notes provided by Mrs Lack, Mr White, Mr & Mrs Robinson, Mr & Mrs Walton and Mr Chatfield are **attached** to the official minutes.

Mr Ward noted the attendance at the meeting of Mr Potts, Council's Community Assets Manager. He requested that the submitters speak with Mr Potts after the meeting to arrange a suitable time for Mr Potts to visit their properties to discuss their concerns. Officers would report back to the Board once Mr Potts and his staff had had an opportunity to undertake their inspection.

The issue of Kings Canal was also raised, with it suggested that this was a Regional Council issue and Horizons should be approached to take responsibility for maintaining this waterway.

Mr Roache proposed a resolution suggesting that the Foxton Community Board should write to the Regional Council outlining its concerns and laying the responsibility of Kings Canal on the Regional Council and saying that any costs incurred by the District Council in relation to Kings Canal would be passed on to Horizons.

Mr Potts noted that Council did have some responsibility in relation to Kings Canal and had to ensure that flows into the canal and elsewhere happened in a controlled manner. It was important that both Councils worked together and this was being worked towards.

Resolved

(Allan / Gimblett)

"THAT the Foxton Community Board communicates to Horizons Regional Council our concerns about the recent flooding and ask that we meet with them to discuss where our responsibilities lie and next steps."

CARRIED

Mr Ward advised that he and Council's Wastewater Engineer, Erin Ganley, were meeting with Horizons tomorrow and this would be included in the discussions. He would report back to the November 2010 Community Board meeting on the issue.

3i. Forbes Road Marketing

Mr Ward informed the meeting that the agreements that were to be presented tonight had not yet been finalised. These would be included on the November 2010 Board Meeting agenda.

Mr Ten Have joined the table to speak to this item. He expressed his concern at the amount that had been spent on the subdivision, particularly as the Foxton township decision makers on the Board had exceeded those that lived at the Beach and he did not believe they had been good stewards of the Freeholding Account. He believed this subdivision had been a bad investment and his suggestion to address the problem was to sell the properties as quickly as possible to preclude incurring any further costs.

Community Board members commented:

- the Freeholding Fund had been boosted by the work of the Board;
- issue was taken with the comment that Board Members had not been working in the best interests of the people at Foxton Beach;
- the subdivision has not been a bad investment;
- whilst it was unfortunate that the subdivision had come on to the market at the time of a downturn, it was important to get sections sold in the subdivision without having a negative effect on the local real estate market;
- maintaining a particular standard was essential.

Mr Mike Coupe expressed a differing view to Mr Ten Have saying that his advice would be not to put the whole subdivision on the market at once; this could take 5-10 years to resolve. There was a big land bank there that had been well managed and it was important to optimise returns.

3k. Foxton Streetscape Feedback

Mr Ward advised the list of submissions provided with the Agenda was not a comprehensive list, with some submissions being received after the circulated list had been compiled. These submissions would be included on the Board's Agenda for first meeting after the elections.

3l. Acknowledgements

Mr Vertongen, on behalf of the Community Board, thanked Council officers for their efforts during the Board's term. He acknowledged his fellow Board Members and their

contribution over the past three years, particularly Mr Murdoch who was not standing for another term.

Mr Gimblett, on behalf of Board Members, acknowledged the work done by Mr Vertongen and his efforts on behalf of the community.

Item-499 Resource Consents Issued

File No 4301

Purpose

To receive the listing of land use and subdivision resource consent applications approved under delegated authority.

Resolved

(Allan / Ellwood)

“THAT Report 4301 be received.”

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

***Foxton Subdivision Resource Consents Granted Under Delegated Authority
21/08/10 to 23/09/10***

Date	File Ref	Subdivider	Address
16-Sep-10	2816	Horowhenua District Council	7 Main Street, Foxton
21-Sep-10	3014	Geoffrey & Jane Lynch	21 Bond Street, Foxton Beach

***Foxton Land Use Resource Consents Granted Under Delegated Authority
21/08/10 to 23/09/10***

Date	File Ref	Applicant	Address
23-Aug-10	2987	Nigel Van Der Schouw	3A Marine Parade North, Foxton Beach
24-Aug-10	2992	Jodi & Ellen Iwanica	108 State Highway 1, Foxton/Himatangi
27-Aug-10	2994	Peter & Judith Chiles	46A Purcell Street, Foxton Rural
2-Sep-10	2996	Jennifer Cohr	16 Shortt Street, Foxton Beach
7-Sep-10	3006	Duncan Campbell	40 Nelson Street, Foxton Beach
8-Sep-10	2970	Christopher & Jaimee Thompson	23 Ladys Mile, Foxton,”

MOTION TO EXCLUDE THE PUBLIC

Resolved

(Roache / Gimblett)

“THAT the Foxton Community Board pursuant to Section 48, Local Government Official Information and Meetings Act 1987, resolves that the public be excluded from the following parts of the proceedings of this meeting.

Item-1995 Audit Subcommittee Proceedings 28 October 2010

File No 4339

To: His Worship the Mayor and Councillors
Horowhenua District Council

From: Chief Executive Officer

Date: 10 November 2010

1. Purpose

- a. To present to the Horowhenua District Council the minutes of the Audit Subcommittee meeting held on 28 October 2010.

2. Recommendation

- a. That Report 4339 be received.
- b. That the Horowhenua District Council **receive** the minutes of the Audit Subcommittee meeting held on 28 October 2010.

3. Issues for Consideration

- a. The following items considered by the Audit Subcommittee meeting held on 28 October 2010 will require further consideration by the Horowhenua District Council and will be included on a future Council agenda:

There are no items that require further consideration.

Prepared

D G Ward
Chief Executive Officer

4. Attachments

- a. Minutes Audit Subcommittee meeting 28 October 2010.
-

MINUTES OF THE MEETING OF THE HOROWHENUA DISTRICT COUNCIL AUDIT SUBCOMMITTEE HELD IN THE TARARUA ROOM, 126-148 OXFORD STREET, LEVIN, ON THURSDAY, 28 OCTOBER 2010 AT 2.20 PM

PRESENT

Cr B F Judd (Chair)
His Worship the Mayor, B J Duffy

IN ATTENDANCE

Mr D G Ward (Chief Executive Officer)
Mr D Law (Finance Manager)
Mrs K J Corkill (Meeting Secretary)

ALSO IN ATTENDANCE

Mr P Kennerley (Director, Audit New Zealand)
Mr M Henderson (Audit Manager, Audit New Zealand)

1. APOLOGIES

Apologies were recorded for Crs Keenan and Rush.

Resolved

(Duffy / Judd)

"THAT the apologies, as recorded, be received."

2. MEMBERS' CONFLICT OF INTEREST

The Chief Executive Officer advised that he had not been advised of any conflicts of interest.

3. CONFIRMATION OF MINUTES

Audit Subcommittee Meeting - 11 August 2010

Resolved

(Duffy / Rush)

"THAT the Minutes of the Audit Subcommittee Meeting held on 11 August 2010 be confirmed as a true and correct record."

Mr Ward noted for the record that a copy of the Minutes had been circulated to Audit New Zealand.

MATTERS ARISING

There were no matters arising.

4. ADOPTION OF ANNUAL REPORT

Mr Ward acknowledged the presence of Phil Kennerley and Mike Henderson from Audit New Zealand and confirmed that everyone had received a copy of the Annual Report. He recognised the work put into the compilation of the Annual Report by Doug Law, Helen Scott and the Finance team, which had involved considerable time and some interesting discussions with Mike Henderson and his audit team, to get a very good outcome - an unqualified audit opinion.

Mr Ward summarised the main points in the Annual Report's Executive Summary in relation to Council's cash position, service delivery, key projects and financial performance.

Mr Kennerley confirmed Mr Ward's comments and said that, having been through the Audit process, Audit New Zealand was happy to give an unqualified audit opinion, provided that nothing was changed following this afternoon's Council meeting. He noted that more in-depth work had been done on service performance reporting based on Council's new LTCCP and Council obviously had done a lot of work to pull all these things together.

Mr Henderson commented that from an operational point of view there had been challenges; however the audit had still been completed before the statutory deadline.

Cr Judd noted that councillors relied on the outside audit as a check to confirm that Council was doing well as sometimes it was not easy for lay people to understand the complexities of the financial reports.

Mr Kennerley said that Councillors could have confidence in the accounts as this was the first year of the new LTCCP and the reasons for any bottom line differences were well documented and matched with the LTCCP. In relation to the new system being implemented by Council, it was too early to judge yet how effective that would be.

Mr Law supported Mr Kennerley's comments about the new system saying it would not be until June next year that the new system would be bedded down.

From a high level management control perspective, Mr Henderson said there had been a big improvement and from the governance point of view, the involvement of the Audit Subcommittee in the process was a good sign.

In response to a query as to whether Council had improved in the areas that had been identified by Audit last year, Mr Henderson reiterated that there had been improvement in the high level management control environment. Audit acknowledged that there was still some difficulties with lower level implementation, such as one up approvals for journals (which was not major), but other issues identified last year were not now an issue.

Resolved

(Judd / Duffy)

"THAT the Audit Subcommittee recommends to Council that it adopts the 2010 audited Annual Report."

Mr Kennerley queried if anyone at the meeting was aware of any issues in terms of Council's Fraud Policy with the response being in the negative.

REPORTS

Item-1996 Monitoring Report Horowhenua District Council to 10 November 2010

File No 4322

To: His Worship the Mayor and Councillors
Horowhenua District Council

From: Chief Executive Officer

Date: 10 November 2010

1. Purpose

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

2. Recommendation

- a. That Report 4322 be received.
- b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

	Name and title of signatories	Signature
Prepared by	D G Ward Chief Executive Officer	
<u>Confirmation of statutory compliance</u>		
In accordance with section 76 of the Local Government Act 2002, this report is approved as: <ol style="list-style-type: none">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.		

3. Attachments

- a. HDC Monitoring Report to 10 November 2010
-

**MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
28.11.02 21.8.02	2802 2918	Hokio Water and Rating Issues	1) <i>Committee recommended to Council that this issue be negotiated with new Hokio A Trustees when they take up their appointments</i> 2) <i>Supply of water continue meantime</i>	D Ward	June 2010		A further meeting is scheduled for 10 November 2010.
2 Sep 2009	Item 1764	Local share funding of proposed Hokio and Waitarere water supplies.	<i>"THAT Council instruct the Chief Executive Officer to have officers continue to meet and consult with water committees that wish to continue to have an active role in water scheme implementation."</i>	R R Nicholson E Ganley	Ongoing		No further action on this matter is likely pending direction from Central Government on subsidised funding.
7 Oct 2009	Item 1782	Environmental Vision for Coastal Lakes and Lowlands	<i>"THAT Council develop a strategic plan setting out how it will achieve its vision statements for community well being"</i>	T Thomas			Staff continue to refine the brief now that funding has been made available.
5 May 2010	Item 1893	Kuku Piped Water Race - Proposed Upgrade to Potable Standard	<i>"THAT no further investigations be undertaken relating to meeting a potable standard for the Kuku Piped water race."</i>	R Nicholson	November 2010		Staff are getting a proposal from a firm that specializes in water treatment equipment for the

**MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<i>"THAT officers continue to investigate appropriate works to reduce sediment risk to the existing supply, and report back by November 2010."</i>				provision of a Tube silter. It will take out any settleable particles that get through the slots in the intake pipe. This will mean that run-off from rain storms will affect the water quality a bit less.
5 May 2010	Item 1894	Provision of Toilets in the Levin CBD	<i>"THAT Council approve the provision of an Exaloo type toilet in the south-east corner of The Warehouse carpark adjacent to Caffeinate Coffee Shop."</i>	P Shore			Toilets now on site and due for opening week of 15 November 2010.
5 May 2010	Item 1895	Foxtton Beach Coastal Sand Dune Management	<i>"THAT Council re commit Capex and maintenance funding (via the LTCCP process) to the ongoing conservation and management of Coastal "reserve" dunes, with particular emphasis placed on those dune fields adjacent to residential properties."</i>	P Shore			A consent application has been lodged with Horizons Regional Council with the intent of undertaking the reshaping and replanting in autumn/winter 2011.

**MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<p><i>“THAT Council liaise with the affected landowners over the issues.”</i></p> <p><i>“THAT officers explore an appropriate walkway on the top of the dunes.”</i></p>				<p>Landowner consultation planned to commence in Spring/summer</p> <p>Investigation work will commence early in 2011. This will be considered as part of a wider Foxton Beach walking/cycling plan, which will be reported back to Council via the Foxton Community Board.</p>
5 May 2010	Item 1899	Chief Executive Officer's Report to 5 May 2010	<i>“THAT the issue of Council's forestry holdings be included on the Monitoring Report.”</i>	D Ward			The Chief Executive met with an independent consultant on 8 October 2010. Further investigation has been requested.

**MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
4 Aug 2010	Item 1939	Levin Community Centre	<i>"THAT Council utilises the Countdown space for the new Levin Community Centre."</i>	D Clapperton			The Project Steering Group will report progress at this meeting.
4 Aug 2010	Item 1943	Proposal for Recycling Stations Relocation	<i>"THAT Officers negotiate the relocation and operation of the Levin Recycling Station from the Long Term Carpark, corner Salisbury and Bath Streets to a suitable site on Sheffield Street, Levin."</i>	W Potts D de Burgh			Preferred supplier has been selected, documents are in the process of being developed into contract form, expect contract to be signed by the end of November. Negotiations on the relocation timeline are currently being finalized with a date prior to Christmas still the target.
1 Sep 2010	Item 1967	Waitarere Beach Recycling Station	<i>"THAT the Waitarere Beach recycling station remains open at its current location during peak season 20 December to 28 February only. At other times of the year the</i>	D de Burgh		Completed	

**MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<i>station will be removed from site."</i>				
1 Sep 2010	Item 1969	Active Signage - Weraroa Road	<i>"THAT procedures, commencing with consultation with the schools, are initiated for the application of variable speed limits in the vicinity of the schools on Weraroa Road – (Horowhenua College and St Joseph's) and Manawatu College, with the use of Active Signage, funded from Council's Minor Safety Improvements allocation."</i>	R R Nicholson			An Officer has met with Horowhenua College and a meeting date has been set for a meeting with St Josephs Primary School.
6 Oct 2010	Item 1974	Foxton Community Board Proceedings 30 August 2010	<i>"THAT the Horowhenua District Council receive the minutes of the Foxton Community Board meeting held on 30 August 2010."</i>	D G Ward		Completed	
6 Oct 2010	Item 1975	Horowhenua Kapiti Councils Joint Economic Development Forum 25 August 2010	<i>"THAT the Horowhenua District Council receive the minutes of the Horowhenua/Kapiti Coast District Councils Joint Economic Development forum held on 25 August 2010."</i>	D M Clapperton		Completed	

**MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
6 Oct 2010	Item 1976	Hearing Committee Minutes 13 September 2010	<i>"THAT the Horowhenua District Council receive the minutes of the Hearing Committee meeting held on 13 September 2010."</i>	T Thomas		Completed	
6 Oct 2010	Item 1977	Creative Communities NZ Scheme Special Committee 27 September 2010	<i>"THAT the Horowhenua District Council receive the minutes of the Creative Communities New Zealand Scheme Local Assessment Special Committee meeting held on 27 September 2010." "THAT the following recommendations made by the Creative Communities New Zealand Scheme Local Assessment Special Committee meeting held on 27 September 2010 be accepted:"</i>	D C Cole		Completed	
6 Oct 2010	Item 1978	Monitoring Report Horowhenua District Council to 6 October 2010	<i>"THAT Report 4305 be received."</i>	D G Ward		Completed	
6 Oct 2010	Item 1979	Horowhenua District Plan. Plan Change 23: Financial Contributions	<i>"THAT in relation to Proposed Plan Change 23 (being an amendment to the Horowhenua District</i>	T Thomas			Council's decision is to be notified to trigger the appeal period.

**MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<p><i>Council Operative District Plan) the Council, pursuant to Clause 10 of the First Schedule to the Resource Management Act, adopt the recommendation of the Hearing Committee and approve the amendment of the Operative Horowhenua District Council District Plan as set out in Attachment A to this report.”</i></p> <p><i>“THAT the required notification of the decision be undertaken.”</i></p>				
6 Oct 2010	Item 1980	Foxton Recycling Station Relocation	<p><i>“THAT the Foxton Community Board recommends the relocation of the Foxton Recycling Centre to the Foxton Waste Transfer Station in such a way as to ensure the general public has continued access to recycling facilities at no cost between 7.00 am and 5.00 pm, seven (7) days a week</i></p>	D de Burgh			<p>Concept plan and costings developed. Work to commence with a mid December 2010 as the target date for opening.</p>

**MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<i>AND FURTHER THAT the location be reviewed for suitability of design and operational hours in twelve (12) months time."</i>				
6 Oct 2010	Item 1981	Multisport Development at Playford Park	<i>"THAT Council directs Officers to work with the various Playford Park Sports clubs/codes and plan a strategy for the future development of the Park including a project funding plan, and recommendations for inclusion in the next LTCCP review."</i>	P J T Shore			Officers have held preliminary discussions with Rugby, league, Softball and College officials. An outline plan for the strategy is being developed at officer level for consideration by Council and to understand potential funding implications. A preliminary report will be presented to Council's December 2010 meeting.
6 Oct 2010	Item 1982	Application For Funding - Aquatic Disability Hoists	<i>"THAT Council resolve to 'apply for funding of \$29,969 (excluding GST) to the Horowhenua</i>	D J Tate			Officers have now submitted an application for funding and are

**MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<i>Community Trust for the purchase and installation of Disabled Access Hoists for the Levin Aquatic Centre and Foxton Pools'.</i>				awaiting a response.
6 Oct 2010	Item 1983	Chief Executive Officer's Report to 6 October 2010	<p><i>"THAT the Horowhenua District Council commits the sum of \$15,000.00 from budgeted funds as its contribution towards the feasibility study for the Shannon to Eketahuna cycleway."</i></p> <p><i>"THAT officers collate a list of local knowledge sources from both the Horowhenua and Tararua communities to assist with environmental and land use considerations of this project."</i></p>	D G Ward D M Clapperton			<p>Further funding sources being sought following \$15,000 contribution from Tararua District Council.</p> <p>A Reference Group formed to source local knowledge regarding area proposed for cycle track</p>
6 Oct 2010	Item 1984	Documents Executed and Electronic Transactions Authorities Signed	<i>"THAT the Horowhenua District Council hereby ratifies the signing of the documents and electronic transactions authorities as scheduled:</i>	D M Clapperton		Completed	

**MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
6 Oct 2010	Item 1985	Resource Consents Considered Under Delegated Authority	<i>"THAT the Land Use and Subdivision Resource Consents be received as listed.</i>	T Thomas		Completed	

Item-1997 Levin Community Centre

File No 4337

**To: His Worship the Mayor and Councillors
Horowhenua District Council**

From: Strategic & Corporate Services Manager

Date: 10 November 2010

1. Purpose

The purpose of this report is to provide an update to Council on the work completed by the Levin Community Centre Project Steering Committee (PSG).

2. Executive Summary

- a. In June 2010 Council resolved to form a Steering Committee to consider the functionality, users and usage, design, cost and funding of the Levin Community Centre, as well as the use of the existing Library.
- b. A Project Steering Group (PSG) was formed comprising the following:
- David Clapperton, Strategic & Corporate Services Manager
 - Nicki Moen, Library Design Consultant
 - Brian Elliott, Architect
 - Sharon Crosbie, Horowhenua Library Trust
 - Jo Ransom, Head Librarian
 - Bev Edlin, Funding Co-ordinator
 - Steve Hirini, Muaupoko Tribal Authority
- c. Following a number of meetings, the PSG has considered the following:
- Design brief for the Levin Community Centre
 - Design concepts
 - Community Centre name
 - Use of the existing library space
 - Communication plan
 - Fundraising Plan
 - Financial forecast
 - Capital
 - Operations.
- d. The PSG will present to Council its findings to date.
-

3. Recommendation

- a. That Report 4337 on the Levin Community Centre be received.
- b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

	Name and title of signatories	Signature
Prepared by	David Clapperton Strategic & Corporate Services Manager	
<u>Confirmation of statutory compliance</u> In accordance with section 76 of the Local Government Act 2002, this report is approved as: <ol style="list-style-type: none">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.		
Approved by	David Ward Chief Executive Officer	

Item-1998 Community Wellbeing Committee

File No **4336**

To: **His Worship the Mayor and Councillors
Horowhenua District Council**

From: **Strategic & Corporate Services Manager**

Date: **10 November 2010**

1. Purpose

The purpose of this report is for Council to consider representatives to be appointed to the Community Wellbeing Committee.

2. Executive Summary

- a. At the meeting of 7 July 2010 Council resolved to disestablish the Joint Transport and Health Services Subcommittee and form a new subcommittee to combine the functions of the Joint Transport and Health Services Subcommittee and the Primary Health Organisation Community Advisory Group, and include a new mandate for social development advocacy.
 - b. The Community Wellbeing Committee would see a health, transport and social development advocacy group with two parts - a small executive group and a larger group. The larger group would have an open membership for whoever is passionate about health, transport and social development and is interested in joining, but would be specifically aimed at representatives from voluntary organisations in the area, central government officials and Councillors.
 - c. The purpose of the larger group would be to provide a community voice. It would also be a forum that would recommend initiatives, actions, and the community's perspective to the executive. A key benefit to this approach is that the group can be used for networking to establish stronger cross-organisation ties and consequently a more connected health and social services sector. Ideally, members of the group would be representative of a wide range of voluntary sector groups, tangata whenua, and interested members of the public. There may also scope for involvement from central government agencies here.
 - d. The purpose of the executive group would be to act on the initiatives of the larger group, to lobby for issues in the community, to provide leadership on these issues, and to provide policy recommendations for local, regional and national stakeholders. The Executive could be made up of 1-2 Councillors and 5-7 Community Representatives for a three (3) year (renewable) term.
 - e. A Steering Group comprising the Mayor, Chief Executive Officer, Lew Rohloff (Grey Power) and Margaret Robins (Community Advisory Group) have considered possible candidates for the Community Wellbeing Subcommittee Executive, and have recommended the following people be appointed to the Executive Committee:
-

- Barry Judd, Deputy Mayor
- Garry Good, Councillor
- Nathan Murray, Councillor
- Margaret Robins
- Neville Gimblett
- Geraldine Gray
- Sally Duxfield
- Chris Potts
- Colin Brown
- Peter Shaughnessy.

3. Recommendation

- a. That Report 4336 on the Community Wellbeing Committee be received.
- b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- c. That Deputy Mayor Judd, and Councillors Good, Hunt, Murray and Kaye-Simmons be appointed to the Community Wellbeing Committee of Council.
- d. That Deputy Mayor Barry Judd, Councillor Garry Good, Councillor Nathan Murray, Margaret Robins, Neville Gimblett, Geraldine Gray, Sally Duxfield, Chris Potts, Colin Brown and Peter Shaughnessy be appointed to the Community Wellbeing Executive Committee. The Mayor would be an ex-officio member of the Executive.
- e. That Council pays non-Council elected members of the Community Wellbeing Executive Committee a meeting fee of \$150.00 per meeting.

4. Context

Background

The Horowhenua District has a strong community spirit and a large number of volunteers who provide valuable social services and support. However, there are also a number of problematic health and social development issues.

One of the keys, therefore, for the region's ongoing development will be effectively utilising the health and social services available (many of which are provided by voluntary organisations) to address these problems. With an ageing volunteer base, making most effective use of volunteer time and energy is very important. With this in mind, it was recommended that the current Joint Transport and Health Services Subcommittee of the Horowhenua District Council merge with the Horowhenua Primary Health Organisation Community Advisory Group to form a new subcommittee. The new committee will combine the current functions of both groups and potentially include a new mandate for social development advocacy.

The main reasons to include a new mandate for social development advocacy are:

- There are many community organisations in the Horowhenua area providing similar services and it would be mutually beneficial if these organisations worked together and had a unified voice. The development of the health shuttle service is an excellent example of how this approach can be very effective in the Horowhenua;

- The nature of the social problems in the district are best addressed collaboratively; and
- In a community the size of the Horowhenua district it is not likely that any other organisation other than the Council would provide leadership for an overall collaborative approach.

The proposed merger would see a health, transport and social development advocacy group with two parts - a small executive group and a larger group. The larger group would have an open membership for whoever is passionate about health and social development and is interested in joining, but would be specifically aimed at representatives from voluntary organisations in the area. The second part would be an 'executive'.

The purpose of the larger group would be to provide a community voice. It would also be a forum that would recommend initiatives, actions, and the community's perspective to the executive. A Key benefit to this approach is that the group can be used for networking to establish strong cross-organisation ties and consequently a more connected health and social services sector. Ideally, members of the group would be representative of a wide range of voluntary sector groups, tangata whenua, and interested members of the public. There may also be scope for involvement from central government agencies here.

The purpose of the executive group would be to act on the initiatives of the larger group, to lobby for issues in the community, to provide leadership on these issues and to provide policy recommendations for local, regional and national stakeholders. The Executive would be made up of 1-2 Councillors (if there are Councillors interested) and 5-7 members appointed by full council for a three (3) year (renewable) term.

Another reason to merge the groups is to provide an opportunity to reassess feedback arrangements. It would be useful for the new committee, most likely through the Executive, to have a way to formally provide feedback to MidCentral District Health board. It is assumed that the formal feedback relationship the Community Advisory Group currently has with the Primary Health Organisation will remain, with specific arrangements to be discussed when the new committee is formed.

Alongside this change, it would be valuable to encourage members of the larger group to provide feedback to the organisations they represent. Currently the feedback is somewhat ad hoc. A new emphasis would mean that a feedback loop is created enabling the community to better understand what the Committee is doing and the Committee to get feedback from the community on what they are achieving.

Definition of Social Development

Social development in the Horowhenua will be a process which results in the transformation of social structures¹ in a manner which improves the capacity of the Horowhenua to fulfil its aspirations.

¹**Social Structure** is a term used in sociology and anthropology to refer to relationships or bonds between groups of individuals (e.g. societies).

Social development will encompass a commitment to individual wellbeing and volunteerism, and the opportunity for Horowhenua citizens to determine their own needs and to influence decisions which affect them. Social development incorporates public concerns in developing social policy.

Through this report social development refers principally to social service delivery in the community - although not directly to education or economic development. It refers to

service provision for and needs of the unemployed, older people, vulnerable children and young people, but also includes positive community development.

The Horowhenua district has a number of problematic health and social development issues. The district experiences a higher level of socio-economic deprivation than the country as a whole, with the residents having a median personal income of \$18,500 versus \$24,400 nationally; 38% of the district's population live in areas assessed as being among the 20% most deprived in the country.²

(²According to 2006 Census data from Statistics New Zealand).

Other issues include:

- social isolation (29% of households are single-person) with only 48% of households with internet access and limited access to public transport;
- small numbers of middle-aged working residents to create economic wealth;
- high numbers of teenage pregnancies (12% of babies born are to teenagers); and
- higher unemployment (6.3% compared with 5.1% nationally in 2006 Census).

Currently there are a large number of organisations providing great services to the community which are working to address these and other issues - such as Supergrans and the Citizens Advice Bureau. A whole-of-community approach could allow these organisations to focus their resources in a coordinated fashion.

Collaboration

The Local Government Act 2002 requires local government to lead the process of defining community outcomes and priorities, work with other organisations that can influence their delivery, and monitor how services contribute to achieving the outcomes. According to the 2003 *Mosaics* report by the Ministry of Social Development, local authorities have a specific legislative role in defining and measuring outcomes for their community and they provide a crucial link between government agencies and the community.

A new Council subcommittee looking at health, transport and social development which was able to involve organisations from these different areas would help the Council fulfil this role. The need for this kind of collaborative approach was emphasised in the 2008 Local Services Mapping project which proposed 'a connected social services sector' as one of the three priorities the community identified as most important for the region's development.

If the new joined committee includes social development objectives then it will be very important that the Committee's objectives are clear. This will ensure a wide scope does not lead to lack of direction. Therefore, the first task of the Committee could be developing a set of specific results for the community to work towards and to develop the indicators to enable these to be achieved.

PROPOSED TERMS OF REFERENCE FOR LARGER GROUP

- To monitor trends in health (and social development) and to advocate for the appropriate level of service delivery to meet the needs of the community.
- Identify key needs and areas for improvement in health (and social services) in the Horowhenua.
- To act as a channel for community groups and organisations to access Horowhenua District Council's support and involvement in health and social development issues.

- Provide feedback on issues and gaps in service provision to the Horowhenua PHO Board (with regard to primary health).
- Monitor developments with regard to the Health Shuttle and the Health Centre to ensure continuation of the appropriate level of service delivery.
- Promote the current services available to the community to ensure utilisation of existing resources.
- To act as an environment in which formal and information networking between organisations can occur.

PROPOSED TERMS OF REFERENCE FOR THE 'EXECUTIVE'

- To put into action the recommendations of the larger group.
- Formulate policy recommendations for local, regional and national stakeholders.
- Provide leadership for planning, policy and research that is relevant to the community.
- To consider the long term development of health (and social services) in the region and to provide a forward-looking perspective.
- To develop a Social Development Strategy.

As well as:

- To monitor trends in health and social development and to advocate for the appropriate level of service delivery to meet the needs of the community.
- Identify key needs and areas for improvement in health and social services in the Horowhenua.

Executive Members

The types of skills required on the Executive include:

- Strategic Planning
- In-depth knowledge at either a central or local government level around accountability, evaluation and collaboration.
- Communication and Negotiation skills.
- Articulate - with the skills to ensure any proposal that is taken to Wellington is evidence based, and answers all the right questions from a high level.
- Community development focussed.
- Not bogged down by operational level work - zero risk of agenda or pride patch
- Common sense approach.

The following people have been considered by the Steering Group as having the appropriate skills to become part of the Community Wellbeing Executive:

1. **Margaret Robins** - Transition agent from the Joint Transport and Health Services Subcommittee and the Community Advisory Group.
2. **Neville Gimblett** - Member of the Kere Kere Healthier Communities Network, Pharmacist in Foxton, agent for smaller towns (Foxton, Foxton Beach and Shannon).

3. **Geraldine Gray** - Currently Funding Coordinator for Muaupoko Tribal Authority and Service Manager for Birthright Levin. Background is in corporate environment, of Māori descent, and wide knowledge of whanau within the Horowhenua.
4. **Sally Duxfield** - Owner and operator of Makahika Outdoor Centre in Levin. Director of Contact NZ, a leadership development programme. Lecturer and consultant in leadership development, in particular around youth development.
5. **Chris Potts** - Wife of Wally Potts (Council's new Community Assets Manager). Wide range of experience in the governance and implementation of Community Development projects on a local and national scale. Wide range of knowledge and passion, with a depth of knowledge within the processes to get projects to a particular point.
6. **Colin Brown** - Chairperson of Education Horowhenua. Consultant for Ministry of Education. Proven track record in terms of what can be achieved as well as a passion and desire to make a difference in the community.
7. **Peter Shaughnessy** - Peter has a police background, and in 2005 he moved to Levin to semi-retire. He served on the Community Advisory Group, and is a trustee and vice president of the Horowhenua Community Health Transport Trust (Health Shuttle).
8. **Deputy Mayor, Barry Judd** - Past Chairperson of the Joint Transport and Health Services Subcommittee. Strong community health advocate.
9. **Councillors Garry Good** - Past Joint Transport and Health Services Subcommittee member. Member of the Horowhenua Education forum. Education advocate.
10. **Councillor Nathan Murray** - Second term Councillor, has a strong interest in this area.

CVs of non-Council members accompany the agenda.

Legal or statutory requirements

There are no legal or statutory requirements to consider.

Consenting issues

There are no consenting issues.

Consultation process

Council has consulted widely with community groups in the area, government agencies, and the general public. Open forums have been held explaining the proposed new Committee and invitations have been made to Community Groups to nominate representatives to the Community Wellbeing Committee and the Executive.

5. Analysis

Options considered

The preferred composition of the Community Wellbeing Committee Executive is a group of 8-10 people who have a passion for Community Wellbeing, have a knowledge of the sector, can contribute at a high strategic level and actively participate in the delivery of key initiatives identified by the Executive.

Cost

The estimated cost of this option is as follows:

7 non-Council elected representatives, eight (8) meetings per annum at \$150.00 per meeting = \$8,400.00 funded through existing budgets.

Timeframe

It is expected that the Community Wellbeing Committee Executive will have its first meeting after the Community Wellbeing forum to be held on 12 November 2010.

Meetings of the Executive will be held every six (6) weeks and will be publicly notified.

Meetings of the larger Community Wellbeing Committee are likely to be held quarterly and will be publicly notified.

Impact on significance policy

There is no impact on Council's significance policy.

Impact on LTCCP and relevant Policies

There is no impact on the LTCCP and relevant policies.

How will this assist us to achieve our Annual Plan targets

The Community Wellbeing Committee will assist in the attainment of the Community Outcomes for social and economic wellbeing objectives in the 2009-2019 LTCCP.

There are no specific targets in the Annual Plan that have been set for the Community Wellbeing Committee.

Financial Impact

The cost of operating this Committee and providing meeting fees for non-Councillors on the Executive Committee have been provided for in the LTCCP Governance Budget.

Administration support and meeting costs of the new Committee of Council will be covered within existing budgets.

It is recommended that meeting fees of \$150.00 be paid to the non-Council elected members of the Executive Committee.

6. Conclusions

Preferred options

The preferred composition of the Community Wellbeing Committee Executive is a group of 8-10 people who have a passion for Community Wellbeing, have a knowledge of the sector, can contribute at a high strategic level and actively participate in the delivery of key initiatives identified by the Executive.

It is recommended that the following people be elected as members of the Community Wellbeing Executive:

- Barry Judd, Deputy Mayor
- Garry Good, Councillor
- Nathan Murray, Councillor
- Margaret Robins
- Neville Gimblett
- Geraldine Gray
- Sally Duxfield
- Chris Potts
- Colin Brown
- Peter Shaughnessy

Need for further consultation

Not required.

Communication strategy

The decision of Council will be communicated through the Council newsletter, "Community Connection", and letters to Horowhenua community groups.

Appropriate timetable

The Executive Committee will have its first meeting on 12 November 2010

	Name and title of signatories	Signature
Prepared by	David Clapperton Strategic & Corporate Services Manager	
<u>Confirmation of statutory compliance</u>		
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.		
Approved by	David Ward Chief Executive Officer	

Attachments CVs of non-Council members accompany the agenda.

Item-1999 Appointment of Public Members to the Creative Communities Scheme Local Assessment Special Committee

File No **4328**

To: **His Worship the Mayor and Councillors
Horowhenua District Council**

From: **Strategic and Corporate Services Manager**

Date: **10 November 2010**

1. Purpose

- a. To advise Council of the requirements of Creative New Zealand to appoint public members to Council's Creative Communities Scheme Local Assessment Special Committee to represent the public sector.
- b. To advise Council that the revised criteria governing the composition and term of membership of both appointed and elected members has changed with the need to advertise for up to four (4) positions on the CCS Local Allocation special Committee to serve for a three year term.
- c. That in calling for expressions of interest emphasis be placed on those with a broad knowledge of the local and environment together with representation sought from both Iwi, Pacifica representatives and young people.

2. Executive Summary

- a. In terms of an agreement entered into by Council with Creative New Zealand for the continued disbursement of funding allocated under the Creative Communities Scheme Council is required to follow the terms of the agreement and in particular:
 - i) Composition and term of membership of both appointed and elected members
 - ii) Following the key funding criteria under the CCS Scheme
 - iii) The delivery of the CCS Scheme to the wider community
 - iv) Following the procedures for reporting on allocation rounds, approved or declined applications and funds dispersed
 - v) Ensuring that proper reporting and record keeping is carried out
 - vi) Appropriate promotion of the CCS Scheme within the District
 - vii) Enhancing the local art scene
 - b. The review Creative New Zealand undertook on the Creative Communities Scheme was to enable local communities to create and present diverse opportunities for both accessing and participating in art activities. This meant building on the established art scene through providing broader community involvement, diversity of the arts and cultural traditions within an area along with greater encouragement to young people (under 18 years) to both engage with and actively participate in the arts.
 - c. The emphasis will be to build on what has been achieved in the past by encouraging public members with not only a broad knowledge of this district's art environment but with a
-

passion to "grow our art scene" drawing in the various cultures and young people to become more actively involved.

3. Recommendation

- a. That Report 4328 be received.
- b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- c. That Council approves of the composition of Council's CCS Local Assessment Special Committee in conforming with the new criteria to comprise at least 7 and no more than 11 members (appointed and public) for the ensuing 3 year term.
- a. That Council acknowledges acceptance of Rosalie Blake and Tony Matthews to be reappointed as public representatives on Council's CCS Local Assessment Special Committee for a further term of office, terminating on 31 October 2013.
- b. That public notice be undertaken in November 2010 inviting expressions of interest/nominations for up to four (4) public representatives, including iwi, youth and Pacifica, to serve for a 3 year term.
- c. That up to two of the longer serving public representatives be asked to remain for a further one year minimum period so as to maintain continuity and retention of experience and knowledge.
- d. That the present CCS Allocation Special Committee (both appointed and elected representatives) remain following the October 2010 local body elections until after the advertising and appointment of replacement members is completed; and to undertake the role of selecting the new public representatives to serve for the ensuing term.
- e. That to complete the membership of the CCS Local Assessment Committee Council make three (3) appointments for the 2010/2013 term of office.

4. Context

- a. The Council will need to not only use its present publications of Youth Voice-"Vanguard", "Community Connection" and "Elderberries" but enlist the support of fellow councillors to encourage those known to them that participate in the arts to consider putting their names forward for nomination.
- b. To maintain continuity and retain a sense of purpose potential members need to be committed to serve a maximum of three years on the CCS Special Committee.
- c. Encouragement given to those representing young people and with an interest in the arts to consider being nominated, similarly iwi and Pacifica representatives making themselves available to also service this district.
- d. Acknowledgement that potential members will be required to attend a training session, followed by attending two meetings per annum (usually late March and September) along with attendance at events funded by the CCS Scheme.

- e. Appointed public representatives are reimbursed for travel costs associated with attending CCS Allocation meetings along with a modest meeting allowance. This is subject to tax.

	Name and title of signatories	Signature
Prepared by	D C Cole Special Projects Officer	
<u>Confirmation of statutory compliance</u>		
<p>In accordance with section 76 of the Local Government Act 2002, this report is approved as:</p> <ul style="list-style-type: none"> 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. 		
Approved by	D M Clapperton Strategic and Corporate Services Manager	

Item-2000 Leaky Homes Financial Assistance Package

File No 4333

To: His Worship the Mayor and Councillors
Horowhenua District Council

From: Environmental Services Manager

Date: 10 November 2010

1. Purpose

To obtain a decision from the Council on whether it wishes to sign up to the Governments proposals for assistance to owners of 'leaky buildings'.

2. Executive Summary

Council has received an invitation from the Minister for Building and Construction to participate in a financial assistance package under preparation which is to be offered to owners of "leaky homes".

The decision to participate requires a resolution of Council. He has also requested that delegation be given to Chief Executives to sign up to the final package in due course.

The financial assistance package limits the Councils liability to 25% of any claim made (there are currently no claims against Horowhenua District Council). The Council is being asked for a decision on whether to opt in without having full details available but as the final sign off is recommended to lie with the Chief Executive that risk can be managed.

The key issue is whether the Council wants to opt into a scheme in the absence of any claims against it or retain the status quo. Officers recommend that the Council opt into the scheme leaving the final decision to Chief Executive once full details are known.

3. Recommendation

- a. That Report 4333 on Leaky Homes Financial Assistance Package be received.
 - b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
 - c. That the Horowhenua District Council agrees to participate in the financial assistance package for owners of leaky homes, conditional on the government passing legislation or, if legislation is not able to be passed, an alternative method to cap Council liability being agreed to.
 - d. That the Chief Executive be given discretion and delegated authority to sign or not sign any relevant documentation relating to the package provided that should he chose not to sign he report back to Council with reasons.
-

4. Context

Background

Councilors will be familiar with the nation wide issues associated with leaky homes. At the time of writing this Council has no claims against it and no claims are expected although this report should be read in the light of that possibility.

At present owners may pursue their claims through litigation whereas the scheme now proposed offers an alternative for those seeking a quick resolution to their case.

The package centers on the Government and local authorities each contributing 25% of the agreed repair costs in any claim and homeowners funding the remaining 50% with the government providing assistance to access finance for homeowners. Home owners who choose to apply for the package must agree not to bring proceedings against the local authority and the Government at the Weathertight Homes Tribunal or in court.

Under the scheme local authorities will not be making a contribution to repair costs if they were not involved in the building work (i.e. where inspection and sign-off was done by a private building certifier). However, owners in those cases may still be eligible for government assistance and they will retain the option to pursue claims against the local authority and other parties if they wish. There are a few such cases in this District.

The package does not require all local authorities to participate, and some may opt in at a later stage. Where local authorities are not part of the package, the support to affected home owners will be limited to government contributions as there will be no contribution from the local authority.

Applying for the financial assistance package does not prevent claimants continuing with dispute resolution under the Weathertight Homes Resolutions Services Act 2006 or in the courts against non-territorial authority and non-Crown parties if they wish.

The Government hopes to have the package available for owners of leaky homes from early to mid 2011.

Eligibility criteria proposed restrict the scheme to buildings built before 1 Jan 2012 and applications must be made within five years of its start date. Dwellings already repaired or covered by a settlement are not eligible although the former may pursue legal action.

It is understood that most local authorities have agreed to participate.

Legal or statutory requirements

Whilst the final details of the proposed package have yet to be made available there are no known legal issues.

Consenting issues

There are no consenting issues associated with this matter.

Consultation process

Consultation is not required for a resolution.

Approach

A covering letter on the package is attached to this report.

Additional material is to be tabled for information being:

- Material for TA Chief Executives on the key features of the scheme.
- Supplementary material for local authority officials

- A letter from the Office of the Auditor General dated 3 September 2010 and legal opinion.

The office of the Auditor General has recommended, in summary, four points for consideration by local authorities. These relate to whether the scheme is of itself an activity of a council and, considerations of the real cost of accepting any liability.

In the former case the point is a legal one but somewhat moot in officer's opinion given that case law has established that councils have to carry some liability in the event of a claim. The second point is of no relevance currently in the absence of any claims specifically against Horowhenua District Council. In the event of a claim the scheme would limit our liability to a maximum of 25% of the agreed value. The scheme would cap any claims against the Council and for that reason it is recommended that Horowhenua District Council opt into it.

5. Analysis

Options considered

The Council is not obliged to take part in the scheme in which case the status quo remains in place. In the absence of any claims against the Council there is no consequence to this option (or opting in for that matter). In the event of a claim officers would engage in a process (which may involve litigation) to find a fair and reasonable solution.

Analysis of Preferred Option

Whilst full details of the scheme are not known officers would recommend that the Council resolves to support the package and delegate the final decision to the Chief Executive with discretion to take part or otherwise in the final package once details are known.

Cost

There is no cost to opting into the scheme although there obviously would be in the event of a claim. Given that the scheme is based on a maximum and not a fixed contribution and that Councils are committed to being involved it is suggested that the scheme would minimise risk to Council.

Timeframe

The scheme is likely to be operating we understand by about mid 2011.

Impact on significance policy

The proposal if accepted is not, in terms of Council's significance policy, one of significance.

Impact on LTCCP and relevant Policies

The proposal is not inconsistent with the LTCCP.

How will this assist us to achieve our Annual Plan targets.

Not relevant to Annual Plan targets at present.

Financial Impact:

The Annual Plan does not contain any specific provision to fund claims against the Council. Should a claim of significance arise then officers would report to council with proposals. The scheme as proposed would effectively cap the value of any such claims.

6. Conclusions

Preferred options

Officers recommend that the Council agree to take part in the scheme subject to final confirmation or otherwise by the Chief Executive on receipt of the details in due course.

Need for further consultation. No further consultation is needed.

Communication strategy

Not required specifically although we assume that the Government will launch the strategy on a national basis once details are finalised.

Appropriate timetable

This is subject to the Government progressing the project. It is estimated that the project will be up and running around mid 2011.

	Name and title of signatories	Signature
Prepared by	Tony Thomas Environmental Services Manager	
<u>Confirmation of statutory compliance</u>		
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.		
Approved by	David Ward Chief Executive	

5. Attachments

- a. Letter from Department of Building and Housing



Department of
Building and Housing
Te Tari Kaupapa Whare

8 September 2010

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

Dear David

COUNCIL AGREEMENT TO PARTICIPATE IN THE LEAKY HOMES FINANCIAL ASSISTANCE PACKAGE

On 7 September 2010, the Minister for Building and Construction wrote to Mayors to invite councils to agree to participate in the financial assistance package for owners of leaky homes, conditional on the Government passing legislation or, if legislation is not able to be passed, an alternative method to "cap" council liability being agreed.

To facilitate timely implementation and provide more certainty for homeowners before the local body elections, the Minister indicated that he would like councils to agree to support the package in this council term and before local body elections on 9 October 2010, conditional upon resolution of the capping of council liability at 25% of agreed owner repair costs. The Minister also requested that councils delegate authority to Chief Executives to agree to final "sign up" to the financial assistance package if legislation is passed to facilitate the implementation process.

The Minister's letter noted that detailed features of scheme design were being sent to you to assist with briefings for councillors. The attached key features of the financial assistance package have been endorsed by senior territorial authority officials (subject to some minor operational details) and agreed by Joint Ministers (Finance, Building and Construction, Local Government). A more detailed scheme design, including some operational details, which your officials will find useful is also attached.

Should you have any questions please contact David McLellan (Project Director Weathertightness). His contact details are david.mclellan@dbh.govt.nz (04 817 4890).

Until your Council has made its decision, I would ask that you continue with the existing agreed messaging that the government and territorial authorities are still working on the details of scheme and progress is being made.

Other issues

Three other specific issues that have been raised in discussions on scheme design, these relate to: eligibility of Crown and council-owned dwellings; eligibility of retirement villages, and; insurance issues for territorial authorities for existing WHRS claims that may transition into the financial assistance package.

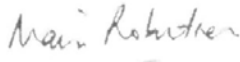
In respect of the first issue, the Minister for Building and Construction has agreed to write to the Minister of Housing seeking a commitment from the Chair of the Board of HNZC, that it will not apply for assistance to repair any Crown owned leaky homes under the financial assistance package. Councils are asked to give a similar commitment.

The eligibility for retirement villages to the financial assistance package is consistent with eligibility criteria for retirement villages to existing WHRS mediation and tribunal services.

In respect of the third matter, the Department is working with territorial authorities on an appropriate response to the issue.

A final matter that has been raised in discussions on scheme design relates to requirements under the Local Government Act 2002 in respect of Long-Term Council Community Plans (LTCCPs). Material is attached that may assist you in the development of advice for councillors in this regard.

Yours sincerely



Maria Robertson
Acting Chief Executive

Encl. (material on scheme design for financial assistance package)

Item-2001 Hearing Committee: Appointment of Chairperson and Confirmation of Delegations

File No **4340**

To: **His Worship the Mayor and Councillors
Horowhenua District Council**

From: **Environmental Services Manager**

Date: **10 November 2010**

1. Purpose

To appoint a Chairperson and Deputy Chairperson for the new Hearing Committee and to consider wider delegations to the Committee.

2. Executive Summary

- a. Having appointed a Hearing Committee this report proposes that a Chairperson and Deputy Chairperson be appointed from Committee members.
- b. It is also proposed to widen the delegations to the Hearings Committee to allow it to make determinations on most matters before it rather than making a recommendation to Council as it currently does in some cases. This proposal is subject to statutory limits and proposed conditions insofar as some matters are more appropriately heard and/or determined at a full Council level.

3. Recommendation

- a. That Report 4340 on Hearing Committee : Appointment of Chairperson and Confirmation of Delegations be received.
 - b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
 - c. That the Council resolve which voting method it wishes to use to appoint a Chairperson and Deputy Chairperson for the Hearing Committee and appoints a Chairperson and Deputy Chairperson of that Hearing Committee from its members.
 - d. That the Council confirms in terms of Schedule 7 of the Local Government Act 2002 and Section 34 of the Resource Management Act, that the Hearing Committee be delegated, in addition to its current delegations, the powers set out in Attachment C to this report.
-

4. Context

Background

At its meeting of 28 October 2010 the Council appointed members to the Hearing Committee (Item 1992). Now that the members have been appointed it remains to appoint a Chairperson and Deputy Chairperson and to consider the delegations to that Committee.

Members of the Committee are: Councillors Allan, Good, McMeeken, Shaw and Kaye-Simmons.

Delegations for the Hearing Committee are in place from the previous resolutions and carry over to this Committee. It is recommended that these remain in place as they are in line with the Terms of Reference as already approved.

In addition it is recommended that the Hearing Committee be given delegated authority, as far as practicable and subject to proposed conditions, to make a determination on all matters for which it may have conducted a hearing.

The general intention here is to remove, as far as possible and within defined limits, the situation where the Committee hears all of the submissions and evidence on a particular matter but can only make a recommendation back to full Council for a determination. There are some situations where this cannot be avoided including, for example, only the Council can adopt a bylaw, although hearing may be carried out by the Committee or a full Council.

Legal or statutory requirements

A Chairperson and Deputy Chairperson.

The appointment of a Chairperson and Deputy Chairperson is governed by Clause 26 of Schedule 7 of the Local Government Act 2002 (Attachment A). Key points to note include:

- It is not a requirement to appoint a Chairperson/Deputy Chairperson
- If a Chairperson is appointed then he/she must preside at each meeting unless they vacate the Chair for a particular meeting.

The method by which the Chair and Deputy Chairpersons are appointed is covered by Clause 25 of Schedule 7 the Local Government Act (Attachment A). This requires that the Council firstly decide by resolution which of the two available methods is to be used and then proceed to make the relevant appointments.

B Delegations

It is opportune to consider delegations given the adoption of the Terms of Reference at the time the Committee was appointed (Council meeting of 28 October 2010). Existing delegations are in place for the Committee and remain unchanged through the recent electoral process.

Overall powers for the Council to make delegations are set out in Clause 32 of Schedule 7 to the Local Government Act 2002 (Attachment B). In addition most statutes that the Committee will be concerned with also have their own specific provisions which allow for the delegation of powers to committees, staff and third parties (e.g. the appointment of commissioners for resource consent hearings). These may take precedence over the general provisions of the Local Government Act 2002.

There are various decisions required by statute which may not be delegated but which may require a hearing. Some of these are set out in Attachment B and include for example the authority to make a bylaw or approve the LTCCP/Annual Plan.

The Terms of Reference to the Hearing Committee provide a broad capacity to undertake hearings on behalf of the Council excepting those matters relating to the LTCCP and the Annual Plan. Where they are precluded from a decision on these matters by any legislation then a final decision must be referred back to the Council. Where the Council is not of a mind to accept the Committee recommendation it would then normally refer the matter back to the Committee for further consideration. This is consistent with past practice.

Looking to the forthcoming triennium it is recommended that the general principle should be that the Hearing Committee undertakes all Hearings and, subject to conditions, makes a decision where it may do so in law. If there are matters that may be more appropriately heard by full Council then the Committee can and should defer to that process by way of agreement between the Chairperson and the Mayor. Where there may not be such agreement it is recommended that the Council should be the preferred body for any such hearing and determination.

Matters that are likely to fall within the current triennium and which may necessitate a hearing include:

1. Hearings related to the District Plan Review. These are likely to be extended and complex hearings and consequently officers intend to more fully report to Council in due course on the appropriate hearing and decision making process for that project. The delegations proposed in this report do not extend to these matters.
2. Various District Plan Changes which require a hearing and determination (e.g. Proposed Plan Change 22 relating to Outstanding Natural Landscapes and Features). Under the current arrangements they will be heard by the Committee with a recommendation for a final decision being referred to Council. It is proposed in this report to allow the necessary determinations to be made by the Hearing Committee.
3. Submissions on new legislation for which a consultative process and a hearing may be appropriate and, any hearings under that legislation. Officers are aware of pending changes including:
 - a. Implementation of the revised Food Act and Health Act.
 - b. Review of the Liquor Act, including a subsequent review of the Councils Liquor Policy.
 - c. Amendments to the Dog Control Act and also a review the relevant policy and bylaw.
 - d. Review of the Councils Gambling Venue Policy.
4. Reviews of other Council bylaws and policies.

Consenting issues

N/A

Consultation process

No consultation is required for the purpose of this report.

5. Analysis

Options considered

Whilst the Local Government Act 2002 does not require a Chairperson and Deputy it is suggested that it would be sensible to appoint such persons for obvious reasons. The default position in the absence of such appointments is cumbersome requiring either the Mayor or Deputy Mayor to preside or the members to elect one member at the meeting to preside.

With regard to delegations it is proposed that the Hearing Committee be delegated authority to hear and determine matters where a hearing is required if legally permitted to do so without reference back to a full Council meeting. The Committee may elect not to hear some matters at the discretion of the Chairperson in consultation with the Mayor. It is expected that these matters will relate to Bylaws/Policies and amendments to the District Plan. Hearing procedures for the review of the District Plan are not included in the delegations and will be the subject of a future report.

Timeframe

These will have immediate effect on the resolution being taken.

Impact on significance policy

N/A

Impact on LTCCP and relevant Policies

N/A

How will this assist us to achieve our Annual Plan targets.

N/A

6. Conclusions

Preferred options

The preferred option is to appoint a chairperson and Deputy Chairperson and approve the delegation proposed.

Need for further consultation

None

Communication strategy

It would be appropriate to give some publicity through "Community Connection" to any appointments made as a consequence of this report.

Appropriate timetable

The appointments and delegation if approved will have immediate effect.

	Name and title of signatories	Signature
Prepared by	Tony Thomas Environmental Services Manager	
<u>Confirmation of statutory compliance</u>		
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.		
Approved by	David Ward Chief Executive.	

5. Attachments

- a. Extracts from Local Government Act 2002
- b. Powers of Delegation Extracts from Local Government Act 2002
- c. Delegated Authority to the Hearing Committee

Attachment A

Extracts from Local Government Act 2002 (Highlights added)

Schedule 7, Part 1 26 Chairperson of meetings

- (1) The mayor or chairperson of the local authority must preside at each meeting of the local authority at which he or she is present unless the mayor or chairperson vacates the chair for a particular meeting.
 - (2) **The chairperson of a committee must preside at each meeting of the committee at which he or she is present unless the chairperson vacates the chair for a particular meeting.**
 - (3) **The local authority may appoint a member of a committee to be the chairperson of that committee and, if the local authority, on the appointment of the committee, does not appoint a chairperson, that power may be exercised by the committee.**
 - (4) **The local authority or the committee may appoint a deputy chairperson to act in the absence of the chairperson.**
 - (5) If the mayor or chairperson of a local authority or the chairperson of a committee is absent from a meeting, the deputy mayor or deputy chairperson (if any) of the local authority or committee must preside.
 - (6) However, if a deputy mayor or deputy chairperson has not been appointed, or if the deputy mayor or deputy chairperson [is] also absent, the members of the local authority or of the committee that are present must elect 1 of their number to preside at that meeting, and that person may exercise at that meeting the responsibilities, duties, and powers of the [mayor or chairperson].
-

Schedule 7, Part 1 25 Voting systems for certain appointments

- (1) This clause applies to—
 - (a) the election or appointment of the chairperson and deputy chairperson of a regional council; and
 - (b) the election or appointment of the deputy mayor; and
 - (c) **the election or appointment of the chairperson and deputy chairperson of a committee; and**
 - (d) the election or appointment of a representative of a local authority.
 - [(2) If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:—
 - (a) the voting system in subclause (3) (**system A**):
 - (b) the voting system in subclause (4) (**system B**).]
 - [(3) System A—
 - (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
 - (b) has the following characteristics:—
 - (i) there is a first round of voting for all candidates; and
-

- (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
- (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.]

[(4) System B—

- (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
- (b) has the following characteristics:
 - (i) there is only 1 round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.]

Attachment B: Powers of Delegation.

Extracts from Local Government Act 2002 (Highlights added)

Local Government Act 2002

Schedule 7, Part 1 32 Delegations

- (1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, **a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—**
 - (a) the power to make a rate; or
 - (b) the power to make a bylaw; or
 - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan; or
 - (d) the power to adopt a long-term council community plan, annual plan, or annual report; or
 - (e) the power to appoint a chief executive; or
 - (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term council community plan or developed for the purpose of the local governance statement; or
 - (g) *Repealed.*
- (2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).
- (3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the [original] delegation.
- (4) A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.
- (5) A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.
- (6) A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.
- (7) To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.
- (8) The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.

Attachment C: Delegated Authority to the Hearing Committee.

General

Pursuant to Clause 32 of Schedule 7 of the Local Government Act 2002 and to S 34 of the Resource Management Act the Horowhenua District Council delegates to the Hearing Committee full authority to hear and determine any matter for which a hearing is required under the provisions of these Acts or any other Act, Bylaw or Policy unless any one or more of the following apply:

1. A delegated determination is precluded by law. In such cases, and where the Hearing Committee undertakes the hearing, it shall make a recommendation to the Council.
2. The Chairperson of the Hearing Committee and the Mayor (or their respective Deputies) agree that the matter under consideration is appropriately heard and/or determined by a full Council meeting. In the absence of agreement the Council shall undertake the hearing and make the determination.
3. Any hearings and decisions relating to the Long Term Plan and/or Annual Plan.
4. The hearing relates to a statute to which neither Clause 32 of Schedule 7 of the Local Government Act 2002 apply or Section 34 of the Resource Management Act apply unless a specific delegation has been granted for that purpose.
5. The hearing relates to the actual District Plan Review (as opposed to any Public or Private Plan Change). This is to be the subject of a further report to Council.

Item-2002 Horowhenua District Plan : Private Plan Change 19 : Stevenson's Engineering, Tokomaru

File No **4319**

To: **His Worship the Mayor and Councillors
Horowhenua District Council**

From: **Environmental Services Manager**

Date: **10 November 2010**

1. Purpose

To adopt proposed Plan Change 19 being the rezoning of land at and around Stevensons Engineering, State Highway 57, Tokomaru.

2. Executive Summary

The Hearing Committee has made a recommendation on an application from the owners of Stevensons Engineering to amend the Industrial zoning of their site and to extend that Industrial zoning to identified surrounding sites. It has recommended that the Council adopt that Plan Change so as to allow the appeal period to commence.

The Plan Change has been through a public notification and hearing process before the Hearing Committee. The recommendation of the Hearing Committee, **attached**, now requires the consideration of the Council as the Committee is not able under the current delegations to adopt an amendment to the District Plan, this requiring a resolution of the Council.

Adoption of the plan change as proposed in this report will lead to an appeal period. In the absence of any appeals a further report will be brought to the Council to finally adopt the Plan Change. If there are appeals then the Plan Change will be finalised through the Environment Court.

3. Recommendation

- a. That Report 4319 on Plan Change 19 be received.
 - b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
 - c. That in relation to Proposed Plan Change 19 (being an amendment to the Horowhenua District Council Operative District Plan) the Council, pursuant to Clause 10 of the First Schedule to the Resource Management Act, adopt the recommendation of the Hearing Committee and approve the amendment of the Operative Horowhenua District Council District Plan as set out in Attachment A to this report.
 - d. That the required notification of the decision be undertaken.
-

4. Context

a. Background

It should be noted that if the Council is not of a mind to adopt this recommendation then the matter should be referred back to the Hearing Committee for further consideration. The Council is not in a position to further deliberate on the issues as it is not in possession of the all of the material available to the hearing.

The application has been through two rounds of public consultation and submissions which were considered under the requisite provisions of the Resource Management Act.

b. Legal or statutory requirements

The application has been processed under the strict provisions of the Resource Management Act relating to amendments of the District Plan.

c. Consultation process

Community views and those of specified bodies, including Iwi and the Regional Council, were sought during the process.

Consultation has been carried as out as required and Iwi have been consulted at various stages through the application.

5. Analysis

a. Options considered

Under the present delegations a Council decision is required on the Committee recommendation. There is a separate report on the agenda to extend the delegation to the Committee so as to allow it to reach a final decision on these matters.

b. Cost Costs are met by the applicant.

6. Conclusions

a. Preferred options The recommendation of the Hearing Committee is the preferred option.

b. Need for further consultation Should the Council adopt the recommendation the decision will be notified in the prescribed form and will become operative at the conclusion of the appeal period unless an appeal is received.

c. Communication strategy The decision of the Council is to be sent out to the applicant and all submitters as required.

d. Appropriate timetable The necessary notices will be issued as soon as the resolution has been taken.

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.

Approved by

Tony Thomas
Environment Services Manager

5. Attachments

- a. Recommendation of the Hearing Committee

IN THE MATTER OF **The Resource Management Act 1991 (the RMA).**
AND
IN RELATION TO **Proposed Plan Change 19.**

 A proposed change to the Horowhenua District Plan
(the Plan) to rezone land zoned "Rural" at and around
the Stevensons Structural Engineering factory south
of Tokomaru to "Industrial".

TO **Horowhenua District Council (the Council)**

FROM **The Hearing Committee, Horowhenua District Council**
(The Committee).

REPORT AND RECOMMENDATIONS

Hearing: 27 September 2010.

Hearing Committee: Cllr David Allan (Chair)
 Cllr Garry Good
 Cllr Leigh McMeeken.

Officers: Tony Thomas (Committee Technical Advisor)

 Clare Barton (Reporting Planner - consultant)

 Karen Corkill (Committee Secretary)

For the applicant: Ms Barbara Pearce (Cooper Rapley)
 Mr Evan Kroll (Stevensons Engineering)
 Mr Neil Jepsen (Acoustic Consultant)
 Mr Shannon Bray (Landscape Architect)

Submitters None present.

Public None present.

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1 Introduction

- 1.1 This report covers the proceedings and recommendations to the Horowhenua District Council of the Hearing Committee (the Committee) in relation to Proposed Plan Change 19, being a proposed amendment to the Operative District Plan (the Plan).
- 1.2 The minutes of the Committee meeting are separately recorded and do not form part of this decision.
- 1.3 The proposal relates, in brief, to an application to amend the District Plan so as to extend and amend the current Industrial zoning of the Stevensons Factory on State Highway 57 just south of Tokomaru.
- 1.4 The properties are located in the northwest and southwest quadrants of the intersection of State Highway 57 and Karaka Street and cover a total area of 1.8593ha.
- 1.5 The recommendation of the Committee is that Proposed Plan Change 19 be adopted by the Council with amendments as set out in this report and its attachments.

2 Background and Proposal.

- 2.1 The Stevensons factory has a long and well documented history in its present location, occupying an area of just less than 4000m² which is currently zoned for industrial purposes as set out in the application documentation.
- 2.2 The surrounding area is zoned Rural and was inspected during the course of a site visit on the day of the hearing.
- 2.3 The application is to extend the current industrial zoning to the following properties and to introduce particular provisions in relation to all of those sites (i.e. provisions relating to the existing industrial zone will also be amended).
 - Lot 1 DP 98744
 - Lot 1 DP 19578
 - Lot 3 DP 51767
 - Lot 1 DP 26116
 - Lot 2 DP 26116
 - Lot 3 DP 26116
- 2.4 The proposed amendments are set out in the application documentation and planning report. At the outset of the hearing the applicant set out a number of technical amendments which had been sought by the applicant in the October 2009 version of the application. This is the version referred to in the planner's report and the Committee accepts that those amendments would have been within the scope of the application such that the amendments before it for the hearing are as follows;

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- a) Detailing the rezoning of the site on Planning Map 3 (The sites to be rezoned are shown on the Plan attached to this report);
- b) Add the following definitions in Part D Section 25:
Stevensons activities means activities and buildings associated with steel fabrication including the cutting, drilling and welding of steel; industrial processes associated with manipulation and manufacture of steel products including sandblasting and the application of protective coatings; engineering and draftsman work associated with the design and manufacture of structural steel and all ancillary activities connected with the primary activities specified above.
Stevensons site means all the land zoned industrial on Karaka Street and State Highway 57, Tokomaru, comprising a total of 1.8593 hectares.
- c) Amend Rule 16.1 to include the underlined wording:
Any of the following activities is a permitted activity in the Industrial Zone (except in the case of the Stevensons site where the permitted list of activities does not apply) provided....
- d) Amend Rule 16.3 to include the underlined wording:
The following shall be controlled activities in the Industrial Zone:.....(d) Stevensons activities on the Stevensons site (16.4.4).
- e) Add a new rule 16.4.4 as follows:
16.4.4 Stevensons Activities on the Stevensons Site

Controlled Matters

The matters over which Council reserves its control and the required conditions are detailed below:

- i. The location of points of access to ensure any adverse effects on traffic efficiency and safety are adequately avoided, remedied or mitigated.*
- ii. The height, location and design of buildings to ensure that adverse visual effects and impact on amenity of neighbours is adequately avoided, remedied or mitigated.*
- iii. To impose controls on outdoor activities together with other conditions necessary to ensure compliance with the Plan's noise standards and otherwise avoid, remedy or mitigate adverse effects of noise.*
- iv. The imposition of requirements in the form of conditions for landscaping and fencing and controls on the activity to avoid, remedy or mitigate adverse visual effects.*
- v. To mitigate the adverse effects associated with signage.*
- vi. The imposition of conditions to avoid, remedy or mitigate on-site effects including stormwater runoff, potential hazards or contamination and the provision of network services.*
- vii. The imposition of conditions under s.108 RMA.*

Conditions

The following performance conditions apply if the activity is to qualify as controlled:

- a. The activity falls within the definition of a Stevensons Activity.*

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- b. The performance conditions under Rule 16.2 excluding 16.2.5 are met.
- c. The following noise standard is met:
No activity shall give rise to noise which, when measured at the notional boundary of any residential dwelling existing as at 1 September 2010 and located outside the Industrial Zone, exceeds the following noise limits:
- On any day:
 - 7am to 10pm – 60dBA (L_{10})
 - 10pm to 7am – 40dBA (L_{10})
 - 10pm to 7am – 65dBA (L_{max})
- d. No access shall be on to State Highway 57.
- e. The hours of operation shall be no greater than 6am – 7pm (Monday – Sunday)
- Any application to which this rule relates need not be publicly notified and need not be served on any affected party.
- f) Amend Issue 14 within the Issues and Objectives for the Urban Environment as they relate to Rural Townships as indicated by the following underlined changes:
- The small size of the settlements.....close proximity. There are also historical patterns of industrial activity on the Stevensons site which is located in the industrial zone on Karaka Street south of the Tokomaru township. That site has been the subject of engineering activity since the turn of the 20th Century and performs an important role regionally and nationally as a supplier of structural steel.
- Overall noise conditions....background noise for residents. There has been noise associated with the activities on the Stevensons site since its development in 1897 and subsequent enlargement in the 1930's.

3 Procedural matters

- 3.1 The Hearing Committee has full delegated authority, under the delegations approved by the Council at its meeting of 3 February 2010, to undertake the hearing and make recommendations to Council on the proposed plan change. The Council may refer matters back to the Committee for further consideration and the Committee may reconvene the hearing for that purpose.
- 3.2 With regard to the decision and submissions we note that the application was lodged prior to the Resource Management (Simplifying and Streamlining) Act 2009 and is not therefore subject to those provisions. That Act removes the necessity for a decision on each submission individually. Those provisions are not relevant in this case and consequently we include a decision on each of the submissions.
- 3.3 The decision of the Local Authority is subject to the provisions of Clause 10 of Schedule One to the RMA. Clause 10 (prior to its amendment) requires in summary that the decision;

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- Shall include reasons for accepting or rejecting submissions (grouped by subject matter or individually).
 - May include consequential alterations arising out of submissions and any other relevant matters
 - The decision must be made within two years of the public notification of the plan
- 3.4 At its meeting of 5 December 2007 the Council resolved to accept the proposed plan change.
- 3.5 Proposed Plan Change 19 was publicly notified on 19 August 2008, the closing date for submissions being 8 September 2008.
- 3.6 In response the Council received four submissions, three in opposition to the proposal and one being neutral.
- 3.7 The required Summary of Submissions was publicly notified with the closing date for any further submissions being 14 September 2009. Five further submissions were received all in support of the application.
- 3.8 With regard to cross submissions we note the Section 42A report has commented on the fact that the further submissions, with one exception, have not specified whether they are in support or opposition to the original submissions. This hampers the ability of the Committee to make a recommendation on them and we accept the proposed format in the Section 42A report that they be consolidated into the decisions on the submissions insofar as is possible.
- 3.9 The Hearing on the plan change convened on 27 September 2010 with Councillors Allan, Good, and McMeeken sitting. These members were sufficient for a quorum. A site visit by all of the above members accompanied by their technical advisor was undertaken prior to the hearing commencing. No other persons were present at the site inspection.
- 3.10 The hearing was also attended by Mr T Thomas acting in an advisory capacity to the Committee, Ms Clare Barton (consultant) acting as the reporting planner, and Ms K Corkill, the Committee Secretary. The applicant was represented but there were no submitters present or any other members of the public.
- 3.11 The Committee has sought (in the absence of submitters from the hearing) confirmation through its technical advisor that proper and adequate notice was given. We are satisfied that this is indeed the case.
- 3.12 The agenda for the meeting included a report from the reporting planner prepared under Section 42A of the RMA (the planner's report).
- 3.13 The Committee notes for the record the following matters that occurred during the hearing.

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3.13.1 At the outset of the applicants presentation Ms Pearce tabled a bundle of documents consisting of:

- Opening submissions from Ms Pearce
- A copy of the application including amendments
- Statement from Evan Kroll
- Acoustic report from Neil Jepson
- Landscape report from Shannon Bray
- Landscape report from William Hansen

3.13.2 In her presentation Ms Pearce noted a number of amendments to the original application as had been originally identified in October 2009. The Committee notes that these were sent to submitters prior to the hearing taking place. The amendments have been taken into account in the report from the reporting planner as well and were not contested in that report. The Committee notes the evidence that allows for such amendments (Pearce – paragraphs 11 – 16) and accepts that they are within the scope of the original application.

3.13.3 Whilst no submitters attended the hearing one submission by way of email from Jenny Harris and Daryl Wills was received on the day of the hearing and tabled.

3.14 Deliberations on the recommendation took place in public excluded business as recorded in the minutes of the meeting.

3.15 A matter not raised at the hearing was the fact that since the application the Council has approved Plan Change 17 which makes various amendments to the Industrial zone not related to this site. As a consequence however the numbering of various sections in Chapter 16 of the District Plan which are affected by this proposal has changed. We have incorporated the new numbering into our decision to avoid doubt.

3.16 There are no other procedural matters.

4 The Section 42A report

4.1 The Section 42A report was circulated to the Committee prior to the hearing and is understood to have been sent to all submitters in good time prior to the Hearing.

4.2 The report is a comprehensive one that covers the following matters:

- A recommendation incorporating amendments made during the application process including post notification amendments.
- Background on the location and application processes.
- An assessment against Part II matters of the RMA.
- An analysis against Sections 31, 32 and 75 of the RMA.
- An evaluation against the District Plan provisions.
- An analysis of the matters raised in submissions.
- Recommendations on the applications and submissions.
- A copy of the application and submissions.

5 Submitters

- 5.1 We record submissions having been received from the following:
- 5.2 Original submissions from:
- Daryl Wills and Jenny Harris
 - Nicholas Robert Brown and Trudie Maree Colling
 - Ngati Whakatere
 - Jennifer Rose Penberthy and Beth Heather Pike
- 5.3 Further submissions
- Kevin S and Gail M Russell
 - Mike T and Ann D Candy
 - Brian and Brenda Evans
 - Ann and Lewis O'Donaghue
 - Andy Taylor
- 5.4 Tabled further submission.
- Jenny Harris and Daryl Wills
- 5.5 We note that none of the submitters attended the hearing. We have confirmed through our technical advisor that they were properly notified and are satisfied that this is indeed the case. The above tabled submission was submitted on the day of the hearing as the submitter was unable to attend on the day.
- 5.6 Submissions cover a number of matters which we deal with below but which may be summarised as follows:
- 5.7 Original Submissions (4).
- In opposition
- Visual impact and effects of views particularly along the road frontage with the State Highway
 - Excessive noise from existing workshop operations and traffic noise reflecting off buildings.
 - The size of the extensions
 - Effects on property values.
 - Effects arising from being downwind of the proposal including the possibility of exacerbating the above effects.
 - Effects on property values
- Neutral
- Potential future effects arising from uses that may arise from approval of the application and rights to be consulted at that time.
- In support of the application
- None
- 5.8 Further Submissions (5).
- In opposition
- None
- Neutral
- None

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In support of the application

- Existing operations have strong history and involvement in the community.
- Provide employment
- Existing activity is compatible with surrounding rural activities and blends with other buildings in the area.
- Vehicle movements would complement existing movements
- Environmentally responsible operators
- Approval of application would facilitate a reduction of the current level of effects on the surrounds.
- Effects of relocation of existing operations if the present factory could not expand – derelict buildings, visual impact, etc.
- Current operations predate most surrounding residents.

5.9 Tabled submissions (1)

In opposition

- Proposed 'relaxation' of noise rules
- Increased traffic noise bouncing off new buildings.

Neutral

- Potential future effects arising from uses that may arise from approval of the application and rights to be consulted at that time.

In support of the application

- None

6 Discussion

- 6.1 The proposed plan change consists of six amendments to the District Plan. We deal with each of these in the sections below, including consideration of submissions. Decisions on the submissions are set out in Section 7.
- 6.2 The six proposed amendments have not been numbered in any particular sequence and we therefore deal with them as presented and have numbered them accordingly for convenience.
- 6.3 Most of the submissions are of a generic nature and lack specificity in relation to specific proposed amendments. They tend to rather focus on issues of concern to those individuals, e.g. noise or traffic. That being the case we have considered the more generic matters in the context of the discussion in section 7 rather than in relation to specific amendments considered below.
- 6.4 We also note that the amendments need to read as an integral whole and it is appropriate that whilst we consider them individually the discussion and decision needs to consider them as a whole (minor amendments aside) this being consistent with the thrust of the application and the tenor of the submissions.

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6.5 Amendment 1: Amend Planning Map/s.

- 6.5.1 This is a consequential amendment to the planning maps should the plan change be approved. We note that in this event both Maps 3 and 6 will need amendment as suggested at the hearing and not just Map 3.
- 6.5.2 There were no particular submissions in this regard although obviously in the event that they were accepted generally and the application was declined this amendment would not be required.

6.6 Amendment 2: Add Definitions to Part D Section 25 of the District Plan.

Add the following definitions in Part D Section 25:

Stevensons activities means activities and buildings associated with steel fabrication including the cutting, drilling and welding of steel; industrial processes associated with manipulation and manufacture of steel products including sandblasting and the application of protective coatings; engineering and draftsman work associated with the design and manufacture of structural steel and all ancillary activities connected with the primary activities specified above.

Stevensons site means all the land zoned industrial on Karaka Street and State Highway 57, Tokomaru, comprising a total of 1.8593 hectares.

- 6.6.1 The incorporation of these definitions is intended to facilitate the proposed particular rules in the District Plan which are specific to Stevensons Engineering as a whole.
- 6.6.2 We note that by way of this definition the proposal incorporates the existing Stevensons Engineers properties with the "Industrial" zoning as well as the adjoining Rural sites proposed for rezoning such that they will all become subject to the new rules in the event that the application is approved.
- 6.6.3 There were no specific submissions received in regard to this amendment.

6.7 Amendment 3: Amendment to Rule 16.1

Amend Rule 16.1 to include the underlined wording:

Any of the following activities is a permitted activity in the Industrial Zone (except in the case of the Stevensons site where the permitted list of activities does not apply) provided....

- 6.7.1 The effect of this amendment is to remove any rights for future Industrial activities to commence as of right as permitted activities on these sites. That is, any future Industrial activities on the site (existing and proposed industrial areas) will have to have to obtain a resource consent first.
- 6.7.2 There were no specific submissions in this regard.



6.8 Amendment 4: Add new controlled activity to Rule 16.3.

*The following shall be controlled activities in the Industrial Zone:.....
(e) Stevensons activities on the Stevensons site (16.4.5).*

6.8.1 This amendment needs to be read in conjunction with the others particularly amendment 3 above. It defines the activity status of those activities defined in amendment 2 as controlled activities.

6.8.2 There were no specific submissions in this regard.

6.9 Amendment 5: Add new Rule 16.4.5

Add a new rule 16.4.5 as follows:

16.4.5 Stevensons Activities on the Stevensons Site

Controlled Matters

The matters over which Council reserves its control and the required conditions are detailed below:

- i. The location of points of access to ensure any adverse effects on traffic efficiency and safety are adequately avoided, remedied or mitigated.*
- ii. The height, location and design of buildings to ensure that adverse visual effects and impact on amenity of neighbours is adequately avoided, remedied or mitigated.*
- iii. To impose controls on outdoor activities together with other conditions necessary to ensure compliance with the Plan's noise standards and otherwise avoid, remedy or mitigate adverse effects of noise.*
- iv. The imposition of requirements in the form of conditions for landscaping and fencing and controls on the activity to avoid, remedy or mitigate adverse visual effects.*
- v. To mitigate the adverse effects associated with signage.*
- vi. The imposition of conditions to avoid, remedy or mitigate on-site effects including stormwater runoff, potential hazards or contamination and the provision of network services.*
- vii. The imposition of conditions under s.108 RMA.*

Conditions

The following performance conditions apply if the activity is to qualify as controlled:

- (a) The activity falls within the definition of a Stevensons Activity.*
- (b) The performance conditions under Rule 16.2 excluding 16.2.5 are met.*
- (c) The following noise standard is met:
No activity shall give rise to noise which, when measured at the notional boundary of any residential dwelling existing as at 1 September 2010 and located outside the Industrial Zone, exceeds the following noise limits:*

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- **On any day:**
 - 7am to 10pm – 60dBA (L_{10})**
 - 10pm to 7am – 40dBA (L_{10})**
 - 10pm to 7am – 65dBA (L_{max})**

(d) No access shall be on to State Highway 57.

**(e) The hours of operation shall be no greater than 6am – 7pm
(Monday – Sunday)**

Any application to which this rule relates need not be publicly notified and need not be served on any affected party.

- 6.9.1 With regard to proposed condition “d” above relating to access we interpret this to refer to vehicular access noting evidence at the hearing of the applicants intention to close off current vehicular access from the factory direct to State Highway 57.
- 6.9.2 Section 16.4 of the District Plan sets out the Controlled Matters and Conditions for those activities which are Controlled Activities in the Industrial zone.
- 6.9.3 A new subsection is proposed as section 16.4.5 such that any “Stevensons activity” (as defined under amendment 2 above) on the application sites including the existing industrial sites will be a controlled activity and will therefore need a resource consent. As a controlled activity the application must be approved although the Council may reserve control over the matters listed in this amendment. It also sets out the conditions that must be met for the activity to be assessed as a controlled activity. Failure to meet the latter will default the activity to a more restrictive activity status, as a limited discretionary activity.
- 6.9.4 It is proposed that activities in this zone that meet the requirements as controlled activities will not need to be publicly notified or limited notified.
- 6.9.5 This material was the subject of some discussion in the hearing as well as being the subject of some of the submissions although not by direct reference.
- 6.9.6 During the hearing the Committee heard the evidence of Mr Jepsen, an acoustic consultant. He referred to past noise measurements at the site noting that noise from the factory and traffic noises exceeded that allowed in the District Plan. He also referred to noise from proposed buildings noting that an increase in the present limits was needed to accommodate the projected noise even with special measures to attenuate noise (para. 38 and 39 of evidence). He also referred to any existing use rights with particular regard to noise and to “special audible characteristics”. He has also recorded his response to submissions.
- 6.9.7 Reference was also made to levels of noise from internal and external activities, the opportunities to move more noisy activities indoors and the intended closure and landscaping of the west side of the buildings fronting State Highway 57 with a consequent diminution of noise.

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- 6.9.8 During the course of hearing his evidence and questioning it was suggested that the proposed rule relating to noise be amended in respect of the standard proposed, how it should be measured and the introduction of a definition of the term "notional boundary".
- 6.9.9 Mr Jepsen on consideration of these matters put the following amendment to the Committee for consideration with the support of the reporting planner (amendments highlighted).

No activity shall give rise to noise which, when measured at the notional boundary of any residential dwelling existing as at 1 September 2010 and located outside the Industrial Zone, exceeds the following noise limits:

- On any day:
 - 7am to 10pm – 60dB ($L_{aeq_{15}}$)
 - 10pm to 7am – 40dB ($L_{aeq_{15}}$)
 - 10pm to 7am – 65dBA (L_{max})

**Noise shall be measured in accordance with NZS 6801:2008
"Acoustics - Measurement of environmental sound"**

**and assessed in accordance with NZS 6802:2008 "Acoustics –
Environmental noise".**

**Notional boundary: A line 20m from any side of a dwelling, or the
legal boundary where this is closer to the dwelling.**

- 6.9.10 Whilst there were no submissions having particular reference to this amendment it is clear that noise is a key effect for consideration in the submissions received.
- 6.9.11 We note the following in particular.
1. Two submissions (Wills/Harris and Penberthy/Pike) raise particular concerns regarding noise:
 - ongoing workshop noise,
 - an anticipated increase in traffic noise reflected off an enlarged building,
 - excessive construction noise from new buildings,
 - the exacerbation of the above by way of the prevailing wind.
 2. One (Wills/Harris) has sought that the application be declined.
 3. The one submission tabled at the hearing from Mr Wills and Ms Harris makes a further submission having sighted the planning report noting concerns that the amended noise rules will allow an increase in noise.
- 6.9.12 In the course of hearing the applicant's evidence the Committee heard from Mr Bray who read his report. His evidence covered a variety of landscaping matters including:
- The existing landscape context noting in particular the immediate neighbourhood, its changing environment to a lifestyle character, the derelict buildings to the south, farm buildings in the vicinity and vegetation types.
 - The Planning Context noting District Plan provisions in relation to Outstanding Natural Features in it, the proposed provisions setting out matters over which control is reserved, and the permitted baseline with

particular regard to with particular regard to the rights to build rural buildings of significant scale as of right.

- The potential landscape effects of the proposal noting that the site has no noteworthy physical characteristics and any development would have negligible impact on it. He also notes that the proposed buildings would have a similar perceived value to that existing and would be an improvement, the historical value and absence of value to Iwi.
- Visual Amenity and the generally 'pleasant' level of amenity around Tokomaru, noting that it is a modified environment and that the proposed extensions would fit into it particularly if not hidden behind extensive landscaping. Also the fact that the approval of the application would allow the site to be tidied up. Note was also made of the recommendation to paint the buildings in green or off white colours consistent with the background and surroundings.

6.9.13 It is noted that no reference is made to Proposed Plan Change 22 which deals with Outstanding Natural Landscapes and Features and was notified on 5 September 2009. For the record we note that Plan Change 22 does not have any provisions relating to this site.

6.9.14 During the course of the hearing it was suggested that the matters over which Council should reserve control should include the colour of buildings. It was agreed by the applicant and reporting planner that this would be appropriate and that proposed rule 16.4.5.ii should be amended to include "colour".

6.10 Amendment 6: Amendment to commentary text for Issue 14 of the District Plan.

Amend commentary text Issue 14 within the Issues and Objectives for the Urban Environment as they relate to Rural Townships as indicated by the following underlined changes:

The small size of the settlements.....close proximity. There are also historical patterns of industrial activity on the Stevensons site which is located in the industrial zone on Karaka Street south of the Tokomaru township. That site has been the subject of engineering activity since the turn of the 20th Century and performs an important role regionally and nationally as a supplier of structural steel.

Overall noise conditions....background noise for residents. There has been noise associated with the activities on the Stevensons site since its development in 1897 and subsequent enlargement in the 1930's.

6.10.1 Section 6 of the District Plan refers to Issues and Objectives for the Urban Environment. Two significant issues are identified being issues 13 and 14, the latter of which is the subject of the proposed amendment.

6.10.2 The full wording of the issue relates to Rural Townships including Tokomaru. We recognise that while the area within which this proposal is located is essentially a rural one the proposed zoning is of a normally urban nature and consequently it

is appropriate that the Issues and Objectives of the Urban Environment set out in Section 6 be modified accordingly.

6.10.3 There were no submissions specifically in regard to this amendment.

6.11 Discussion.

6.11.1 The purpose of the hearing for Proposed Plan Change 19 was to consider the applicant's evidence, the Section 42A report, the submissions/further submissions and any evidence tabled or verbally delivered so as to make a recommendation to the Council.

6.11.2 It is unfortunate that none of the submitters were able to attend the hearing.

6.11.3 It is clear that noise is a particular issue of concern to submitters. This is currently exacerbated by a number of factors including the necessity to open factory doors fronting onto State Highway 57 and beyond, noisy extractor fans and the necessity to conduct a number of activities outdoors due to space constraints. Noise is also exacerbated by traffic which, according to the evidence sometimes dominates overall noise levels.

6.11.4 The applicant in their case has undertaken to carry out certain works, in the event of expansion of activities on site, which will attenuate current noise levels. These measures include a closure of the doors on the east side of the building, moving activities indoors, the use of acoustically efficient building activities and more efficient and better located fans.

6.11.5 We also note in the evidence that *"the total noise energy from the plant will not change significantly after rebuilding and expansion and extensive noise control measures will be required to mitigate the effects of noise on the closer boundaries."*

6.11.6 The applicant has acknowledged that noise levels do exceed those set out in the District Plan although suggests that there may be rights to do so now and in the future. It is beyond the scope of the Committee to establish that. We do however accept that the present situation is undesirable in the least and that the proposal represents considerable potential for improvement from a noise perspective over that which has and possibly could continue to prevail. It very unlikely that in the event of expansion the noise situation will be any worse particularly given that this will be a matter over which control is reserved in the consideration of the required resource consent.

6.11.7 We acknowledge the potential for reflected traffic noise to be exacerbated by the proposed building. In the latter regard we have heard the evidence in relation to that aspect and note the evidence of the expert was not countered to a sufficient degree to lead us to believe that it should be disregarded. We also note that the building will itself be subject to a resource consent process with specific control being reserved over the effects arising from buildings.

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- 6.11.8 It is noted that the application seeks to amend Issue 14 of the District Plan so as to provide specific reference to Stevensons Engineering in it. Whilst this amendment may be appropriate it is considered that a wider consideration of Issues and Objectives would have been appropriate given the location of the industrial zone in a rural area, a somewhat unusual situation. We recommend that officers of the Council give regard to this in the forthcoming District Plan review.
- 6.11.9 We do not consider that the points made in the submissions generally or specifically lead us to recommend that the proposed plan change be declined although a number of changes are appropriate. These are highlighted.
- 6.11.10 There are a number of points made which lie beyond our discretion, particularly matters related to property value or the loss thereof, and traffic noise itself (other than those effects arising from the proposal).
- 6.11.11 With regard to visual effects we again note the expert evidence of Mr Bray and accept his contention that the buildings are not entirely out of context with that which might be found within a rural environment (and may be built as of right).
- 6.11.12 We have considered the above matters carefully and make the following recommendations to the Horowhenua District Council. These consist of firstly, recommendations on the proposed amendments or any modifications to them and secondly, recommendations on the submissions.


7 Recommendation

- 7.1 The Hearing Committee has undertaken the Hearing for Proposed Plan Change 19 and has completed its deliberations on the matters before it as set out in this report and recorded in the minutes.
- 7.2 The recommendations which follow propose that Plan Change 19 be accepted with various amendments. On approval by the Council the Plan Change has to be publicly notified and this will trigger an appeal period. In the absence of any appeals a further report will subsequently be submitted to the Council to finally adopt the Plan Change.
- 7.3 For clarity the amendments to the proposal set out in section 2.4 of this report have been highlighted in Attachment C.
- 7.4 The Hearing Committee makes the following recommendations to the Horowhenua District Council in regard to Proposed Plan Change 19
1. That subject to recommendation 2. and 3. below, the Horowhenua District Council approve proposed Plan Change 19 for the reasons given in Attachment A and that officers be authorised to give notification of the decision.

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2. That the recommendations on the submissions to Proposed Plan Change 19 as set out in Attachment B to this report be adopted as the decision of the Council.
 3. That the alterations to Proposed Plan Change 19 as a consequence of submissions and/or deliberations as set out Attachments C and D to this report be adopted as the decision of the Council.

6 October 2010
Date


Councillor David Allan
Chairperson
Hearing Committee.
Horowhenua District Council

Attachments

- 1 Attachment A: Reasons for Decision.
- 2 Attachment B: Decisions on Submissions.
- 3 Attachment C: Decisions on Alterations
- 4 Attachment D: Amendments to District Plan maps.

Attachment A

Reasons for the Recommendation to approve Proposed Plan Change 19 as set out in Attachment C.

- i) The Plan Change promotes the sustainable management of natural and physical resources by enabling people to provide for their social and economic wellbeing and for their health and safety without compromising the needs of future generations or without significant adverse effects.
- ii) The Plan Change is consistent with the relevant matters in section 7 of the Act, these being: 7 (b) *The efficient use and development of natural and physical resources*; 7 (c) *The maintenance and enhancement of amenity values*; 7 (f) *Maintenance and enhancement of the quality of the environment* and 7 (g) *Any finite characteristics of natural and physical resources*.
- iii) Consistency with the Council's functions under the Act will be achieved in that the Plan Change will ensure the integrated management of the effects of development and use of the site, both within the site and external to the site. It is in accordance with the functions of the Council to review District Plan provisions and a Plan is not a static document but is subject to change. The Plan Change process allows the necessary evaluation of that change to take place.
- iv) Having regard to the effectiveness and efficiency of any rule or method, Plan Change 19 is the most appropriate means of exercising the functions of the Horowhenua District Council in achieving the purpose of the Act to provide for future and continued industrial land for the District.
- v) The Plan Change gives effect to the Regional Policy Statement, and is not inconsistent with any regional plans, or the relevant policies and objectives contained in the Horowhenua District Plan.
- vi) The Plan Change works in conjunction with the existing provisions of the District Plan which will adequately mitigate adverse effects from the proposed industrial zone on amenity and servicing.
- vii) The Plan Change emphasises the importance of addressing the amenity of the site through the use of performance conditions to avoid, remedy or mitigate adverse effects.

Attachment B

Recommendations on Submissions and Further Submissions

The following tables relate to each of the submissions and further submissions and incorporate the recommended decision by the Hearing Committee and a summary of the reasons for the decision.

Submission No.	Name
One	Nicholas Brown and Trudie Colling (Note: This submitter no longer resides at 711 Main Road.)
Further Submissions in Opposition to the submission.	Andy Taylor. Ann and Lewis O'Donoghue. Brian and Brenda Evans (also seek no complaint covenants). Mike and Anne Candy. Kevin and Gail Russell
Decision Requested Decline the Plan Change	Provision/Matter Decrease in property values.
Decision	Reject the submission. Accept the further submissions in opposition. Accept in part the further submission of Brian and Brenda Evans.
Reasons	<p>Where the potential and actual adverse effects can be avoided, remedied or mitigated then a double counting of a decrease in property values is not appropriate.</p> <p>Case law which deals with property value effects considers such effects (even assuming they are supported by expert evidence) to be <i>secondary or derivative</i>. For example, the Environment Court in <i>Waine Enterprises v Tasman District Council</i> (A196/2003, 5 November 2003) considered an application to establish a commercial operation in a rural area. Neighbours in the area claimed that depreciation in their property values would result if that commercial operation was granted consent. The Court dismissed these claims, and stated (para. [108]).</p> <p><i>"In our opinion, any depreciation in property values attributable to the operation would reflect the market perception of adverse effects generated by the activity there. In considering the application, we have to take into account any such adverse effects directly. To consider as well market response to its perception of such effects would be take them into account indirectly as well as directly. So we</i></p>

	<p><i>decline to allow the possibility of depreciation of property values to influence our decision."</i></p> <p>To take into account a reduction in property values (again, assuming these were able to be supported by independent expert testimony) as a <i>secondary effect</i> would amount to double counting, and inappropriate weighting of such effects. Only the direct effects of the proposal should therefore be considered.</p> <p>No complaint covenants are imposed at the time of subdivision. As this Plan Change does not deal with subdivision it is not appropriate to impose no complaint covenants.</p>
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Submission No.	Name
Two	Daryl Wills and Jenny Harris
Further Submissions in Opposition to the submission.	Andy Taylor. Ann and Lewis O'Donoghue. Brian and Brenda Evans (also seek no complaint covenants). Mike and Anne Candy. Kevin and Gail Russell
Decision Requested Decline the Plan Change	Provision/Matter Noise Effects. Ongoing workshop noise in close proximity to their property. Road traffic noise reverberating off the building. Construction noise associated with any future building. Visual Impact. New buildings will obstruct westerly views. Dominance of buildings. Predominant wind direction will result in odour effects from paint and other activities. Loss of property values.
Decision	Reject the submission. Accept the further submissions in opposition. Accept in part the further submission of Brian and Brenda Evans.
Reasons	The provisions of the Plan Change will enable existing and new rules imposed through controls at the stage of resource consent, to avoid, remedy or mitigate potential adverse effects on the environment and thereby protect amenity and address the concerns raised by submitters. For comment on property values refer to the statements made in relation to submission one above.

Submission No.	Name
Three	Jennifer Penberthy and Beth Pike
Further Submissions in Opposition to the	Andy Taylor. Ann and Lewis O'Donoghue. Brian and Brenda Evans (also seek no complaint covenants).

submission.	Mike and Anne Candy. Kevin and Gail Russell
Decision Requested Oppose the Plan Change. No specific decision sought.	Provision/Matter Noise effects. Loss of property values.
Decision	Reject the submission. Accept the further submissions in opposition. Accept in part the further submission of Brian and Brenda Evans.
Reasons	The provisions of the Plan Change will enable existing and new rules imposed through controls at the stage of resource consent, to avoid, remedy or mitigate potential adverse effects on the environment and thereby protect amenity and address the concerns raised by submitters. For comment on property values refer to the statements made in relation to submission one above.

Submission No.	Name
Four	Ngati Whakaterere – Shannon
Decision Requested Neutral submission (neither in support or opposition)	Provision/Matter Concerned with any future use of the site and want to be notified of any future use of the land.
Decision	Reject the submission.
Reasons	The intent of the Plan Change is that development on the site in the future is not unnecessarily impeded but rather that controls are put in place to avoid, remedy or mitigate likely effects. As most activities would be assessed as a Controlled Activity meaning consent has to be granted it is inappropriate to require affected party approvals. Further the determination for whether there are adversely affected parties is made at the time an application for resource consent is made.

Attachment C

Amendments to the Horowhenua District Council Operative District Plan.

The amendments below include those accepted from the hearing or made by the Committee in its deliberations (in **bold**).

Amendment 1: Amendments to Maps.

Maps 3 and 6 are amended as shown in Attachment D.

Amendment 2: Definitions

Add the following definitions in Part D Section 25:

Stevensons activities means activities and buildings associated with steel fabrication including the cutting, drilling and welding of steel; industrial processes associated with manipulation and manufacture of steel products including sandblasting and the application of protective coatings; engineering and draftsman work associated with the design and manufacture of structural steel and all ancillary activities connected with the primary activities specified above.

Stevensons site means all the land zoned Industrial on Karaka Street and State Highway 57, Tokomaru, comprising a total of 1.8593 hectares.

Amendment 3: Amendment to Section 16.1

Amend Rule 16.1 to include the underlined wording:

Any of the following activities is a permitted activity in the Industrial Zone (except in the case of the Stevensons site where the permitted list of activities does not apply) provided....

Amendment 4: Amendment to Section 16.3

Amend Rule 16.3 to include the underlined wording:

*The following shall be controlled activities in the Industrial Zone:.....
(e) Stevensons activities on the Stevensons site (16.4.5).*

Amendment 5: Add Rule 16.4.5

Add a new rule 16.4.5 as follows:

16.4.4 Stevensons Activities on the Stevensons Site

Controlled Matters

The matters over which Council reserves its control and the required conditions are detailed below:

- i. The location of points of access to ensure any adverse effects on traffic efficiency and safety are adequately avoided, remedied or mitigated.*

- ii. The height, location, **colour** and design of buildings to ensure that adverse visual effects and impact on amenity of neighbours is adequately avoided, remedied or mitigated.
- iii. To impose controls on outdoor activities together with other conditions necessary to ensure compliance with the Plan's noise standards and otherwise avoid, remedy or mitigate adverse effects of noise.
- iv. The imposition of requirements in the form of conditions for landscaping and fencing and controls on the activity to avoid, remedy or mitigate adverse visual effects.
- v. To mitigate the adverse effects associated with signage.
- vi. The imposition of conditions to avoid, remedy or mitigate on-site effects including stormwater runoff, potential hazards or contamination and the provision of network services.
- vii. The imposition of conditions under s.108 RMA.

Conditions

The following performance conditions apply if the activity is to qualify as controlled:

- a) The activity falls within the definition of a Stevensons Activity.
- b) The performance conditions under Rule 16.2 excluding 16.2.5 are met.
- c) The following noise standard is met:

No activity shall give rise to noise which, when measured at the notional boundary of any residential dwelling existing as at 1 September 2010 and located outside the Industrial Zone, exceeds the following noise limits:

- On any day:
 - 7am to 10pm – 60dB (L_{aeq15})
 - 10pm to 7am – 40dB (L_{aeq15})
 - 10pm to 7am – 65dBA (L_{max})

Noise shall be measured in accordance with NZS 6801:2008 "Acoustics - Measurement of environmental sound";

and assessed in accordance with NZS 6802:2008 "Acoustics – Environmental noise".

Notional boundary: A line 20m from any side of a dwelling, or the legal boundary where this is closer to the dwelling.

- d) No **vehicular** access shall be on to State Highway 57.
- e) The hours of operation shall be no greater than 6am – 7pm (Monday – Sunday)

Any application to which this rule relates need not be publicly notified and need not be served on any affected party.

Amendment 6: Commentary Text for Issue 14.

Amend commentary text for Issue 14 within the Issues and Objectives for the Urban Environment as they relate to Rural Townships as indicated by the following underlined changes:

The small size of the settlements....close proximity. There are also historical patterns of industrial activity on the Stevensons site which is located in the industrial zone on Karaka Street south of the Tokomaru township. That site has been the subject of engineering activity since the turn of the 20th Century and performs an important role regionally and nationally as a supplier of structural steel.

Overall noise conditions....background noise for residents. There has been noise associated with the activities on the Stevensons site since its development in 1897 and subsequent enlargement in the 1930's.

ATTACHMENT D

Proposed Amendments to District Plan Maps

Note:

- i. These maps show the existing and proposed zoning whereas the final version of the maps should show the entire application site as Industrial.
- ii. Map 6 below will need modification so as to ensure that the enlargement block does obscure the underlying zoning.

Item-2003 Proposed Road Name for the Su Properties Limited Stage 3, Barry Curtis Place, Levin

File No 4334

To: His Worship the Mayor and Councillors
Horowhenua District Council

From: Planning Services Manager

Date: 10 November 2010

1. Purpose

To select road names for Stage 3 of the Su Properties Limited subdivision at the end of Barry Curtis Place as shown on the **attached** plan.

2. Executive Summary

- a. Each new road or right of way created servicing numerous properties requires a name.

In accordance with operational practice, the applicant, Landlink, on behalf of Su Properties Limited, has submitted three (3) possible names for the new road.

There is no reason why the preferred road name Suden Drive (amended to street with the applicant's agreement) be the approved street name. It is also recommended for clarification purposes it be recorded that Council approves the naming of the extension of Barry Curtis Place.

3. Recommendation

- a. That Report 4334 be received.
b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
c. That the new road name for the public road in Stage 3 of the Su Properties Limited subdivision (Council reference SUB/2996/2010) be Suden Street.
d. That the portion of road extending into the aforesaid subdivision be named Barry Curtis Place.

4. Context

Background

An application has been received by the developer to name a new section of public road in Phase 3 of the development at the end of Barry Curtis Place. The subdivision has been developed in stages with the new road being created as a result of a recent change to the scheme plan. The applicant submitted three names in accordance with operational policy and whilst Suden Drive is the preferred name the applicant has confirmed that they will accept Suden Street (this being in accordance with the nomenclature used to ensure consistency in this regard).

Legal or statutory requirements

Section 319 (j) of the Local Government Act 1974 “General Powers of Councils in respect of roads” provides for Councils *“To name and to alter the name of any road and to place on any building or erection on or abutting on any road a plate bearing the name of the road”*

Consenting issues

None.

Consultation process

No consultation is required, the developer has followed due procedure and submitted proposed names for the road within the development in accordance with Council’s operational practices.

5. Analysis

Options considered

The applicant submitted three options in order of preference in accordance with operational practice.

The preferred option has been checked for conflict with existing street names, and there is no conflict.

The applicant has also agreed to the change in status from drive to street, thereby conforming to Council policy on nomenclature of roads whereby higher order roads are referred to as “Drive”.

Analysis of Preferred Option

Whilst the road could lead to some confusion with house numbering Community Assets staff have advised that with appropriate signage and road markings confusion can be avoided.

Cost

The developer is responsible for providing the signage.

Timeframe

N/A

Impact on significance policy

N/A

Impact on LTCCP and relevant Policies

N/A

How will this assist us to achieve our Annual Plan targets.

N/A

Financial Impact - None

6. Conclusions

Preferred options

The preferred choice of the developer (Suden Street) is acceptable and it is recommended that Barry Curtis Place be continued into the turning head (see attached plan).

Need for further consultation

No.

Communication strategy

N/A

Appropriate timetable

N/A

	Name and title of signatories	Signature
Prepared by	D Hayman Planning Services Manager	
<u>Confirmation of statutory compliance</u>		
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.		
Approved by	T Thomas Environmental Services Manager	

5. Attachments

- a. Copy of letter from Landlink dated 19 August 2010.
- b. Subdivision Plan
- c. Email from applicant confirming acceptance of Suden Street.

1032

19 August 2010

Chief Executive Officer
Horowhenua District Council
Private Bag 4002
LEVIN

ATTENTION: Environmental and Regulatory Services Manager

Dear Tony

PROPOSED ROAD NAMES FOR THE SU PROPERTIES LIMITED STAGE 3, BARRY CURTIS PLACE, LEVIN

We present the following road names (in order of preference) for consideration by the Council:

New Road from the end of Barry Curtis Place

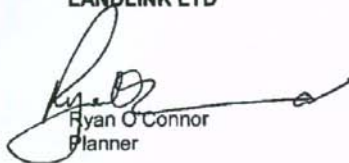
Suden Drive (Reason: The last names of the owners Su Properties Ltd)

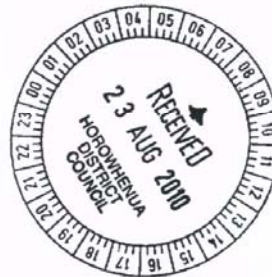
Weimei Street (Reason: The first names of the owners Su Properties Ltd)

Garden Place (Reason: Relates to the market garden area that any future development will extend into)

The proposed road names have been checked for replication in the region; there are no replications. We believe the use of the Su's name is appropriate given their market gardening links to this area. We look forward to installing appropriate street signs in due course. If you have any queries please do not hesitate to contact the office.

Yours sincerely
LANDLINK LTD


Ryan O'Connor
Planner

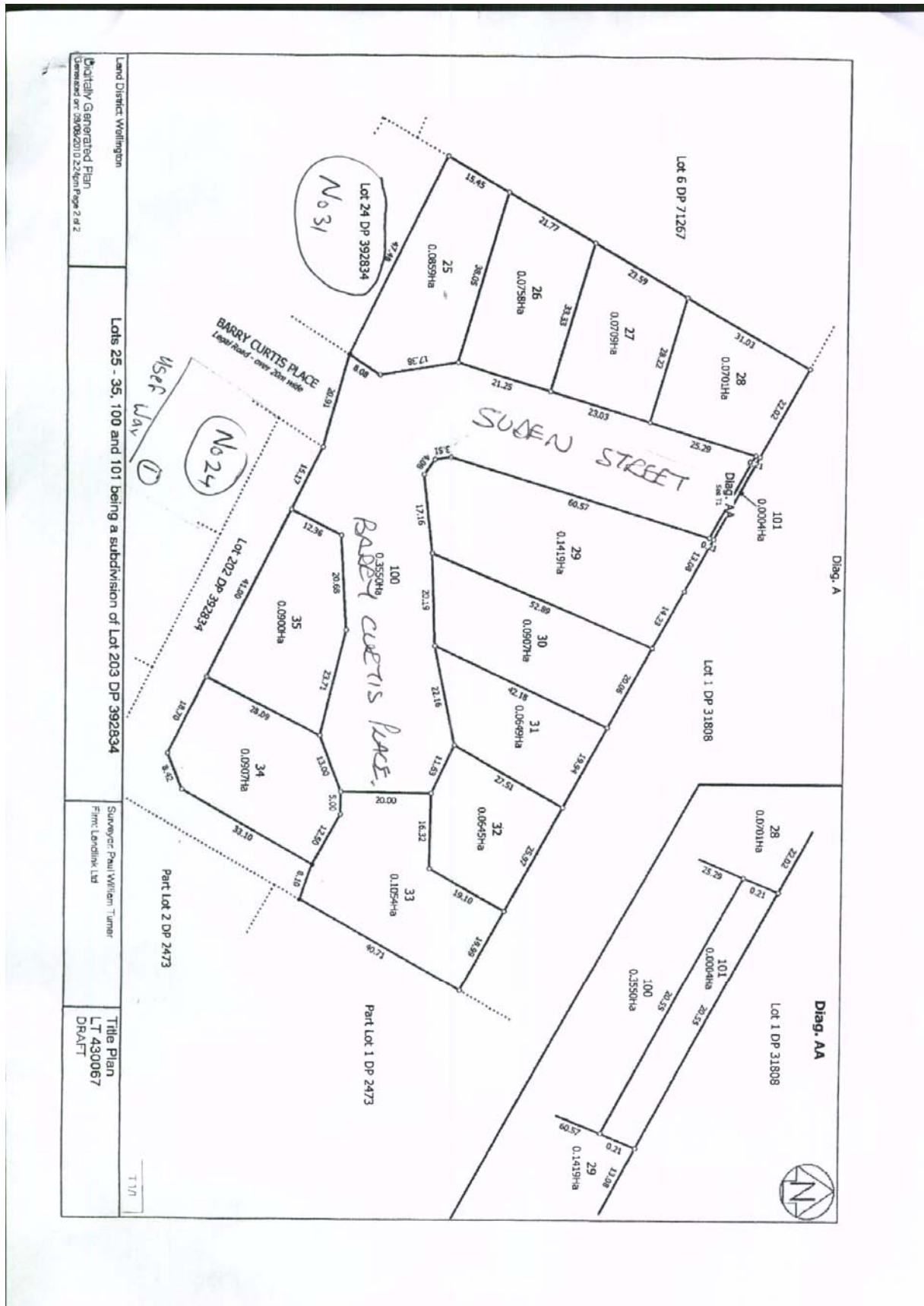


CouncilRoadNameLetter.doc/Page 1 of 1

Mahara House - 3 Ngaio Road - PO Box 370 Waikanae 5250

www.landlink.co.nz ~ contactus@landlink.co.nz ~ P 04 902 6161 ~ F 04 902 6162

Land Surveying & Civil Engineering - Planning & Resource Management - Urban & Landscape Design



Land District: Wellington

Digitally Generated Plan
Generated on: 29/08/2010 2:24pm Page 2 of 2

Lots 25 - 35, 100 and 101 being a subdivision of Lot 203 DP 392834

Surveyor: Paul William Turner
Firm: Landlink Ltd

Title Plan
LT 430067
DRAFT

1:11

Dorstan Hayman

From: Peter Aitken [peter@landlink.co.nz]
Sent: Thursday, 28 October 2010 4:03 p.m.
To: Dorstan Hayman
Cc: 'Paul Turner'
Subject: Road Name - Suden Street

Hello Dorstan,

Su Properties are happy to go with Suden Street.

Regards

Peter Aitken

Project Manager + Landlink Ltd
Mahara House + 3 Ngaio Road + P O Box 370 + Waikanae 5250
P (04) 902 6161 www.landlink.co.nz

Landlink is proud to be a member of the Sustainable Business Network working towards achieving Economic Prosperity, Environmental Quality, Social Equity and Corporate Governance Ethics.



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29/10/2010

Item-2004 Code of Conduct

File No 4338

To: His Worship the Mayor and Councillors
Horowhenua District Council

From: Chief Executive Officer

Date: 10 November 2010

1. Purpose

- a. To remind Council of the existence of its Code of Conduct, and to identify any areas for amendment at the beginning of the new triennium.

2. Recommendation

- a. That Report 4338 be received.
- b. That Council confirms its Code of Conduct.

3. Issues for Consideration

- a. Clause 15 of Schedule 7 of the Local Government Act 2002 requires a local authority to adopt a Code of Conduct for its members "as soon as practicable after the commencement of this Act.
 - b. Council adopted its Code of Conduct in 31 October 2007, and this remains the operative document of the current Council unless it is amended or replaced.
 - c. The Code of Conduct may not be revoked without replacement.
 - d. Any amendment to, or a replacement of, the Code of Conduct requires a vote in support by 75% of the members present.
 - e. There is no statutory requirement for review or confirmation following an election, but given changes in the membership of Council, and any experience drawn from application of the Code of Conduct over the past 12 months, it is considered good practice to at least review the document.
 - f. The key elements of the Code of Conduct are details of:
 - understanding and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in the capacity as members, including behaviour towards one another, staff and their public, and disclosure of information, including the provision of any document to elected members, and
 - a general explanation of the Local Government Official Information & Meetings Act and any other enactment or rule of law applicable to members
 - g. The **attached** Code of Conduct incorporates one change from that adopted on 31 October 2007. That change is in Part Four Section 19 – Compliance.
 - h. The October 2007 report noted that "Compliance will be monitored by the Strategic, Planning and Policy Committee of Council as a whole". Council does not have such a Committee. Amendments have been made to invoke a more robust process in which it is proposed that Council request the Chief Executive Officer to prepare a report on any alleged breach of the Code of Conduct for further consideration of Council. If Council then considers the matter is to further pursued, Council itself will appoint a Committee
-

comprising the Mayor, Deputy Mayor and one member of the public with appropriate expertise.

- i. Councillors may wish to identify other areas of the Code of Conduct which would benefit from amendment.

4. Discussion Items

The role of a local authority

- a. The role of a local authority is to give effect to the purpose of local government. That purpose is described in the Local Government Act 2002 as enabling democratic local decision-making and action by communities and promoting the social, economic, environmental and cultural well-being of communities. To carry out this role Parliament has conferred on local authorities the full capacity to carry out any activity or business and to do any act or enter into any transaction. This is sometimes referred to as the "general power of competence" and was a significant change from the position prior to 2003 when local authorities could only do what the Act expressly said they could do. That restriction no longer exists. However, the enlarged powers of local authorities have been accompanied by provisions in the new Local Government Act that govern how local authorities decide which activities they undertake and that promote the accountability of local authorities to their communities.
- b. In performing its role, a local authority must conduct its business in accordance with a number or principles that are set out in section 14 of the Local Government Act 2002.

They include:

- To conduct its business in an open, transparent and democratically accountable manner;
 - To make itself aware of and have regard to the views of all its communities;
 - To undertake any commercial transactions in accordance with sound business practices.
- c. The obligation to conduct its business in an open, transparent and democratically accountable manner is the principle behind many of the matters referred to in the Code of Conduct and statutory references.

Meetings

- a. Part 7 of the Local Government Official Information and Meetings Act applies to all meetings of the Council and Community Boards, as well as to committees and sub-committees of those bodies.
- b. The public have a right to inspect within a period of at least 2 working days before every meeting, without charge, agendas and associated reports circulated to members. The Chief Executive can however, exclude reports that he expects the meeting to discuss with the public excluded.
- c. The general rule is that every meeting of a local authority is open to the public (which includes the media). However, the Council can by resolution exclude the public from a meeting on grounds that conducting that part of the meeting in public would result in the disclosure of information where there is good reason for withholding the information. There is a form of resolution to be used. The resolution must state the general subject of each matter to be considered with the public excluded and the reason for excluding the public. For example, if the Council's solicitors have given

advice to the Council that the Council wishes to discuss at a meeting, it can do so with the public excluded. The resolution may also provide for a specified person to remain after the public has been excluded if that person has knowledge that will assist the authority.

- d. There are effectively five different ways by which communication is generally undertaken with elected members - two of these conducted under the LGOIMA - open public meeting or In Committee meeting - and two less formal, for information purposes only - workshops (which are normally open to the public) or elected member briefings.

The 5th manner of communication is that between the Chief Executive and elected members, which may be by letter, email or telephone.

The two methods under LGOIMA - open public meeting or In Committee meeting - are surrounded by very strict guidelines as to meeting form (legislation) and to conduct within a meeting (Model Standing Orders and Code of Conduct). Council is only able to pass resolution on any matter under these two meeting formats.

Where an item is required to be discussed In Committee there are very strict guidelines pertaining to the reasons for that course of action being taken and the process under which Council must operate. A resolution is required to be passed by Council before it can go into In Committee. The opportunity is always available for Council to discuss the content of that resolution and the need to conduct its business In Committee.

- e. The reason a local authority may choose to conduct its business In Committee is generally to protect parties who may be involved in or subject to such discussions. Local authorities are big businesses in any District and as such have regular and wide ranging contact with many aspects of the business community. In doing business with, and within, its community a local authority is attempting to provide the best service at the most affordable cost for the benefit of the District at large. Commercial negotiations are conducted to preserve the interests of both Council and any other affected party. The beneficiaries to these discussions are not Council but are the residents of the District within which Council operates. Preserving confidentiality will serve to promote this advantage.
- f. Councillors who attend meetings where In Committee business is conducted and resolutions may be passed, are bound to preserve that confidentiality in accordance with Standing Orders and the Code of Conduct. Where this confidentiality is breached reference is made to Clause 2.18.1 of the Standing Orders, followed by Clause 16 (Schedule 7) of the Local Government Act 2002.

If it is deemed that there is a breach of these two references then a local authority may consider how to respond under Sections 238, 239 or 242 of the Local Government Act 2002.

- g. There may be instances where parties who are subject to In Committee discussions and are affected by a breach of confidentiality feel disenfranchised and also wish to pursue legal action against a Council or member of that Council for breach of confidentiality.

Prepared

DG Ward
Chief Executive

4. Attachments

- a. Code of Conduct

HOROWHENUA DISTRICT COUNCIL

**CODE
OF
CONDUCT**

The Mayor and Councillors
Horowhenua District Council

Updated

CODE OF CONDUCT

Adopted by Council on

PART ONE: INTRODUCTION

Schedule 7 of the Local Government Act 2002 (the Act) requires each local authority to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

This code of conduct provides guidance on the standards of behaviour that are expected from the Mayor and elected members of the Horowhenua District Council. The code applies to elected members in their dealings with:

- each other
- the Chief Executive Officer
- all staff employed by the Chief Executive Officer on behalf of the Council and Council contractors
- the media
- the general public.

The objective of the code is to enhance:

- the effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good local government of the Horowhenua District
- the credibility and accountability of the Council within its community
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

This code of conduct seeks to achieve its objectives by recording:

- an agreed statement of roles and responsibilities (recorded in Part Two of the code)
- agreed general principles of conduct (recorded in Part Three of the code)
- specific codes of conduct applying to particular circumstances or matters (also recorded in Part Three of the code).

Elected members are primarily accountable to the electors of the district through the democratic process. However members must note that the Auditor-General may hold them to account for unlawful actions or expenditure or for breaches of the Local Authorities (Members' Interests) Act 1968.

The code of conduct that follows is based on the following general principles of good governance:

- **Public interest.** Members should serve only the interests of the district as a whole and should never improperly confer an advantage or disadvantage on any one person.
- **Honesty and integrity.** Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

- **Objectivity.** Members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their primary duty is to the interests of the entire district, not the ward that elected them.
- **Accountability.** Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.
- **Openness.** Members should be as open as possible about their actions and those of the Council, and should be prepared to justify their actions.
- **Personal judgement.** Members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- **Respect for others.** Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the Council staff.
- **Duty to uphold the law.** Members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.
- **Stewardship.** Members must ensure that the Council uses resources prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations.
- **Leadership.** Members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

PART TWO: ROLES AND RESPONSIBILITIES

This part of the code describes the roles and responsibilities of elected members, the additional roles of the Mayor and Deputy Mayor, and the role of the Chief Executive Officer.

5. Elected Members

Elected members, acting as the Council, are responsible for:

- the development and adoption of Council policy
- monitoring the performance of the Council against its stated objectives and policies
- prudent stewardship of Council resources
- employment of the Chief Executive Officer
- representing the interests of the residents and ratepayers of the Horowhenua District Council. (On election, the members' first responsibility is to the district as a whole.)

Unless otherwise provided in the Local Government Act 2002 or in standing orders, the Council can only act by majority decisions at meetings. Each member has one vote. Any individual member (including the Mayor) has no authority to act on behalf of the Council unless the Council has expressly delegated such authority.

6. Mayor

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members of Council. The Mayor also has the following roles as a:

- presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders);
- advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- ceremonial head of Council;
- providing leadership and feedback to other elected members on teamwork and chairmanship of committees; and
- Justice of the Peace (while the Mayor holds office).

The Mayor must follow the same rules as other elected members about making public statements and committing the Council to a particular course of action, unless acting in accordance with the rules for media contact on behalf of the Council under a delegation of authority from the Council.

7. Deputy Mayor

The Deputy Mayor must be elected by the members of Council, at the first meeting of the Council. The Deputy Mayor exercises the same roles *and responsibilities* as other elected members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers, of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of Council.

8. Committee Chairpersons

The Council may create one or more committees of Council. A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by Council, *in carrying out its business*, and as set out in the Council's *Delegations Manual*. Committee chairpersons may be called on to act as an official spokesperson on a particular issue. They may be removed from office by resolution of Council.

9. Chief Executive Officer

The Chief Executive Officer is appointed by the Council in accordance with sections 42 of the Local Government Act 2002. The Chief Executive Officer is responsible for implementing and managing the Council's policies and objectives within the budgetary constraints established by the Council. In terms of section 42 of the Act, the responsibilities of the Chief Executive Officer are:

- implementing the decisions of the Council
- providing advice to the Council and community boards
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive Officer or to any person employed by the Chief Executive Officer, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of the local authority effectively and efficiently

- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- providing leadership for the staff of the local authority
- employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

Under section 42 of the Local Government Act 2002 the Chief Executive Officer employs all other staff on behalf of the local authority.

PART THREE: RELATIONSHIPS AND BEHAVIOURS

This part of the code sets out the Council's agreed standards of behaviour. Some of the matters described in this part of the code reflect other legislation such as the Local Authorities (Members' Interests) Act 1968. The majority of the code is material that the Council has decided to include of its own initiative.

10. Relationships with Other Members

Successful teamwork is a critical element in the success of any democratically elected organisation. No team will be effective unless mutual respect exists between members. With this in mind elected members will conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected
- are open and honest
- focus on issues rather than personalities
- avoid aggressive, offensive or abusive conduct
- have due regard for the policies of Council
- show respect to each other
- show respect for cultural diversity.

11. Relationships with Staff

The effective performance of Council also requires a high level of cooperation and mutual respect between elected members and staff. To ensure that level of cooperation and trust is maintained elected members will:

- recognise that the Chief Executive Officer is the employer (on behalf of Council) of all Council employees, and as such only the Chief Executive Officer may hire, dismiss or instruct or censure an employee
- make themselves aware of the obligations that the Council and the Chief Executive Officer have as employers and observe those requirements at all times
- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees)

- the accepted protocol for communication between elected members and staff is via the Chief Executive Officer or the Environmental Services Manager, Finance Manager, Development Manager, Customer Services Manager, Manager - Community Assets, Strategic & Corporate Services Manager, or Information Services Manager. Matters of a routine nature should be forwarded directly to the Customer Services Centre for processing
- observe any guidelines that the Chief Executive Officer puts in place regarding contact with employees
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee
- avoid publicity criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee
- raise concerns about employees only with the Chief Executive Officer, and concerns about the Chief Executive Officer only with the Mayor or the Chief Executive Officer Review Committee.

Elected members should be aware that failure to observe this portion of the code of conduct may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanctions.

12. Relationships with the Community

Effective Council decision-making depends on productive relationships between elected members and the community at large.

Members should ensure that individual citizens are accorded respect in their dealings with the Council, have their concerns listened to, and deliberated on in accordance with the requirements of the Act.

Members should act in a manner that encourages and values community involvement in local democracy. Members should remember that they have no personal power to commit the Council to any particular policy, course of action or expenditure. This can only be done by resolution at a meeting of Council or its committee.

13. Contact with the Media

The media plays an important part in local democracy. In order to fulfil this role the media needs access to accurate, timely information about the affairs of Council. From time to time, individual members will be approached to comment on a particular issue either on behalf of Council, or as an elected member in their own right. This part of the code deals with the rights and duties of Councillors when speaking to the media on behalf of Council, or in their own right.

The following rules apply for media contact on behalf of elected members of Council:

- the Mayor is the first point of contact for the official view on any issue. Where the Mayor is absent or unavailable, any matters will be referred to the Deputy Mayor or relevant committee chairperson
- the Mayor may refer any matter to the relevant committee chairperson or to the Chief Executive Officer for their comment

- no other member may comment on behalf of Council without having first obtained the approval of the Mayor.

Elected members are free to express a *personal view* in the media, at any time, provided the following rules are observed:

- the Councillor must not state or imply that his/her views represent the views of Council
- where an elected member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view
- media comments must observe the other requirements of the code of conduct, eg not disclose confidential information, or compromise the impartiality or integrity of staff
- the Councillors' comments should not criticise members of staff.

Communications from elected members in the form of advertising or publicity should comply with the attached policy on such matters.

14. Confidential Information

In the course of their duties members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Elected members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the elected member. It is a serious betrayal of trust to disclose information that is confidential or to use it for any private gain.

Elected members should be aware that failure to observe these provisions will impede the performance of Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose Council and/or the elected member to prosecution under the Privacy Act 1993 and/or civil litigation.

15. Conflicts of Interest

Elected members must be careful that they maintain a clear separation between their personal interests and their duties as an elected member. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived). Members therefore need to familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests, *along* with other legal requirements concerning non-financial conflicts of interest.

The Act provides that an elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council/*committee* discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest. Members must declare their interests at Council meetings where matters in which *they* have a pecuniary interest arise and vacate the meeting chamber while the matter is under discussion.

Members shall annually make a general declaration of interest as soon as practicable after becoming aware of any such interests. These declarations are recorded in a register of interests maintained by Council. The declaration must notify the Council of the nature and extent of any interest, including:

- any employment, trade or profession carried on by the member or the member's spouse for profit or gain
- any company, trust, partnership etc for which the member or their spouse is a director, partner, trustee or beneficiary
- the address of any land in which the member has a beneficial interest and which is in the Horowhenua District
- the address of any land where the landlord is the Horowhenua District Council and:
 - the member or their spouse is a tenant, or
 - the land is tenanted by a firm in which the member or spouse is a partner, or a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee or beneficiary
- any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member.

Where a member has a conflict of interest in an item before the Council, the member shall leave the table and take no part in any discussion on that item. If the member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive Officer *immediately*.

Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest. If there is a pecuniary interest, the member may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive Officer must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made, or the action taken, by Council. Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

16. Standing Orders

Elected members must adhere to the Standing Orders adopted by Council under the Local Government Act 2002. These Standing Orders are subject to the same legal requirements as a code of conduct with regard to their adoption and amendment.

17. Ethics

The Horowhenua District Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

- claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of Council developed in accordance with that determination
- not influence, or attempt to influence, any Council employee to take actions that may benefit the member, or the member's family or business interests
- not use Council resources for personal business (including campaigning)
- not solicit, demand, or request any gift, reward or benefit by virtue of their position
- notify the Chief Executive Officer if any gifts are accepted
- where a gift to the value of \$100.00 or more is offered to a member, immediately disclose this to the Chief Executive Officer for inclusion in the publicly available register of interests.¹

18. Disqualification of Members from Office

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years' imprisonment, or if they cease to be or lose their status as an elector or of certain breaches of the Local Authorities (Members' Interests) Act 1968.

Under the Local Government Act 2002, local authorities, when adopting a code of conduct, must consider whether or not they will require members to declare whether they are an undischarged bankrupt. This Council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgement in general. The Council therefore requires elected members who are declared bankrupt to notify the Chief Executive Officer as soon as practicable after being declared bankrupt.

PART FOUR: COMPLIANCE AND REVIEW

This part deals with ensuring that elected members adhere to the code of conduct and mechanisms for the review of the code of conduct.

19. Compliance

Elected members must note that they are bound to comply with the provisions of this code of conduct (Local Government Act 2002, Schedule 7, section 15(4)).

Members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive Officer will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members. Short explanations of the obligations that each of these has with respect to conduct of elected members are attached to this code.

¹ There is no limit specified in legislation. Local authorities should carefully consider what limit or limits should be applied in their own code.

All alleged breaches of the code will be reported to Council. Any allegation of a breach of a code of conduct must be in writing, make a specific allegation of a breach of the code of conduct, and provide corroborating evidence.

Council will request that the Chief Executive officer prepare a report for the further consideration of Council.

Before beginning any investigation the Council will formally notify the member(s) in writing of the complaint and explaining when and how they will get the opportunity to put their version of events.

If it considers that the matter is to be pursued, Council will then appoint a Committee made up of the Mayor, Deputy Mayor and one member of the public with appropriate expertise.

The Committee will investigate the alleged breach and prepare a report for the consideration of Council. Before beginning any investigation, the Committee will notify the elected member(s) in writing of the complaint and explaining when and how they will get the opportunity to put their version of events.

The Council will consider the report in open meeting of Council, except where the alleged breach relates to the misuse of confidential information or could impinge on the privacy of a member of staff or of the general public.

20. Responses to Breaches of the Code

The exact nature of the action the Council may take depends on the nature and extent of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

- breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authority (Members' Interests) Act 1968
- breaches which result in the Council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the member having to make good the loss or damage (*Sections 46 & 47*)
- breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

In these cases the Council may refer an issue to the relevant body, any member of the public may make a complaint, or the body itself may take action of its own initiative.

Where there are no statutory provisions, the Council may take the following action should the occasion arise:

- censure in public
- removal of the elected member from Council committees and/or other representative type bodies
- dismissal of the elected member from a position as Deputy Mayor or Chair of a committee.

A decision to apply one or more of these actions requires a Council resolution to that effect.

21. Review

Once adopted, a code of conduct continues in force until amended by the Council. The code can be amended at any time but cannot be revoked unless the Council replaces it with another code.

Once adopted, amendments to the code of conduct require a resolution supported by 75 per cent or more of the members of the Council present.

Council will formally review the code as soon as practicable after the beginning of each triennium. The results of that review will be presented to Council for their consideration and vote.

APPENDIX TO THE CODE: LEGISLATION BEARING ON THE ROLE AND CONDUCT OF ELECTED MEMBERS

This is a summary of the legislation requirements that has some bearing on the duties and conduct of elected members. Copies of these statutes can be found in the Council library or in the office of the Chief Executive Officer.

The Local Government Official Information and Meetings Act 1987

This Act makes official information held by local authorities more freely available, providing for proper access by each person to official information relating to that person which is held by local authorities, to provide for the admission of the public to meetings of local authorities, to protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and preservation of personal privacy, and to establish procedures for the achievement of these purposes.

1. Official Information (Parts I to VI of the Act)

This Act regulates access by the public to official information held by the Council. There is a general principle that official information will be made available unless there is “good reason” for withholding the information (section 5).

The Act sets out what constitutes “good reason” for withholding information and this is contained in sections 6, 7, 17, 17A and 17B. If information is withheld the reason for doing so must be given (section 18).

Decisions on official information requests must be made within 20 working days of receipt of the request (section 13).

In some cases, the provisions of the Act must be read in conjunction with the Privacy Act 1993, which protects personal information. The Privacy Act also contains special rules relating to the release of information from public registers. The rate records, valuation roll and electoral roll are public registers for the purposes of the Privacy Act (Part VII of the Privacy Act 1993).

2. Local Authority Meetings (Part VII of the Act)

In addition to providing for official information requests, The Local Government Official Information and Meetings Act provides for the public notification of Council meetings (section 46), the availability of agendas and reports associated with the meetings (section 46A), and the admission of the public to meetings of the Council (Section 47)

Part VII is generally concerned with access to and information arising from local authority meetings. More specific provisions for the conduct of local authority meetings are found in Schedule 7 of the Local Government Act 2002 and in Council’s adopted Standing Orders (NZS 9202:2001).

Local Authorities (Members' Interests) Act 1968

This Act regulates the involvement of members in Council business in which they have a conflict of interest. It deals with two types of interest:

- Disqualifying interests in contracts with the Council (section 3); and
- Pecuniary interests in matters discussed by the Council (section 6).

1. Disqualifying Interest

A member will be disqualified from being a member of the Council if that member is "concerned or interested" in a contract with the Council exceeding \$25,000 in any financial year. "Concerned or interested" does not necessarily require a pecuniary interest in the contract, and can extend to situations where a spouse is "concerned or interested" in the contract.

There are exceptions to the general rule set out in section 3(3) of the Act. One of the exceptions is if Audit Office approval is obtained.

It is an offence against the Act to do anything as a member of a local authority while incapacitated pursuant to section 3 (see section 5). Where a member becomes incapacitated under section 3 an extraordinary vacancy is created.

Comment

The Act regulates the activities of members of authorities, not the actions of the authorities themselves. Members, not authorities, may be prosecuted for breaches of the Act. Consequently as a member, you are responsible for ensuring that you comply with the Act - from the time you consider election or appointment to the conclusion of your term of office.

2. Pecuniary Interest

A member must not vote on or take part in the discussion of any matter before the Council in which he/she has, directly or indirectly, any pecuniary interest, other than an interest in common with the public (section 6(1)). The member must declare his or her interest when the matter is raised, and the declaration and the abstention from discussion and voting will be recorded in the minutes (section 6(5)).

The Act sets out certain situations where a member will be deemed to have a pecuniary interest (section 6(2), (2A)), and some exceptions to the rule (section 6(1A), (2B), (3)).

The Audit Office has the power to declare that the general rule shall not apply to either a specified matter or a specified class of matter (section 6(4)).

It is an offence against the Act for a member to discuss or vote on a matter in which he or she has a pecuniary interest. On conviction the member will be deemed to have been granted leave of absence, and that leave of absence may result in the member's office on the Council being vacated (section 7).

Some examples of conflict of interest are:

- A local authority is planning a roading improvement project. A member of the local authority has a close relative who owns a property that is in the way of the project.
- A community organisation approaches a local authority for financial support. A member of the authority is a member or unpaid office holder of the community organisation.

- A member of an authority is also an employee of a company that has a large contract with the local authority. The local authority is considering whether the contract should be renewed.

CRIMES ACT 1961

ss 99, 105 and 105A Bribery and Corruption

A member of a local authority is an “official” for the purposes of sections 105 and 105A of the Crimes Act relating to bribery and corruption.

A member will be liable to imprisonment for a term not exceeding 7 years if he/she corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, any bribe in respect of any act done or omitted to be done by him or her in his or her official capacity (see section 105).

A member will be liable to imprisonment for a term not exceeding 7 years if he/she corruptly uses or discloses any information, acquired by him/her in his/her official capacity, to obtain, directly or indirectly, an advantage or pecuniary gain for him/herself or any other person (see section 105A and 105B).

Secret Commissions Act 1910

Every officer or member of a local authority is deemed to be an “agent” of the local authority for the purposes of this Act (section 16).

It is an offence for an agent to receive a gift or other consideration as a reward or other inducement for doing or forbearing to do any act in relation to the principal’s affairs or business (whether such act is within the scope of the agent’s authority or the course of his/her employment as agent or not), or for showing or having shown favour or disfavour to any person in relation to the principal’s affairs or business (section 4).

It is an offence for an agent not to disclose to the principal his or her pecuniary interest in any contract when making a contract on behalf of the principal (section 5). This provision has some parallels with the requirements of the Local Authorities (Members’ Interests) Act relating to the disclosure of interests.

The Securities Act 1978

When does the Securities Act 1978 Apply to the Council?

The Council has wide borrowing powers under Part 6 of the Local Government Act 2002 (Section on "Borrowing and Security"). One of the ways the Council can borrow is by issuing stock. If stock is offered to the public the Council must comply with the Securities Act. What constitutes "offering to the public" is given a very wide meaning (see section 3 of the Act - "Construction of References to offering securities to the public").

What Does the Securities Act Require?

The Securities Act regulates the offering of securities to the public. Local authority stocks are securities for the purposes of the Act.

If the Council intends offering its stock to the public it will have to produce a prospectus and an investment statement complying with the requirements of Part II of the Act and the Securities Regulations 1983. In addition, the offer will have to be made in, or accompanied by, an "authorised advertisement", certificates would have to be issued, and certain information relating to the securities would have to be sent periodically to the holders of the Council's securities.

What is the penalty for non-compliance with the Securities Act?

The Securities Act provides wide provisions for civil liability and criminal offences for untrue statements made in an advertisement or in a registered prospectus on which a member of the public has relied in purchasing securities. In addition, there are general offences which apply to persons who do not otherwise comply with the provisions of the Act.

Elected members are deemed "directors" of the local authority for the purposes of the Act and Regulations. As such they are potentially personally liable to investors if a registered prospectus or investment statement contains an untrue statement. Members may also be criminally liable if the requirements of the Act or Regulations are not met.

POLICY FOR ADVERTISING AND PUBLICITY

1. That the Horowhenua District Council, as a body corporate, be seen as speaking with one voice, acting within the scope of its functions, duties and powers.
2. That any advertising and publicity, especially that of a “non public notice” nature or type, be for the purpose of providing objective, impartial, factual and explanatory information.
3. That the material be presented in a way that does not promote or be perceived as promoting a personal, party political or sectional grouping interest or viewpoint.
4. That the code of good practice apply to the multilateral communication of information by Council whether it be construed as being ‘publicity’ or ‘advertising’ or by any other name. This communication could take the form of:
 - (i) printed matter - such as pamphlets, booklets, press statements, newsletters, newspaper columns or posters
 - (ii) any audio visual material - ie video tapes or recorded tapes
 - (iii) press, radio, cinema advertisements/commercials/sponsored features
 - (iv) material in any electronic format - email, internet website
5. That the content of any advertising or publicity to contain one or more of:
 - facts
 - analysis
 - opinion or commentwith the information being accurate, complete, fairly expressed and where applicable in a legal/lawful format.
6. Care is to be taken not to create bias especially when facts or arguments have been summarised.
7. When conveying information on a “before phase” (pre consultation) subjective judgement of the relative merits of differing opinion/facts should be avoided, and where practical, the advantages/disadvantages should be conveyed to the reader/listener.
8. In assessing the need for any advertising/publicity the most cost effective means of conveying the information to those who need should be determined by using the following:
 - who is the information/communication aimed at?
 - what information do they need?
 - in what way is the information best presented?
9. That the Mayor's column revert to a generalised format with the content of a functional nature written by, or for, the Chief Executive Officer based on current Council happenings and future events etc commencing from 1 August of the year preceding the triennial local authority elections and ending on the date that the results of the election are declared.

Item-2005 Chief Executive Officer's Report to 10 November 2010

File No **4324**

To: **His Worship the Mayor and Councillors
Horowhenua District Council**

From: **Chief Executive Officer**

Date: **10 November 2010**

1. Purpose

- a. This report is prepared to update Councillors on a number of current matters that the Chief Executive Officer is dealing with.

2. Recommendation

- a. That Report 4324 be received.
b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
c. That the Education Scholarship fund for the 2011 financial year be increased to \$7,500 from within existing budgets.
d. That the Council adopt the proposed 2011 Meeting Schedule.

3. Issues for Consideration

- a. International Representation Grant Scheme - report on funding Received - Gregory Wright

In early September 2010 an application was lodged by Special Olympics Horowhenua on behalf of Gregory Wright of Levin. Gregory had been selected to represent New Zealand at the 2010 Asia Pacific Special Olympics Bocce tournament held in Brunei- Darussalam over the period 26 September to 5 October 2010.

Mrs Heather Wright has submitted the following brief report:

*"I am writing on behalf of Gregory Wright to say thank you for your contribution towards his trip to Brunei-Darussalam with the New Zealand Special Olympics.
We are pleased to tell you he won two gold medals and one bronze.
Apart from the Bocce tournament he and his other team members learnt much about a different country and culture. They experienced different food, had a river cruise, went to a temple, magnificence buildings, markets and heat! - A wonderful experience."*

- b. New Zealand Coastal Policy Statement (NZCPS)

Staff have recently been advised of the release of this document by the Minister of Conservation, Kate Wilkinson. The Statement is provided for under the provisions of the Resource Management Act and once gazetted our Council must give effect to its provisions in the District Plan. Officers are working through it at present and will be incorporating its provisions into the District Plan review.

The NZCPS sets out policies on coastal issues including protection of outstanding natural features and landscapes, planning for subdivision, use, and development, protection of biodiversity and water quality, and management of coastal hazard risks. The new statement will replace the NZCPS 1994 and is more specific about how some matters of national importance under the RMA should be protected from inappropriate use and development. Key differences include:

- Direction on protection of natural character, outstanding landscapes, biodiversity and nationally significant surf breaks.
- Stronger requirement to identify where water quality is degraded and should be enhanced.
- Direction on maintenance of public access to and along the coast, identifying walking access as the basic priority and better management of vehicles on beaches.
- Updated policy on the management of coastal hazard risks.

The new Coastal Policy Statement will come into force on December 3. Until then, the NZCPS 1994 remains in effect.

A copy of the document can be obtained from officers or found on line at <http://www.doc.govt.nz/publications/conservation/marine-and-coastal/new-zealand-coastal-policy-statement/new-zealand-coastal-policy-statement-2010/>

c. Education Scholarship Fund

At its meeting of 5 August 2009 Council resolved to establish an Education Scholarship fund of \$5,000 per annum to assist with meeting fees for young persons residing in Horowhenua District who will be undertaking tertiary qualifications in the fields of planning, environmental management or infrastructure engineering.

A Council Subcommittee comprising Crs Good, McMeeken and Keenan interviewed applicants and recommended the awarding of scholarships to Hannah Staples and Joel Dykstra.

During the course of this year Hannah and Joel have reported academic progress to Council staff and have taken the opportunity work with Council staff in their chosen fields.

Applications for the 2011 Education Scholarship Fund have recently closed with strong applications received for consideration.

There is no doubt in my mind that Council has benefitted considerably from the input of the two recipients of the 2010 scholarship. It is my recommendation that Council give consideration to increasing the sum of \$5,000 to \$7,500 for the 2011 year. This will allow a third scholarship to be added for the 2011 year. The increase in funding will not impact on Council's budget as the cost will be met from Council's Youth Project Budget using funding sourced from Ministry for Youth Development. The addition of an additional student to Council's work programme equally will not impact on Council's budgets as traditionally we take on 4 to 6 students during our summer holiday period on a range of special projects and academic related assignments. The first appointment on our student roster is taken from the Education Scholarship holders.

The proposed increase in the funding for the Education Scholarship fund will enhance the philosophy of providing opportunities for not only the young people in our district who may be the recipient of a scholarship but will also provide assistance to Council in our ability to

provide training and work opportunities for Horowhenua residents in areas that as a Council we often struggle to attract applicants of good quality.

d. 2011 Proposed Meeting Schedule

A copy of the 2011 Proposed Meeting Schedule is attached for adoption.

e. 2010/2011 Annual Plan Monitoring Report

The Monitoring Report prepared for those items raised by submitters during the 2010/2011 Annual Plan submission period, in ensuing discussion or passed by way of resolution, is **attached**.

	Name and title of signatories	Signature
Prepared by	D G Ward Chief Executive Officer	
<u>Confirmation of statutory compliance</u>		
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.		

4. Attachments

- a. 2011 Proposed Meeting Scheduled
- b. 2010/2011 Annual Plan Monitoring Report

HOROWHENUA DISTRICT COUNCIL - MEETING SCHEDULE 2011

	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Council - Ordinary Meetings 1 st Wed of calendar month Council Chambers, Levin 4.15pm Agenda closes Friday		2	2	6	4	-	6	3	7	5	9	7
Council Workshops (indicative only*) Wednesday Council Chambers, Levin 4.15pm Agenda closes Tuesday of previous week	26											
Council - Ordinary Meetings for Annual Plan Purposes Council Chambers, Levin 4.15pm Agenda closes Tuesday of previous week				(Adopt Audited Draft Annual Plan)		1 & 2 Hearings 8 & 9 Deliberations 15 Adoption Annual Plan 22 Adoption of Audited Annual Plan						
Foxton Community Board Main Street, Foxton 6.30pm Six weekly - Monday Agenda closes 6 working days prior to meeting (Friday)	-	7	21	-	2	-	11	22	-	3	14	12??

Monday, 24 January - Wellington Anniversary Day
 Sunday, 6 February - Waitangi Day
 Friday, 22 April - Good Friday/Monday, 25 April - Easter Monday
 Monday, 25 April - Anzac Day

Monday, 6 June - Queens Birthday
 Monday, 24 October - Labour Day
 Local Government Conference - Wellington 10-13 July 2011

Closure time for reports is 12 noon on Agenda closing date.

**MONITORING REPORT
Annual Plan 2010/2011**

Item	Item Description	Resolved	Responsible Officer	Date to Action By	Date Completed	Officer Comment
2	Development of Foxton Cemetery	<i>"THAT Officers prepare and present a report to the Foxton Community Board on opportunities to extend the life of the existing cemetery and that the report give consideration to bringing forward funding of \$100,000.00 for the development of new land at Foxton Cemetery from years 2013/14 to 2012/13 and also the option for the provision of a toilet at Foxton Cemetery."</i>	P Shore	15 December 2010		Staff have been investigating the options available for extending into the "new" area, and for considering the need and costs of a toilet at the Cemetery. A report is still to be prepared for consideration by the Foxton Community Board as part of the process of preparing Council's 2011/12 Draft Annual Plan
3	BMX Mountain Bike Adventure Area, Holben Reserve	<i>"THAT funding of \$30,000.00 sourced from the Foxton Beach Freeholding Account is committed to the construction of a BMX/Mountain Bike Adventure Area"</i>	P Shore	31 July 2010		<i>Officers recently attended a Bike park Design seminar and have now marked out (preliminary markings) the BMX adventure area. The Diggers will start work on Wednesday 3 November. School representatives will be asked to ride the track during it's construction to provide critical</i>

**MONITORING REPORT
Annual Plan 2010/2011**

Item	Item Description	Resolved	Responsible Officer	Date to Action By	Date Completed	Officer Comment
						<i>feedback on technical aspects of the layout. They will also be heavily involved in the planned tree planting and landscaping.</i>
8	Parsons Avenue Kindergarten - Request for additional land	<i>"THAT Officers continue to work with the Wellington Free Kindergarten Association in renewing the lease, with a view to offering additional lease land and the site for disposal."</i>	M Tregonning	30 September 2010	Completed	A new lease has been signed.
12	Provision of Playground - Te Maire Park, Shannon	<i>"THAT funding for the provision of a playground in Shannon be revisited as part of the LTCCP."</i>	P Shore	30 June 2011		Liaison with Shannon Community will occur as part of the LTCCP review, and as part of a review of district playgrounds planned for 2011/2012.
13	Waitarere Beach General, Dune Management, Walkway/cycleway development and general recreational asset upgrades	<i>"THAT Council funds the project of a new resource consent for dune modification and stabilization from available Parks and Recreation budgets in the 2010/11 year. "THAT matters identified in submissions 11 and 31 are addressed in the next LTCCP review."</i>	D Tate P Shore	30 June 2011		Staff will continue to liaise with the public of Waitarere (through the Resident and Ratepayer Association) on this matter.

**MONITORING REPORT
Annual Plan 2010/2011**

Item	Item Description	Resolved	Responsible Officer	Date to Action By	Date Completed	Officer Comment
		<p><i>“THAT Officers investigate and bring back to Council a report on the Waiwarara Stream Walkway project to Council identifying the scope and relevant costs to be included as part of the next LTCCP review.</i></p>				<p>Officers will review the existing budgets and identify a range of options for revitalizing the stream and forming a walkway. This will occur as part of AMP and LTCCP review process (2010-2012) Preliminary discussions have been held with DOC and Horizons.</p>
14	Deterioration of Donnelly Park Netball Courts and future commitment to netball	<p><i>“THAT Officers work with the Horowhenua Netball Association to determine the best options for repair or renewal of the courts; and that Officers report back to Council as part of the LTCCP review process with recommendations and accurate renewal requirements.”</i> <i>“THAT Officers report back to Council with funding options, should an opportunity exist before the next LTCCP review to rectify the Courts faults.”</i></p>	P Shore	30 June 2011		<p>Two meetings have been held with netball representatives and an onsite inspection of Kapiti courts was carried out. Investigation into appropriate (remedial) treatments - including costs, is ongoing in partnership with Netball Horowhenua. The courts are due to have a trial spray at the end of October/early November 2010. Horowhenua Netball</p>

**MONITORING REPORT
Annual Plan 2010/2011**

Item	Item Description	Resolved	Responsible Officer	Date to Action By	Date Completed	Officer Comment
						representatives will be in attendance to review the results.
15	Levin BMX Club	<i>"THAT funding of \$5,000.00 for the 2010/11 be provided to the Levin BMX club, administered by Council for track maintenance and that the Club work with Council officers to develop a robust business plan emphasising the maintenance needs in the years ahead, and that corporate sponsorship is sought."</i>	D Tate	31 December 2010		BMX have been provided with a draft lease which they helped develop and are currently reviewing this. Officers are working with the BMX Club to develop a business plan and for specific funding applications.
16	Manakau Soccer - use of Manakau Domain and assistance to the Manakau United Football Club	<i>"THAT Officers develop a formal lease arrangement with the Manakau United Football Club."</i>	D Tate	31 December 2010		Officers have been in discussion with representatives of the Manakau Soccer Club and the Manakau Domain Committee.
17	Proposed Fees and Charges - for cricket wickets	<i>"THAT Council officers liaise with the Levin Sports Foundation to obtain funding to assist with the renewal of the existing artificial wickets at Donnelly Park."</i> <i>"THAT Council officers work with the Horowhenua Kapiti Cricket Association with the objective of establishing funding"</i>	P Shore	31 December 2010		Officers have had an initial meeting with the HKCA CEO - Cricket Development Officer. A joint funding application will be prepared and submitted to coincide with their strategic review and player needs.

**MONITORING REPORT
Annual Plan 2010/2011**

Item	Item Description	Resolved	Responsible Officer	Date to Action By	Date Completed	Officer Comment
		<i>sources for additional wickets."</i>				
18	Manakau Playground	<i>"THAT the provision of playground equipment is reviewed as part of the next LTCCP review for Manakau/Waikawa area."</i>	P Shore	30 June 2011		Staff will continue to liaise with the public of Manakau and Waikawa in regard to appropriate recreational facilities.
31	Margaret Street/Ballance Street Intersection	<i>"THAT a 'No Entry' sign as appropriate be installed following consultation with the New Zealand Transport Agency."</i>	M Pond	30 September 2010		A sign will be installed early next year.
32	Ballance Street/Plimmer Terrace Intersection	<i>"THAT officers engage with NZTA to determine the need for, or not, for pedestrian improvements."</i>	M Pond	30 September 2010		A pedestrian safety barrier will be installed early next year.
33	Plimmer Terrace Facilities	<i>"THAT Council acknowledges that funding of \$29,500.00 is provided in the 2010/11 year for the work on Ballance Street & Plimmer Terrace. "THAT staff ensure that international signage be installed to identify existing toilet facilities in Shannon."</i>	P Shore	30 September 2010		The Internal Project Brief finalised. Plans will be developed over November 2010 and discussed with local businesses.
34	Rummel Street, Waitarere Beach	<i>"THAT the views of the Waitarere Progressive Association are sought and that consideration be given to the matter in the context of the next</i>	M Pond	30 September 2010		As at 1 November 2010 no response has been received from the Waitarere Progressive &

**MONITORING REPORT
Annual Plan 2010/2011**

Item	Item Description	Resolved	Responsible Officer	Date to Action By	Date Completed	Officer Comment
		<i>LTCCP."</i>				Ratepayers Association
50	Taiao Raukawa Environmental Resource Centre	<i>"THAT the submitter be congratulated on obtaining the funding and advised that the Council looks forward to being able to assist as and when appropriate." "THAT Council seek the opportunity for a site visit." "THAT Councillors and Senior Staff meet with the submitter to understand the governance role of the proposed Centre."</i>	D Ward	30 November 2010		The Chief Executive is contacting Raukawa to establish an appropriate date for a site visit.
59	Speed Limit - Bruce Road	<i>That Bruce Road be considered by Council for a speed limit reduction.</i>	M Pond	June 2010		The original testing for a speed limit reduction did not meet the criteria. This will be retested with the inclusion of farm entrances to raise its chances of meeting the criteria.
60	On site water storage	<i>That officers provide a report around the implications of implementing a policy that all new homes have on site water storage.</i>	Erin Ganley Glen O'Connor	October 2010		Report to be prepared by new Water Engineer when this appointment is made.

**MONITORING REPORT
Annual Plan 2010/2011**

Item	Item Description	Resolved	Responsible Officer	Date to Action By	Date Completed	Officer Comment
61	Waste Management	<i>That consideration be given to a timeframe for zero-waste proposals during the review of the Solid Waste Management Plan.</i>	D de Burgh	30 June 2012		The Waste Management Plan is being reviewed. Timeframe will be specified for initiatives that work toward the concept of "Zero Waste".

Item-2006 Resource Consents Considered Under Delegated Authority

File No **4326**

To: **His Worship the Mayor and Councillors
Horowhenua District Council**

From: **Regulatory Services Manager**

Date: **10 November 2010**

1. Purpose

- a. To receive the Land Use and Subdivision Resource Consent applications approved under delegated authority by the Environmental Services Department.

2. Recommendation

- a. That Report 4326 be received.
b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

3. Issues for Consideration

- a. That the Land Use and Subdivision Resource Consents be received as listed:

**All Subdivision Resource Consents Granted Under Delegated Authority
24/09/10 to 02/11/10**

Granted Date	File Ref	Subdivider	Address
28-Oct-10	3007	Margaret & Ross Codlin	226 Mangahao Road, Shannon Rural
24-Sep-10	3011	Otaki Orchards Limited	100-102 Hoggs Road, Ohau Rural

**All Land Use Resource Consents Granted Under Delegated Authority
24/09/10 to 02/11/10**

Granted Date	File Ref	Applicant	Address
28-Oct-10	3004	Te Kohanga Reo National Trust Board	7 Kauri Street, Levin
19-Oct-10	3015	Hessels Poultry Farm Limited	148-150 State Highway 1, Foxton/Himatangi Rural

	Name and title of signatories	Signature
Prepared by	T Thomas Environmental Services Manager	
<u>Confirmation of statutory compliance</u>		
<p>In accordance with section 76 of the Local Government Act 2002, this report is approved as:</p> <ul style="list-style-type: none"> 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. 		

Item-2007 Documents Executed and Electronic Transactions Authorities Signed

File No 4325

To: His Worship the Mayor and Councillors
Horowhenua District Council

From: Strategic and Corporate Services Manager

Date: 10 November 2010

1. Purpose

- a. To present to Council the documents that have been executed and Electronic Transactions Authorities and Contracts that have been signed by two elected Councillors, which now need ratification.

2. Recommendation

- a. That Report 4325 be received.
 - b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
 - c. That the Horowhenua District Council hereby ratifies the signing of the documents and electronic transactions authorities as scheduled:
 - Electronic Transfer Authority relating to a Covenant by Graham Robert McKay, Gemma Catherine McKay and Todd Whitehouse Trustees Limited, owners of Lot 1 DP 52952 in favour of Horowhenua District Council
 - Bond binding Heather Ann Hutchison to Horowhenua District Council in the sum of Twenty Thousand Dollars (\$20,000) to comply with conditions on shifting a building onto Lot 3 DP 418595 with an area of 1415m² comprised in Certificate of Title WN 471378 - 130a Bartholomew Road, Levin
 - New lease Levin Pistol Club on Part Sections 410 and 477, Block 1 Mount Robinson Survey District with an area of 10,000 m² contained in Certificate of title 564/24, State Highway 1, Foxton North
 - Section 77 Building Act 2004 Certificate for sections in Levin Central Carpark that will have boundaries built over by the extensions to the Levin Cinema. Sections described as Lots 2 and 3, DP 16966 and Lots 12 and 13 DP 2234 Salisbury Street, Levin.
 - Electronic Transfer Authority relating to the Horowhenua District Council subdivision at Norbiton/Avenue Roads pertaining to the water and sewage drainage easements on Plan Number 394547
 - Electronic Transfer Authority relating to the Cameron/Grosser subdivision 23 Holly Way, Waikawa Beach incorporating Paul Cameron Nurseries Limited, for the registration of an encumbrance
 - Encumbrance over Lot 4 DP 403623 by Waitarere Rise Limited covenanting to pay Horowhenua District Council a Development Contribution if the subject land is sold
 - Electronic Transfer Authority relating to a Sale and Purchase Agreement pertaining to Lot 3 DP 403623 contained in Certificate of Title 411863
-

- Electronic Transfer Authority relating to a Sale and Purchase Agreement pertaining to Lot 4 DP 403623 contained in Certificate of Title 411864
 - Bond binding John Russell and Sarah Lorna Andrews and Peter Channing Gilbert to Horowhenua District Council in the sum of Four Thousand Dollars (\$4,000) to comply with conditions on shifting a building onto Lot 12 DP 24597 with an area of 847m² contained in Certificate of Title WN C2/893 - 20 Manga Pirau Street, Waikawa Beach
 - Variation of Lease between Horowhenua District Council and Horowhenua Library Trust to extend the term of the lease on each of the three library sites by twelve (12) months to the Thirtieth day of September 2011.
- d. That the Horowhenua District Council confirms the decision in accepting the following contract and that authority be given to the signing of Electronic Transactions Authorities:

Contract No. 10/02 : Springs Road Stage 2
 Contract No. 10/03 : Okuku Road Stage 2
 Contract No. 10/05 : RAMM Rating 2010 Contract
 Contract No. 10/06 : RAMM Roughness 2010 Contract
 Contract No. 10/07 : Okuku Road Stage 1
 Contract No. 10/08 : Landfill Capping and Stage 1A
 Contract No. 10/10 : Cinema 3
 Contract No. 10/14 : Reseals 2010/2011
 Contract No. 10/15 : Footpath Renewals 2010/2011
 Contract No. 10/18 : Foxton Water Renewals

3. Issues for Consideration

- a. This report provides a mechanism for notifying the execution of formal documents by two elected Councillors and signing of Electronic Transactions Authorities:
- b. The following are the contract document details:

Contract No.10/02 : Springs Road Stage 2

The tender from Graeme Bagrie Contracting Ltd was accepted for this contract. 6 tenders were received for the contract ranging from \$144,966.76 to \$186,785.00.

Contract No.10/03: Okuku Road Stage 2

The tender from Chris Gomman Contracting was accepted for this contract. 6 tenders were received for the contract ranging from \$149,624.00 to \$185,186.50.

Contract No.10/05 : RAMM Rating 2010 Contract

The tender from Briken & Associates was accepted for this contract. 1 tender was received for the contract being \$36,706.08.

Contract No.10/06 : RAMM Roughness 2010 Contract

The tender from Shaw Consulting Services was accepted for this contract. 1 tender was received for the contract being \$24,254.00.

Contract No.10/07 : Okuku Road Stage 1

The tender from Chris Gommans Contracting was accepted for this contract. 8 tenders were received for the contract ranging from \$233,726.00 to \$326,373.40.

Contract No.10/08 : Landfill Capping and Stage 1A

The tender from Core Infrastructure was accepted for this contract. 4 tenders were received for the contract ranging from \$565,321.00 to \$1,081,547.00.

Contract No.10/10 : Cinema

The tender from Crowe Construction was accepted for this contract. 1 tender was received for the contract being \$487,830.22.

Contract No.10/14 : Reseals 2010/2011

The tender from Higgins Contractors was accepted for this contract. 3 tenders were received for the contract ranging from \$1,277,535.03 to \$1,488,566.98.

Contract No.10/15 : Footpath Renewals 2010/2011

The tender from Chris Gommans Contracting was accepted for this contract. 6 tenders were received for the contract ranging from \$275,085 to \$1,488,655.98..

Contract No.10/18 : Foxton Water Renewals

The tender from Blackley Construction was accepted for this contract. 5 tenders were received for the contract ranging from \$109,461.00 to \$197,441.80.

	Name and title of signatories	Signature
Prepared by	D M Clapperton Strategic and Corporate Services Manager	
<u>Confirmation of statutory compliance</u>		
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.		

MOTION TO EXCLUDE THE PUBLIC

“THAT the Horowhenua District Council pursuant to Section 48, Local Government Official Information and Meetings Act 1987, resolves that the public be excluded from the following parts of the proceedings of this meeting.

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 or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.”

Receipt of Minutes Ordinary Meeting 6 October 2010 (Minute Items 1986-1988)
Item 2008 - In Committee Proceedings Foxton Community Board 4 October 2010
Item 2009 - In Committee HDC Monitoring Report to 6 October 2010
Item 2010 - Discharge of Statutory Land Charge - Rural Housing Advance No.222

Reasons for Confidentiality

These Reports are **CONFIDENTIAL** in accordance with Section 48(1) of the Local Government Official Information and Meetings Act 1987, which permits the meeting to be closed to the public for business relating to the following grounds: -

48(1a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

Subject to sections 6, 7 and 17 of the Local Government Official Information Act 1987, the withholding of the information is necessary to:

7(2a) Protect the privacy of natural persons, including that of deceased natural persons.

7(2i) Enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

7(2j) Prevent the disclosure or use of official information for improper gain or improper advantage.