



AGENDA

ORDINARY MEETING

HOROWHENUA DISTRICT COUNCIL

6 MAY 2009

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, 6 May 2009 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 D J Colling
Cr G G Good
Cr L E McMeeken
Cr A M Hunt
Cr B F Judd
Cr P K Keenan
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.

AGENDA

6 MAY 2009

ORDER OF BUSINESS:

APOLOGIES

Councillor G G Good

ANNOUNCEMENTS

1. Nature Coast Enterprise

Glen O'Brien, Chief Executive, Nature Coast Enterprise will be in attendance at 4.15pm to update Councillors.

CONFIRMATION OF MINUTES

Ordinary Meeting 1 April 2009 (Minute Items 1680-1686 and 1690)

MATTERS ARISING

Special Meeting 17 April 2009 (Minute Item 1691)

MATTERS ARISING

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PROCEEDINGS OF COMMITTEES

Item-1692 Proceedings Kapiti Horowhenua Joint Regional Economic Development Forum 4 March 2009

File No 3913

To: His Worship the Mayor and Councillors
Horowhenua District Council

From: Strategic and Corporate Services Manager

Date: 6 May 2009

1. Purpose

- a. To present to the Horowhenua District Council the minutes of Kapiti Horowhenua Joint Regional Economic Development Forum held on 4 March 2009.

2. Recommendation

- a. That Report 3913 be received.
- b. That the Horowhenua District Council **receive** the minutes of the Kapiti Horowhenua Joint Regional Economic Development Forum held on 4 March 2009.

3. Issues for Consideration

- a. The following items considered by the of Kapiti Horowhenua Joint Regional Economic Development Forum held on 4 March 2009 will require further consideration by the Horowhenua District Council and will be included on a future Council agenda:
 - (i) There are no items which require further consideration.

Prepared

D M Clapperton
Strategic and Corporate Services Manager

4. Attachments

- a. Minutes Kapiti Horowhenua Joint Regional Economic Development Forum 4 March 2009.
-

MINUTES of a meeting of the Kapiti Horowhenua Joint Regional Economic Development Forum held on Wednesday 4 March 2009 at Kapiti Coast District Council, 175 Rimu Road, Paraparaumu at 1.00 pm.

PRESENT:	Mayor	J	Rowan	Chair, Kapiti Coast District Council
	Mayor	B	Duffy	Horowhenua District Council
	Cr	L	McMeekan	Horowhenua District Council
	Cr	T	Jack	Kapiti Coast District Council
	Cr	S	Patton	Kapiti Coast District Council

IN ATTENDANCE:

Mr	D	Ward	Chief Executive Horowhenua District Council
Mr	P	Dougherty	Chief Executive, Kapiti Coast District Council
Mr	D	Clapperton	Manager, Strategic and Corporate Services, Horowhenua District Council
Ms	T	Evans	Strategic Projects Manager, Kapiti Coast District Council
Cr	H	Wooding	Kapiti Coast District Council
Mr	G	O'Brien	Chief Executive Nature Coast Enterprise
Mr	L	Chapman	Chair, Nature Coast Enterprise
Mr	C	Barber	Tourism

			Manager, Nature Coast Enterprise
Mr	G	Smellie	Nature Coast Enterprise
Ms	L	Hoggard	Nature Coast Enterprise
Ms	H	Judge	Nature Coast Enterprise
Ms	D	Luke	Te Aho Project Team, Te Arahanga o Ngā Iwi
Mr	S	Royal	Te Aho Project Team, Te Arahanga o Ngā Iwi
Ms	J	Smart	Chief Executive Officer, DesignTex
Mr	M	Vernazzani	Nature Coast Enterprise
Ms	D	Geerling	Democratic Services Advisor, Kapiti Coast District Council

MEDIA IN
ATTENDANC
E:

Mr D Haxton

Kapiti News

The Mayor, Jenny Rowan, welcomed everyone to the meeting.

KHJREDF 09/03/01
APOLOGIES

There were no apologies.

KHJREDF 09/03/02

CONFIRMATION OF MINUTES – 2 DECEMBER 2008

RESOLVED (Patton/Rowan)

That the minutes of the 2 December 2008 meeting are a true and correct record (with amendments as noted).

Amendments:

- **Remove Cr Wooding's name and add Mr G Smellie's name as being present**
- **Page 4 – Tourism Development Strategy, 2nd paragraph – replace NCE with KCDC**

CARRIED

Matters arising

There were no matters arising.

KHJREDF 09/03/03

PRESENTATION – NATURE COAST – CURRENT REGIONAL ECONOMIC SITUATION

Glen O'Brien made a presentation to the forum. Key issues were:

- Global recession – speeches by World Leaders
- Spoken to businesses across the region
- Minx Shoes – business booming, January sales up by 1/3
- Coastlands has approximately 100 businesses in its complex. Turnover is up by 4.9% compared to last year
- Levin Mall – shops don't appear to be affected by economy downturn
- Manufacturing sector – business has decreased slightly, although one business reports they have 2 weeks work ahead
- Kapiti exporting firm – 3 staff let go
- The trend is focussing on the present and not the long term
- Oxford Finance – have noticed a reduction in vehicles imported from Japan
- Housing/finance sector – down due to a slump in the market
- People are valuing jobs and relationships more
- What is Nature Coast doing – get smart!
- Extra training
- "News Room" Strategy
- Provision of timely, useful data/communication
- Working with Grow Wellington/Councils/Chamber of Commerce

Nature Coast presented their Strategic Plan for the next five years.

The vision of Nature Coast Enterprise is:

Nature Coast: the ultimate place to be

The 5 strategies for Nature Coast Enterprise are:

- Industry Sectors
- Communication
- Relationships
- Capacity and Capability
- Innovation and Accountability
- Economic Strength
- Reputation
- Systems and Policies

A presentation was made listing the results of a recent survey of local businesses assessing the impact of the economic downturn in Kapiti and Horowhenua. Key points were:

- No real evidence of down turn
- Visits to i-site – increasing but \$ spend down
- Guest nights : Kapiti up in December, Horowhenua down in December
- 2008 Performance – commissioned report from Berl, data available in a month
- GDP growth in 2008: 4.7% compared to 3.2% national average

A suggestion was made to hold a job summit in Otaki

Nature Coast Enterprise will be at the Sustainable Home and Garden Show in April 2009, encouraging people to buy local food and products and will conduct a survey about what a Nature Coast brand could encourage people to buy locally grown/made products.

Construction industry – new building consents down in region

Horticulture/Agriculture industry – increased in dairy prices. The drop in the dollar will benefit exporters.

There has been a trend of retired people going back into the work force due to the economic down turn.

Mayor Duffy noted that the information was very current and suggested that NCE send out once every two weeks by email to Horowhenua District Council, Kapiti Coast District Council and the media the survey results of the regional economic

situation. The staff from NCE commented that fortnight results would be too hard and that monthly would be more realistic. NCE to take comments on board.

Mayor Rowan signalled Kapiti Coast District Council interest in running a pilot programme for people over 65 years of age to come back into the workforce.

KHJREDF 09/03/05

NATURE COAST ENTERPRISE QUARTERLY REPORT

The quarterly report was taken as read.

Councillor Rush and Councillor McMeekan both congratulated NCE on the quarterly report and that they thought they had exceeded expectations and were both impressed with the one page Strategic Plan.

KHJREDF 09/03/06

TE AHO QUARTERLY REPORT, DECEMBER 2008 – FEBRUARY 2009-03-05

Daphne Luke presented the Te Aho Quarterly Report. Key Points were:

- Te Aho were invited to a Maori Economic forum with the Minister of Maori Affairs, Dr Pita Sharples to the Job Summit
- Recession impact on maori likely to be significant
- Maori businesses involved in the export business were mainly fishing, agriculture and horticulture
- A Kaumataua Forum was held at Whakarongotai Marae on 3 December with 70 kaumatua attending.
- Te Ati Awa and Muaupoko have worked together to develop a community gardening programme that can produce vegetables for the marae and whanau
- Executive Programme that was developed is on hold because of the recession
- Daphne Luke has accepted the invitation to join Business Kapiti Horowhenua as a Board Member and is involved in the upcoming BKH Awards. It looks to be an exciting event.
- Te Ropu Pakihi has invited Fiona Wilson to address the membership in April on how NCE can contribute to Te Aho.
- Te Aho are working with 20 stakeholder groups
- Horowhenua District Council requested an invite to the next forum.

Mayor Duffy and David Ward left the meeting at 2.10pm.

Councillor Patton and McMeekan congratulated Daphne Luke and Shane Royal on the quarterly report.

Daphne Luke and Shane Royal left the meeting at 2.20pm

KHJREDF 09/03/06
2009/2010 PRIORITIES

Current priorities have focussed on the local impact of the recession. This has been covered earlier in the meeting. It was questioned if any projects need to be brought forward? Mayor Duffy and Mayor Rowan to look at a meeting to discuss priorities for the two districts.

We need to plan for the recession and plan to come out of the recession as well.

KHJREDF 09/03/07
GENERAL BUSINESS

The Tourism Strategy will be discussed at the next meeting.

It was agreed Nature Coast would report back to the next meeting regarding the appointments to the NCE Board.

There is an opportunity to support companies for the army contract to be local. Current supply contracts run out at the end of the year. It was indicated that a letter of support should be sent to local MPs raising concerns and to take appropriate action.

RESOLVED (Rush/Patton)

That letters of support be sent to the Ministers of Parliament with the two Mayors giving support to the industries affected by the recession.

CARRIED

DATE OF NEXT MEETING - 19 May 2009 at Horowhenua District Council commencing at 1pm.

The meeting closed at 2.30 pm.

Chair

Dated: _____

Item-1693 Proceedings Hearing Committee 24 March 2009

File No **3896**

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

From: **Regulatory Business Unit Manager**

Date: **6 May 2009**

1. Purpose

- a. To present to the Horowhenua District Council the minutes of the Hearing Committee meeting held on 24 March 2009.

2. Recommendation

- a. That Report 3896 be received.
- b. That the Horowhenua District Council **receive** the minutes of the Hearing Committee meeting held on 24 March 2009, attached as Attachment A.
- c. That the Horowhenua District Council resolve amendments to the Horowhenua District Council Traffic and Parking bylaw 2007 Parking Restrictions schedule attached as Attachment B, as recommended by the Hearing Committee.

Prepared

Approved for Release

M E Lepper
Regulatory Business Unit Manager

T Thomas
Environmental & Regulatory Services Manager

3. Attachments

- a. Minutes Hearing Committee Meeting 24 March 2009.
 - b. Recommended amendments, Schedule of Traffic and Parking Restrictions, Horowhenua District Council Traffic & Parking Bylaw 2007.
-

MINUTES OF THE MEETING OF THE HEARING COMMITTEE OF THE HOROWHENUA DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, 126-148 OXFORD STREET, LEVIN ON TUESDAY, 24 MARCH 2009 COMMENCING AT 4:15 PM

PRESENT

Cr D A Allan (Chair)
Cr L E McMeeken
Cr B F Judd
Cr N D H Murray

IN ATTENDANCE

Mr T Thomas (Environmental & Regulatory Services Manager)
Mr M E Lepper (Regulatory Business Unit Manager)
Mrs A L Clark (Building Advisory & Compliance Officer)(to 5.35 pm)
Mr K M Jensen (Senior Animal Control Officer)(from 6.35 pm)
Mrs K J Corkill (Meeting Secretary)

MEDIA IN ATTENDANCE

Ms S Gillies ("Horowhenua Mail")

PUBLIC IN ATTENDANCE

Submitters to Speak

- Item 41 Sophie Campbell & Roger Truebridge
Graeme Thompson
Olwen Burbery
Item 42 Denis O'Neill
Item 43 Deborah Pokoati

CONFIRMATION OF MINUTES

24 February 2009

Resolved

(Judd / McMeeken)

"THAT the Minutes of the Hearing Committee Meeting on 24 February 2009, as submitted, be confirmed as a true and accurate record."

MATTERS ARISING

There were no matters arising.

26 February 2009

Resolved

(Murray / McMeeken)

"THAT the Minutes of the Hearing Committee Meeting on 26 February 2009, as submitted, be confirmed as a true and accurate record."

MATTERS ARISING

There were no matters arising.

REPORTS

Item-41 Traffic & Parking Bylaw Amendments

File No 3862

Purpose

The provide a forum for members to hear and consider submissions received on proposed amendments to the Horowhenua District Council Traffic & Parking Bylaw 2007; decide whether to implement amendments as consulted on or as may be decided upon by members; to provide an appropriate recommendation to Council on this matter.

Resolved

(McMeeken / Judd)

"THAT Report 3862 be received."

Mr Lepper gave a summary of the report's contents and responded to Committee Members queries:

- in relation to the parking time for the western side of Cambridge Street, he had no concerns as to whether the time was P60 or P120 and he believed a change from P60 to P120 was minor and would not require further consultation;
- in consultation with the Council's Roading Engineer, he did not feel that yellow parking lines on the eastern side of the South Service Lane were required as parking did not occur often and, as Council was aware of the possible issue, it would be monitored.

Mrs Sophie Campbell, in speaking to the submission from Truebridge Associates, reiterated the issues behind the request for a parking restriction outside Truebridge's premises at 522 Cambridge Street. She said Truebridges would be happy with a P120 restriction, which would be in line with other parking restrictions in the area and it would discourage 'all day parking' which was a concern for them and some neighbouring businesses.

Mr Graeme Thompson expressed his objection to the installation of parking meters, particularly outside the Council building. Whilst he was not against the location of already installed meters as their cost was reasonable, he felt extending meters to the proposed areas not a positive move and time based restrictions would be more flexible.

Mrs Burbery also expressed her opposition to the installation of parking meters south of the Oxford Street/Bath Street lights, which she felt extended the CBD and could lead to a further proliferation of meters.

Mr Lepper explained the rationale behind the suggested use of parking meters in the proposed areas commenting that meters were an efficient way of monitoring a restriction and were less labour intensive. Meters were monitored only during working hours, not weekends and public holidays, and any change to this regime would need to go to Council.

If parking meters were not considered appropriate for the areas proposed, Mr Lepper requested some form of time restriction. His recommendation would be:

- P120 outside the Opportunity Shop, which would be consistent with what applied on that side of the road;
- P60 outside the Tender Centre and Civic Building, which would be consistent with what generally applied down to Liverpool Street;
- P60 outside Cobb & Co and the New World Fuel Facility.

Resolved

(Judd / McMeeken)

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

Resolved

(McMeeken / Murray)

"THAT the proposed P60 time restriction on the western side of Cambridge Street, Levin, outside Prior and Palmer Limited be designated as a P120 time restriction and be extended to include the eastern side of Cambridge Street outside 106 and 108, and Queen Street outside 520 and 522 and, as detailed in the amended Proposed Amendments (February 2009) to Parking Restrictions Schedule, numbers 12, 13 and 15."

Resolved

(McMeeken / Judd)

"THAT a P60 restriction be placed in Oxford Street outside the Civic Building, Tender Centre and Cobb & Co Restaurant, as detailed in the amended Proposed Amendments (February 2009) to Parking Restrictions Schedule, numbers 8, 9 and 10."

Resolved

(McMeeken / Judd)

"THAT the metered restriction currently applying in Bath Street between New World and the Oxford/Bath Street intersection, be distance redefined as detailed in the amended Proposed Amendments (February 2009) to Parking Restrictions Schedule, number 11."

Resolved

(Judd / Murray)

“THAT a P120 restriction be placed on the new formed carpark on Oxford Street outside the Opportunity Shop, as detailed in the amended Proposed Amendments (February 2009) to Parking Restrictions Schedule.”

Resolved

(McMeeken / Judd)

“THAT the Hearing Committee recommend to the Horowhenua District Council for resolution the Proposed Amendments (February 2009) to the Parking Restrictions Schedule.”

The Chair thanked the submitters who had spoken to the Traffic & Parking Bylaw 2007 amendments for their attendance and comments.

The meeting adjourned from 4.50 to 5.00 pm

Item-42 Applications for Special Exemptions under the Requirements of the Fencing of Swimming Pools Act 1987

File No 3869

Purpose

Purpose of the Report:

- (i) The Hearing Committee has been delegated authority by Council to hear and determine applications for Special Exemptions under the Fencing of Swimming Pools Act 1987.
- (ii) To provide the forum for the Hearing Committee to hear and consider the three (3) applications that have been received; decide whether exemptions should be granted; what, if any, additional conditions should apply to granted exemptions other than the three standard approval conditions; and provide appropriate recommendations to Council for adoption.

It was NOTED that in terms of (ii), the Hearing Committee had delegated authority to determine the outcome of the special exemptions applications and was not required to provide appropriate recommendations to Council for adoption.

Resolved

(McMeeken / Judd)

“THAT Report 3869 be received.”

Mr Lepper and Mrs Clark, Council’s Building Advisory & Compliance Officer, joined the table to speak to this report.

Mr Denis O’Neill was welcomed to the table to speak in support of his application for a Special Exemption. Mr O’Neill reiterated the information provided in his submission. A copy of Mr O’Neill’s comments are **attached** to the official minutes.

Mrs Clark, in responding to Mr O’Neill’s comments and queries from Hearing Committee Members, advised that her recommendation with regard to the O’Neill’s pool was based solely on the legislation and the layout of the property, with the O’Neill’s pool readily being able to be

fenced, whereas, at the Gillies' property, fencing would be problematic because of the location of the pool.

After further consideration, Mrs Clark said she would amend her recommendation to decline the exemption application with regard to the O'Neill's pool to the provide for the granting of an exemption subject to the fitting of automatic doors closers on the three doors into the pool area and the fitting of an approved pool alarm, together with the standard conditions.

Resolved

(McMeeken / Murray)

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

Resolved

(McMeeken / Murray)

"THAT the exemption application from Mrs June Gillies for the property at 6 Titoki Place, Levin, be approved with the following conditions:

- 1. the exemption only applies to the present owners and if the property is rented, leased or sold, the exemption ceases to apply;*
- 2. the conditions of the exemption will be subject to an annual check by Council, for which a fee may be charged;*
- 3. the exemption may be withdrawn at any stage by resolution of the Hearing Committee;*
- 4. that an ASTM approved pool alarm is installed in the pool;*
- 5. that the pool alarm is hardwired and subject to recorded annual checks and/or services by an authorised agent, to ensure that it continues to operate correctly;*
- 6. that the alarm system meets the USA ASTM safety standards;*
- 7. that the control for the alarm be situated at least 1.5 m from the ground so as to not be accessible to children under the age of 6 years;*
- 8. that all doors accessing the pool area be fitted with suitable auto closing and latching mechanisms;*
- 9. that the requirements of conditions 4-8 inclusive be complied with within two (2) calendar months following confirmation of the Special Exemption by Council;*
- 10. that no children under the age of six reside on the property."*

Resolved

(McMeeken / Murray)

"THAT the exemption application from Denis and Jill O'Neill for the property at 25 MacArthur Street, Levin, be approved with the following conditions:

- 1. the exemption only applies to the present owners and if the property is rented, leased or sold, the exemption ceases to apply;*
- 2. the conditions of the exemption will be subject to an annual check by Council, for which a fee may be charged;*
- 3. the exemption may be withdrawn at any stage by resolution of the Hearing Committee;*
- 4. that an ASTM approved pool alarm is installed in the pool;*
- 5. that the pool alarm is hardwired and subject to recorded annual checks and/or services by an authorised agent, to ensure that it continues to operate correctly;*
- 6. that the alarm system meets the USA ASTM safety standards;*

7. that the control for the alarm be situated at least 1.5 m from the ground so as to not be accessible to children under the age of 6 years;
8. that all doors accessing the pool area be fitted with suitable auto closing and latching mechanisms;
9. that the requirements of conditions 4-8 inclusive be complied with within two (2) calendar months following confirmation of the Special Exemption by Council;
10. that no children under the age of six reside on the property."

Resolved

(Judd / Murray)

"*THAT the exemption application from Mr Christopher and Mrs Carol Ranking for the property at 37 Kawi Road, Levin, be approved with the following conditions:*

1. the exemption only applies to the present owners and if the property is rented, leased or sold, the exemption ceases to apply;
2. the conditions of the exemption will be subject to an annual check by Council, for which a fee may be charged;
3. the exemption may be withdrawn at any stage by resolution of the Hearing Committee;
4. that no children under the age of six reside on the property."

The meeting adjourned at 5.35 pm and reconvened at 6.30 pm for a meal break and to await the arrival of the parties in relation to the Appeal Against Menacing Dog Classification.

MOTION TO EXCLUDE THE PUBLIC

Resolved

(Murray / McMeeken)

"*THAT the Horowhenua District Council Hearing Committee 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 43 Appeal Against Menacing Dog Classification

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

AND FURTHER

THAT the decision reached during the public excluded section of the meeting be made public."

MEETING CLOSURE

There being no further business the meeting concluded at 7.38 pm.

CONFIRMED this day of

.....
Chairperson

Horowhenua District Council Traffic & Parking Bylaw 2007
Proposed Amendments (February 2009) to Schedule 2 - Parking Restrictions

Number	Street Name	Start Location	Side of Road	Portion Affected	Time Limit	Restrictions	Comments
1	Oxford Street	Bath Street kerb face	East Side	Extending 37m from Bath Street in a southerly direction	At all times	No stopping	The original no stopping markings have been adjusted to correspond with new road layout
2	Oxford Street	Bath Street kerb face	East Side	61m from Bath Street extending 94m in a southerly direction	At all times	No stopping	The original no stopping markings have been adjusted to correspond with new road layout
3	Oxford Street	Bath Street kerb face	West Side	Extending 73m from Bath Street in a southerly direction	At all times	No stopping	The original no stopping markings have been adjusted to correspond with new road layout
4	Oxford Street	Bath Street kerb face	West Side	116m from Bath Street extending 7m in a southerly direction	At all times	No stopping	The original no stopping markings have been adjusted to correspond with new road layout
5	Oxford Street	Durham Street kerb face	West Side	Extending 30m from Durham Street in a southerly direction	At all times	No stopping	The original no stopping markings have been adjusted to correspond with new road layout
6	Oxford Street	Durham Street kerb face	West Side	Extending 6m from Durham Street in a northerly direction	At all times	No stopping	The original no stopping markings have been adjusted to correspond with new road layout
7	Bath Street	Oxford Street kerb face	South Side	Extending 60m from Oxford Street in a southerly direction	At all times	No stopping	The original no stopping markings have been adjusted to correspond with new road layout

8	Oxford Street	Bath Street kerb face	East Side	37m from Bath Street extending 24m in a southerly direction	P60	At all times	Outside the Tender Centre
9	Oxford Street	Bath Street kerb face	East Side	154m from Bath Street extending 30m in a southerly direction	P60	At all times	Outside the Civic Building
10	Oxford Street	Bath Street kerb face	West Side	73m from Bath Street extending 42m in a southerly direction	P60	At all times	Between Cobb & Co and the New World Fuel Facility
11	Bath Street	Oxford Street kerb face	South Side	60m from Oxford Street extending 40m in a westerly direction	Metered	At all times	Current metered restriction. Distance adjustment only for confirmation
12	Cambridge Street North	Queen Street kerb face	East Side	40m from Queen Street East extending 20m in a northerly direction	P120	At all times	Outside Rovon Furniture and Smith Automotive

13	Cambridge Street North	Queen Street kerb face	Street	West Side	70m from Queen Street East extending 20m in a northerly direction	P120	At all times	Outside Prior & Palmer
14	Oxford Street	Durham Street kerb face	Street	West Side	30m from Durham Street extending 6m in a southerly direction	P120	At all times	1 new car park outside the Opportunity Shop, Oxford Street
15	Queen Street East	Cambridge Street kerb face	Street	South Side	39m from Cambridge Street extending 26m in an easterly direction	P120	At all times	Outside Truebridge Associates

Item-1694 Proceedings Hearing Committee 2 April 2009

File No **3909**

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

From: **Facilities Assets Manager**

Date: **6 May 2009**

1. Purpose

- a. To present to the Horowhenua District Council the minutes of the meeting of the Hearing Committee held on 2 April 2009.

2. Recommendation

- a. That Report 3909 be received.
- b. That the Horowhenua District Council **receive** the minutes of the Hearing Committee meeting held on 2 April 2009.

3. Issues for Consideration

- a. There are no issues that will require further consideration by the Horowhenua District Council.

Prepared

Approved for Release

Peter Shore
Facilities Assets Manager

Braden Austin
Manager - Community Assets

4. Attachments

- a. Minutes Hearing Committee 2 April 2009
-

MINUTES OF THE MEETING OF THE HEARING COMMITTEE OF THE HOROWHENUA DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, 126-148 OXFORD STREET, LEVIN, ON THURSDAY, 2 APRIL 2009 COMMENCING AT 4:15 PM

PRESENT

Cr D A Allan (Chair)
Cr L E McMeeken
Cr G G Good

IN ATTENDANCE

Mr P J T Shore (Facilities Assets Manager)
Mrs K J Corkill (Meeting Secretary)

ALSO IN ATTENDANCE

Ms C Robilliard (Consultant, Parks & Open Spaces)

MEDIA IN ATTENDANCE

Ms S Gillies ("Horowhenua Mail")

PUBLIC IN ATTENDANCE

Submitters to Speak

- | | | |
|----|-------------------------------|--|
| 1. | Christina Paton | Manawatu Estuary Trust |
| 2. | Ross Brannigan | Foxton Beach Improvement Society (apologised, not available) |
| 3. | Mike Nielsen/Vivienne McGlynn | Department of Conservation, Palmerston North |
| 4. | Grant Purdie | Foxton Beach Coast Care Society |
| 5. | Phillip Orchard | Cross Country Vehicle Club Wellington Inc |
| 6. | Basil Vertongen | Foxton Community Board |

ANNOUNCEMENTS

The Chair opened the meeting, explaining that the Hearing Committee had been given delegated authority, at Council's 10 December 2008 meeting, to hear the further submissions and to make a decision to adopt the Management Plan without the matter having to be referred on to Council. The Committee would deliberate in public and would make a decision by the end of the evening, which decision would be final.

In outlining the process for the evening, Cr Allan said it would be helpful if the submitters could focus on the resolutions that had come out of the previous meetings to assist the Committee in its deliberations.

REPORT

Item-44 Foxton Beach Coastal Reserves Draft Management Plan

File No 3891

Purpose

To hear verbal submissions from any parties who submitted to the Management Plan
As a result of further submissions to review the recommendations previously passed at the Hearing Committee meeting of 11 November 2008.

For the Hearing Committee to adopt the Foxton Beach Coastal Reserves Draft Management Plan.

For the Hearing Committee to recommend to the Minister of Conservation adoption of this plan as required under the Reserves Act 1977.

Resolved

(McMeeken / Good)

"THAT report 3891 be received."

"THAT this matter or decision be recognised as not significant in terms of s76 of the local Government amendment act 2002."

Mr Shore was joined at the table by Ms Robilliard, Consultant from Parks & Open Spaces, who had worked on the draft Management Plan. Mr Shore said he felt that the Foxton Beach Coastal Reserves Management Plan as drafted was a reflection of the community's aspirations and while it was not an easy task to meet everyone's requirements and expectations, there was now an opportunity to move forward with a plan that had been widely debated.

Mr Shore noted that the Department of Conservation had advised that the Management Plan did not need the approval of the Minister of Conservation and the recommendation to that effect should be deleted.

As a matter arising from the Minutes of the Hearing of 11 November 2008, Mr Shore requested a correction, as follows:

Resolved

(McMeeken / Good)

"THAT the Hearing Committee recommendation of 11 November 2008 (page 12 in the resolution after notes on Submitter 10) be corrected to read "That the Hearing Committee recommends that Area 2 (not Area 3 as in the Minutes) not be designated for residential use."

Mrs Paton, on behalf of the Manawatu Estuary Trust, said she was at the meeting to answer any questions that may have arisen from her presentation on behalf of the Manawatu Estuary Trust at Council's 10 December 2008 meeting. The main point she wanted to emphasise was in relation to the width of the base line coming out from Marine Parade, with the 200 m from the first line of vegetation proposed by MET being taken direct from Horizons Proposed One Plan. She also noted the research on the planting of marram grass was information already available and, apart from that, MET's submission of 10 December 2008 still stood.

With Mr Brannigan not yet in attendance, Ms Vivienne McGlynn from the Department of Conservation, Palmerston North, spoke on behalf of DOC, with the following key points raised:

- the Department supported the plan in principle;
- sand dunes were an unrepresented habitat and because of this the dune fields in the Manawatu had suffered;
- the coastal eco system had been under-valued and mismanaged;
- the Department would still stand by its view that Area 3 should not be developed, particularly in light of Policy 8.1.3;

- the area north of the Life Saving Club would make a significant contribution to a regional park development;
- dune country was very mobile and a substantial area was needed for such an environment;
- when talking about conservation and protecting systems, this was not just a matter of erosion control;
- with regard to Area 3, vehicles did destroy such environments and DOC would like to see vehicles excluded, pest control and re-vegetation using native species followed;
- the area could be developed for passive use such as walking,
- there was a conservation strip in the northern part of Area 3 which had been identified by the Department as an area for protection with the land owner's cooperation.

Mr Purdie, representing Foxton Beach Coast Care, commented on various issues raised at previous meetings, including the foredunes, future management and community involvement, wardens, etc. A copy of Mr Purdie's verbal submission is **attached** to the official minutes.

In response to queries from Committee members, Mr Purdie said:

- in relation to northern area, the tension between environmental values and residential housing had been mentioned, which was a difficult issue to resolve;
- Coast Care had been endeavouring to focus on the coast itself rather than the land behind it;
- community views could sometimes be stronger and at odds with other views;
- Coast Care wanted to encourage people to recognise and have regard for conservation values;
- where did conservation actually lie, with what the community wanted or to let nature take its course?
- as a matter of principle, Coast Care would prefer not see any further housing in Area 2;
- the area was not large; however, there was already housing there and something needed to be done about the current problems.

Mr Phillip Orchard attended in place of Paul Adams, speaking on behalf of the Cross Country Vehicle Club Wellington Inc. He noted that the Club had made a substantial written submission on 23 October 2008, followed by a further verbal submission on 11 November 2008, with all the comments made remaining valid. Generally the Cross Country Vehicle Club supported the Draft Management Plan, with which it had been involved from the commencement of the process. The Club had a long association with the area in terms of helping to support the community and Mr Orchard felt the Council had reached an appropriate balance between competing parties. The Club would support Council in what it was proposing for an area which gave much pleasure to many people.

Mr Basil Vertongen was welcomed to the table to speak on behalf of the Foxton Community Board. Mr Vertongen commented:

- the Foxton Community Board felt that Area 1 had the potential to provide residential development which would, with the extension of the flat top system, slow down sand movement through that area and address the problem of the dunes that were getting higher and higher;
- with further residential development and the extension of the Camp a walking track could be development to extend the current walkway system so that it made a full circuit around the area;
- the Board would like to see a resolution regarding development in Area 1 to provide for residential development at some stage in the future;
- Area 2 was a different proposition as there were currently moving sand dunes that were threatening housing in Cousins Avenue and Hennessey Street.

The meeting adjourned briefly (4.12-4.17 pm) for the Committee to consider two resolutions regarding Area 1. It was agreed that the resolution from Submitter 5 in relation to Area 1 be deleted as the issue was covered elsewhere.

Mr Vertongen continued:

- trees had also become a threat in Area 2;
- the Board did not want to see housing on the seaward side of Marine Parade, with Council already having bought back sections in areas it could not control sand dunes;
- he was disappointed that Committee Members had not taken up his offer to come a view the area to give them a better idea of the issues and suggested they should make a site visit before making a decision;
- as there was already development in the area Council needed to look after it and Council could be facing a huge cost if it did not do something about controlling the sand dunes that were currently encroaching;
- new residential development could provide funds to assist with flat topping the dunes;
- the Board had been happy with the Plan that had been consulted upon and there had been no dissenting voices at the public meeting held by the Board, with the Plan being well supported.

Mr Shore extended Ross Brannigan's apologies to the meeting. He had been unable to attend due to an emergency, but confirmed that the Foxton Beach Improvement Society's submission stood.

Mr Shore and Ms Robilliard spoke to the comments made by submitters:

- with regard to the proposed buffer zone and the potential differences between the 75-100 m and 200 m, any additional resources that would be required if the buffer zone was extended had not been quantified, but were not considered to be significant;
- however, having the foredune area as wide as possible would be ideal;
- the Draft Plan did require Council to move to a more conservation type of management over time;
- there had been general agreement during the course of consultation that a 75-100 m width seemed to be a comprise width to have classified as a reserve and it could be helpful to further research this;
- there were some difficulties not only in the width of the buffer zone, but also how this was measured;
- it would not be possible to have development within the 200 m buffer zone;
- it was recommended, should the Committee so decide, that including the wording proposed by Mrs Paton and as used in the Proposed One Plan, "from the first line of vegetation" could be helpful for clarity;
- there was the ability to review the Plan in the future and it would be interesting in five or so year time to measure what had been achieved.

In responding to a query as to whether there would be any significant cost implications for Council, Mr Shore said that Council would be required to manage the area more or less as it had done in the past and would now have the challenge of implementing the Plan at an operational level. At present Area 3 was regularly aerial surveyed as to where blow outs were occurring. One area of focus in recent times had been to block access ways where quad and motor bikes had been getting on to the beach.

Ms Robilliard also noted that if the buffer zone was extended to 200 m it would be protected under the Reserves Act and would give certainty to that area. The Plan also provided that the

land be managed and appropriately developed within available resources, and volunteer and Coast Care groups could assist in this regard.

Resolved

(McMeeken / Allan)

"THAT the Coastal Buffer zone shall be 200 metres width from the first line of vegetation."
CARRIED

Resolved

(McMeeken / Good)

"THAT Area 3 be managed under the policies of the Foxton Beach Coastal Reserves Management Plan."

The driving speed allowed on the beach had been raised, with a request to limit the speed allowed in front of the carpark. It was noted that the Plan, in 2.1.2 (6) allowed for 10 kph between the two existing beach accessways at the southern end of the carpark and north of the surf club, and from the camping ground to the river bank sand flats.

Resolved

(McMeeken / Good)

"THAT the matter of the speed in front of the car park area be referred to Council in its review of this bylaw."

Mr Shore noted the private intervention by land owners north of Area 3 and the tapering nature of the area as it came to an end. Typically there would continue to be problem areas which would provide challenges for Council.

Mr Shore continued:

- Area 3 was a highly compromised area;
- Council wanted to do the very best it could to reflect what was good practice - reflecting what nature intended which included the planting of native grasses, etc, but not allowing the dunes to follow their natural course, which was to move inland;
- Council would always be intervening to repair blow outs and providing more planting that might naturally occur;
- the Management Plan was endeavouring to achieve a good compromise which reflected, where possible, conservation values;
- support and continued intervention would be required in Area 2, particularly where residential housing was in much closer proximity to the coastal foredunes;
- he did not recommend flat topping as the Management Plan required Council to follow process that were sympathetic to good beach management. Lowering and contouring were advised and researched best practice methods;
- he believed the erosion and dune movement issues in Area 2, raised by the Community Board Chair, could be managed in ways other than allowing residential development.

Ms Robilliard commented that the approach in the Management Plan was for adaptive management. She also raised the matter of the sediment coming down the river along that coast

and the issues that caused for the area which were outside of anyone's control. If more subdivision was allowed along the coast the current problems would continue to occur.

The Chair spoke in relation to Area 2 and the issue of allowing more residential development. The Community Board had expressed strong view on the matter. In light of the housing already there, he suggested that, because any further development would be subject to a rigorous Resource Management process, further limited development would not be inappropriate.

Moved: Allan

"That Area 2 be designated for residential to the eastern side of Marine Parade only."

The resolution lapsed for want of a seconder.

Cr Good, although he had sympathy for the need for a community to further develop its area, felt that if the area was not designated for residential use, it did not preclude someone applying for resource consent, although a strong Management Plan could make it difficult.

Cr McMeeken endorsed the original resolution that Area 2 not be designated for residential development as she did not believe there was a need for it. She felt, from the evidence provided by officers, that it would be unwise to allow further development in such an unstable area.

It was noted that Council's Development Plan was silent on this area awaiting the adoption of the Management Plan, although the Consultant's had indicated they were not keen to see residential development here and Ms Robilliard also strongly advised against it.

Resolved

(McMeeken / Good)

"THAT Area 2 not be designated for residential use."

CARRIED

Mr Shore commented further on issues with regard to Area 1 saying, whilst he appreciated the Board's stance, its interpretation of control and managing the sand dunes were at odds with his. He did not believe flat topping was a sustainable management approach. Whilst some form of mechanical intervention was appropriate in the first instance, he did not recommend maintaining a "flat topping" regime, but rather lowering//flat topping followed by appropriate planting, fencing, signage and fertilising. Whilst issues had been accelerated by quad bike and 4-wheel drive activity, he was hopeful that these would not be as much of a problem in the future. He did support the Boards recommendation for a walkway around the area.

Ms Robilliard's view was that Area 1 was on the spit, adjacent to the river and the sea, and putting residential development in that dynamic area would not be something she would advise.

Resolved

(Good/Allan)

"THAT Area 1 be designated for limited residential use and the extension of the camping ground."

Cr McMeeken recorded her vote against the motion.

In relation to an issue raised by Cr Hunt, it was requested that the Management Plan be checked to ensure that what was included was not contrary to any Council bylaws.

Mr Shore advised he had assisted Mr Crockett, Council's Operations Manger, who had been working on a Beach Bylaw and would ensure that both documents were aligned.

Resolved

(McMeeken / Good)

"THAT the Hearing Committee receives all submissions and adopts the amendments identified, as follows:

Submitter 2 - Kerry Rabone

Resolved

(Good / McMeeken)

"THAT Policy 2.1.3 6 be reworded as follows: A suitable location for a horse float park is to be investigated in conjunction with appropriate interest group."

Submitter 3 - Horowhenua District Council

Resolved

(McMeeken / Good)

"THAT the draft plan be amended, where all references occur, as per the submitter's corrections, i.e.

1. *Page 24 - Other Relevant Acts
Building Act is 2004 - not 1991.*
2. *Page 26 - Bylaws*
 - *Delete Animal Control - no such bylaw*
 - *Outdoor Fires - no such bylaw. Refer 'Prevention of Spread of Fires Involving Vegetation Bylaw 2007'*
 - *Dog Control Bylaw is 2004 not 1997*
 - *Need to add in Liquor Bylaw 2004 as it relates to Liquor bans in place."*

Submitter 4 - Ms L Savage

Resolved

(Good / McMeeken)

"THAT Council considers mechanisms to retain the land noted in public ownership so that it is publicly accessible."

Submitter 6 - Department of Conservation

Resolved

(McMeeken / Good)

"THAT:

- *page 16, the last sentence of the first paragraph under the heading 'Northern Dunelands' be rewritten as follows: This draft plan therefore recommends investigating with a registered surveyor the most appropriate approach to separating the area closest to the beach (foredunes and their associated backdunes), surveying it.*

- page 17, the last sentence of paragraph 2 be rewritten as follows: This means that ... but must operate within the provisions of the Reserves Act;
- page 17, last line to read 'Lot 16, DP21404', check the status of the land and make changes as necessary;
- page 18, top of the page, remove reference to Papangaio J and the last bulleted point to read 'Sec 3 Block II SO 26064';
- pages 18 and 19, re discussion of Scientific and Scenic B classification categories = no further action required;
- page 20, as per normal practice, legal descriptions be checked as part of reserve declaration and classification, and changes made where necessary;
- page 18, change the reference to read 'Foxton Ecological District: Survey Report for the Protected Natural Areas Programme 1992';
- page 65, under the heading 'Department of Conservation' to read: ...has reserves and conservation areas on the Manawatu coast and has responsibilities under the RAMSAR Convention in respect to the Manawatu Estuary and under the Foreshore and Seabed Act 2005. DOC also has an interest in accreted coastal land where it adjoins a reserve, as in the case of accreting land at the mouth of the Manawatu River once the adjoining land is declared and classified reserve as part of the management planning process..."

Submitter 8 - Rangitaane o Manawatu

Resolved

(McMeeken / Good)

“THAT:

- Page 11 - a new heading 'Iwi' be inserted after the paragraph on Manawatu Estuary and the two iwi with interest in the lands covered by the draft plan be identified, and reference made to the general location and importance of the traditional food gathering area as follows:

Iwi

Two iwi have interest in the lands covered by the draft plan: Rangitaane O Manawatu and Ngati Raukawa ki te Tonga. Iwi also have interest in customary resources such as traditional food gathering along the coast near the estuary and pingao harvesting within the area covered by the management plan.“

Resolved

(Good / McMeeken)

“THAT to fully address the submitter’s concerns:

- i) Page 44 under the heading 'Introduction' - the second sentence be extended to include customary use of resources as follows:
... and the river, estuary and coast were important sources for food and other resources.
- ii) Page 45 under the heading 'Issues' – the final issue be extended to read:
Customary use of resources such as traditional food gathering and pingao harvesting.
- iii) Page 46 Policy 3.1.2 Traditional Land Use – amend Policy 1) by deleting the phrase “whether there is any”... and refer to traditional food gathering, and add to the comment under policy 2) as follows:
Policy 1) Discussions will be held with iwi to establish historical and cultural use of the lands covered by the draft plan and traditional food gathering along the adjacent coast and estuary detailed in the Maori Fisheries Act 1992 that need to be taken into account when managing the lands.

Policy 2) Comment:

This may include customary use of resources on the land and adjacent estuary and coastal areas, such as harvesting of pingao, traditional food gathering, and those detailed in the Maori Fisheries Act 1992.”

Resolved

(McMeeken / Good)

“THAT:

- i) That Map 2 is adjusted to show that the area covered by this land parcel is outside the policies of this management plan and*
- ii) That reference to the land parcel is deleted from Figure 2: Property Details.*
- iii) Reference to Papangaio J on page 18 at the top of the page is removed.”*

Resolved

(Good / McMeeken)

“THAT in relation to the declaration and classification of reserves and proposed classification categories, no further action is required.”

Resolved

(Good / McMeeken)

“THAT no further action is required in relation to further options for protecting the lands and their site values.”

Resolved

(McMeeken / Good)

“THAT in relation to Manawatu Whenua and settlement of claims, no further action is required.”

Resolved

(McMeeken / Good)

“THAT the spelling of Te Wharangi Pa and Parurarauha Kainga be corrected and the pa and kainga referred to as Rangitaane pa and kainga.”

Resolved

(Good / McMeeken)

“THAT acceptance of the offer from TMI to provide text on cultural and pre-European history of the area and include it in the introduction to Section 3, Cultural and Heritage.”

Resolved

(Good / McMeeken)

“THAT a footnote be added to item iv on Page 46 as follows: Tanenuiarangi Manawatu Inc is one of the primary points of contact should a site be accidentally uncovered during physical works and is a registered collector of artifacts.”

Resolved

(Good / McMeeken)

"THAT in relation to Policy 4.1.4 Management Plan Review, that no further action is required."

Resolved

(McMeeken / Good)

"THAT the following be added to the issues and objective in the section headed 7. Promotion/Education (page 54):

Issues

- *Improving information on the lands and their historical and cultural context.*

Objective

- *To promote, market, interpret, provide information and develop signage and interpretative panels to highlight and protect the special qualities and values of the lands covered by the draft plan as well as the historical and cultural context, and extend opportunities for community and visitor education and enjoyment."*

Resolved

(McMeeken / Good)

"THAT the following words be added to the end of the section headed "Tourism Opportunities" as follows: ... in consultation with iwi including Rangitaane O Manawatu."

Resolved

(Good / McMeeken)

"THAT:

1. *Sub section Mana Whenua be moved to page 63 and to come directly after the introduction under the heading 'Statutory and Non-Statutory Interest Groups, Iwi and Foxton Beach Communities'.*
2. *Reference to Tanenuiarangi Manawatu Incorporated be moved to come first in the list of iwi representative organisations in the area.*
3. *Reference to Tanenuiarangi Manawatu Incorporated read as follows:
Tanenuiarangi Manawatu Incorporated is the iwi authority for Rangitane O Manawatu."*

Resolved

(Good / McMeeken)

"THAT no further action is required in relation to the submitter's request in relation to new names as there is no specific reference to names in the draft plan and this issue was not identified during the draft plan's development."

Resolved

(McMeeken / Good)

"THAT no further action is required at this point in time in relation to the enhancement and protection of shell fish species in the area and recognition of customary use of this traditional resource."

Submitter 9 - Horizons Regional Council

Resolved

(McMeeken / Good)

"*THAT:*

- i) *To emphasise the importance of the RAMSAR site, identify the site and its boundaries on Map 2."*

Resolved

(Good / Allan)

"*THAT:*

- ~~ii) *in light of the submission, the matter of Area 1 being set aside for residential development and for extension of the camping ground, and Area 3 being set aside until future use has been identified, be referred to the Council for further consideration and in the interim the area be managed under the policies of the Foxton Beach Coastal Reserves Management Plan."*~~

Amended to:

Resolved

(Good / Allan)

"*THAT Area 1 be designated for limited residential use and the extension of the camping ground."*

Resolved

(McMeeken / Good)

"*THAT Area 3 be managed under the policies of the Foxton Beach Coastal Reserves Management Plan."*

Submitter 10 - Department of Conservation

Resolved

(McMeeken / Good)

"*THAT Area 3 not be designated for residential use."*

Amended to:

"*THAT Area 2 not be designated for residential use."*

Resolved

(McMeeken / Good)

"*THAT the submitter's offer for a species list be taken up, clarify in the text that *Senecio elegans* is a weed, check that Latin names throughout the text are italicised and refer to the opportunities to re-establish *Eleocharis neozelandica* and *Libertia peregrinans**

AND FURTHER

THAT a plain English version of the species list be provided."

Resolved

(McMeeken / Good)

"THAT reference be made in the explanation to this Management Plan to the RAMSAR Site Vegetation Report and integration of management decisions from any future surveys with this report."

Resolved

(Good / McMeeken)

"THAT the addition to the explanation to the Management Plan a note on the importance and potential to integrate with the Manawatu Estuary Management Plan (Note that DOC has been included in the list of participating organisations under Policy 1.1.3 in the Action Plan, Appendix 3)."

Resolved

(Good / McMeeken)

"THAT in relation to the submitter's request re promotion and education in conjunction with promotion of the RAMSAR site, no further action is required."

Submitter 12 - Foxton Beach Coast Care Incorporated

Resolved

(Good / McMeeken)

~~*"THAT no further action is required in relation to the 75-100 metre protection depth from the seaward toe of the foredune."*~~

Amended to:

(McMeeken / Good)

"THAT the Coastal Buffer zone shall be 200 metres width from the first line of vegetation."

Resolved

(McMeeken / Good)

"THAT the addition of a bullet point to 'Issues' (page 35) - Protection of wading birds from rodents and predators, including dogs and cats."

Resolved

(McMeeken / Good)

"THAT:

- *no further action is required on the planting of marram grass until results of research have been established;*
- *the following be added to the explanation in Policy 1.1.2: Examples of animal pests on dunes are rabbits, hares and cattle 'escaped' from neighbouring properties. These animals eat or may trample on dune plants and cause erosion;*

- *the addition of an explanation after Policy 2.1.7 on what the phrase “environmental degradation or damage or nuisance” may be.”*

To be included:

(McMeeken/Good)

“THAT the matter of the speed in front of the car park area be referred to Council in its review of this bylaw.”

Submitter 13 - Cross Country Vehicle Club, Wellington

Resolved

(Good / McMeeken)

“THAT the footnote be re-worded in line with Policy 2.1.2.4) as follows: . and access be withdrawn, or restricted to members of appropriate clubs or to organised events should permit users drive outside the allowed route.”

Submitter 14 - Manawatu Estuary Trust

Resolved

(Good / McMeeken)

“THAT:

- the addition of the old tree dump to the introductory paragraph after the words ...former Foxton Beach land fill ...*
- the addition of RAMSAR boundaries to Map 2.”*

Resolved

(McMeeken / Good)

“THAT:

- *the addition of Kapiti Coast District Council to the list of agencies the Horowhenua District Council will liaise with on consistent Bylaw in Policy 4.1.1.2;*
- *that Certificates of Title be checked as part of reserve declaration and classification and added where necessary.”*

Resolved

(Good / McMeeken)

“THAT the addition of the following two publications: Foxton Beach Erosion Hazard Assessment and Seawall Resource Consent, to page 23 of the Foxton Beach Coastal Reserves Draft Management Plan.”

Resolved

(McMeeken / Good)

“THAT:

- the addition of a footnote to Objective 5 stating that ‘Protection of the carpark is covered by the Seawall Resource Consent’;*

- ii) deletion of the sentence in the explanation to Policy 1.2.1 4): Ability to respond to blowouts adjacent to the car park is currently limited by car park resource consent conditions.”

Resolved

(Good / McMeeken)

"THAT no further action is required in relation to the submitter's recommendations in relation to Recreational Resources."

Resolved

(Good / McMeeken)

"THAT no further action is required in relation to the submitter's suggestion to eliminate private tracks from Marine Parade properties."

Resolved

(McMeeken / Good)

"THAT:

- *that Policy 2.1.2.1 remain as written in the draft plan;*
- *that the appropriate Council officer(s) meet with the Manawatu Estuary Trust to determine where a dog on a leash may have access to the sand and mud flats."*

Resolved

(Good / McMeeken)

"THAT that no further action be taken in relation to Policy 2.1.7."

Resolved

(Good / McMeeken)

"THAT the removal of the reference to the map on page 44, paragraph 2, of the Foxton Beach Coastal Reserves Draft Management Plan."

Resolved

(McMeeken / Good)

"THAT:

- i) *That the point on 'desire lines' be reworded as follows:
Develop accessways to the beach based on desire lines where appropriate and where access has limited impact on dune vegetation.*
- ii) *Should the Hearing Committee recommend banning vehicle access to the Mackenzie Trail and this is endorsed by the Council, remove all references to developing the Mackenzie Trail.*
- iii) *No change to references to off-road vehicle routes along the beach."*

Resolved

(McMeeken / Good)

"THAT:

- *that no further action be taken in relation to deleting the reference on page 64, paragraph 1, to off road vehicles;*
- *page 67, Policy 8.1.1 - that updated information be obtained and the explanation be amended accordingly."*

Resolved

(Good / McMeeken)

"THAT the suggestion by the Foxton Beach Improvement Society in relation to education measures, such as the issuing of pamphlets and signage, and the offer of assistance for distribution be NOTED."

Resolved

(McMeeken / Good)

"THAT, subject to the amendments, the Hearing Committee adopts the Foxton Beach Coastal Reserves Draft Management Plan."

MEETING CLOSURE

There being no further business the meeting concluded at 6.57 pm.

CONFIRMED this day of

.....
Chairperson

Item-1695 Proceedings Audit Subcommittee 17 April 2009

File No **3907**

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

From: **Chief Executive Officer**

Date: **6 May 2009**

1. Purpose

- a. To present to the Horowhenua District Council the minutes of the Audit Subcommittee meeting held on 17 April 2009.

2. Recommendation

- a. That Report 3907 be received.
- b. That the Horowhenua District Council **receive** the minutes of the Audit Subcommittee meeting held on 17 April 2009.

3. Issues for Consideration

- a. The following items considered by the Audit Subcommittee meeting held on 17 April 2009 will require further consideration by the Horowhenua District Council and will be included on a future Council agenda:

There are no items requiring further consideration.

Prepared

D G Ward
Chief Executive Officer

4. Attachments

- a. Minutes of the Audit Subcommittee meeting held on 17 April 2009
-

MINUTES OF THE MEETING OF THE HOROWHENUA DISTRICT COUNCIL AUDIT SUBCOMMITTEE HELD IN THE TARARUA ROOM, 126-148 OXFORD STREET, LEVIN, ON FRIDAY, 17 APRIL 2009 AT 3.10 PM

PRESENT

Cr B F Judd (Chair)
Cr A D Rush
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 (Audit Director, Audit New Zealand)

APOLOGIES

An apology was recorded for Cr Keenan.

NOTED

DRAFT AUDITED 2009-2019 LTCCP

Updated copies of the Draft LTCCP 2009-2019 were distributed to the meeting.

Mr Ward noted the unqualified audit opinion received, which was a great result for Council, and he acknowledged the huge amount of work put in by Councillors and staff, particularly Mr Law and his finance team and Mr Clapperton.

The Chair commented that projected figures had only been included for three years, not the ten years as had been done previously. A supplement with the remaining seven years was available for those who were interested.

In response to a query from the Chair, Mr Kennerley confirmed that the three year cycle was not an uncommon practice with a number of councils.

The projected rate increase in year two of 15% and the loss in year three were discussed, with Mr Law clarifying that the loss in year three had to do with not funding full depreciation, which was being built up to year ten.

Mr Kennerley also noted that it was not uncommon for some councils to go the 9-10 years with a loss in each year.

Also raised in discussion:

- there were huge challenges ahead for the community as more projects were moved out;
- next year's increase depended on certain activities taking place this year, such as land purchases;

- the backlog of maintenance in certain areas had been raised at an earlier Asset Management Plan workshop and Council could not continue to defer maintenance;
- what Council was proposing was a different direction for the future and pressure may come from the community in terms of removal of differentials;
- there could be some adjustments with regard to projected costs for such things as Foxton Wastewater should there be a change from land based to water based disposal.

It was NOTED that the Mayor and the Chief Executive Officer had signed the representation letter and would initial each page of one copy of the draft LTCCP 2009/2019 document.

Mr Kennerley commented that what had been produced was a good template for the future. Comparatively, it was 'right up there' with LTCCPs produced by other councils and was of a similar size (just over 300 pages).

Resolved

(Rush / Duffy)

"THAT this matter be recognised as significant in terms of Section 76 of the Local Government Act 2002."

"THAT the Audited Draft 2009-2019 LTCCP be approved by the Audit Subcommittee for recommendation for its adoption and release for public consultation by Council at its Special Meeting on 17 April 2009."

CARRIED

CONFIRMATION OF MINUTES

Audit Subcommittee Meeting - 10 December 2008.

Resolved

(Rush / Judd)

"THAT the Minutes of the Audit Subcommittee Meeting held on 20 December 2009 be confirmed as a true and correct record."

MATTERS ARISING

There were no matters arising.

MEETING CLOSURE

There being no further business the meeting concluded at 3.40 pm.

CONFIRMED this day of

.....
Chairperson

REPORTS

Item-1696 Monitoring Report Horowhenua District Council to 6 May 2009

File No 3900

To: His Worship the Mayor and Councillors
Horowhenua District Council

From: Chief Executive Officer

Date: 6 May 2009

1. Purpose

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

2. Recommendation

- a. That Report 3900 be received.

Prepared

D G Ward
Chief Executive Officer

3. Attachments

- a. HDC Monitoring Report to 6 May 2009

**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 School Water Supply	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	August 2009		The Chief Executive is still attempting to arrange an appropriate meeting time with the current Trustees of Hokio A Trust to discuss this and other related matters. We have also been in discussion with a fellow local authority with regard to their outstanding rates from these properties. If we fail in our ability to make contact with Hokio A Trustees in a reasonable period of time, we will not hesitate to pursue legal options.
7.3.07	1182	63 Johnston Street, Foxton	<i>That the Council offer for sale to the adjoining owner at current market value.</i>	D Ward	August 2009		The Chief Executive and the prospective purchaser are currently negotiating an acceptable price for this property.

**MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
2 Jul 2008	Item 1524	Monitoring Report Horowhenua District Council to 2 July 2008	<i>"THAT the matter of the proposed purchase of approximately 400m², being part of Pt Lot 1 DP 9897, in the name of RG & BS Packer, at the agreed price of \$43,500.00 plus GST, be referred back to the Foxton Community Board for further consideration."</i>	D Clapperton	March 2009		Council staff are currently preparing purchase documents which will close this matter.
4 Feb 2009	Item 1654	Councillor Remuneration	<i>"THAT the Chief Executive Officer be requested to engage an appropriate person to conduct an independent review of the remuneration allocation of the indicative pool to councillors and have the review returned to the April 2009 Council Meeting."</i>	D G Ward	14 April 2009		This matter is incorporated in the Chief Executive's report to today's meeting.
4 Feb 2009	Item 1655	Chief Executive Officer's Report to 4 February 2009	<i>"THAT officers provide a report to Council on the viability of employing smaller contractors to maintain Parks and Reserves across the District."</i>	W Crockett	November 2009		This matter is incorporated in the Chief Executive's report to today's meeting.

**MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
4 Mar 2009	Item 1662	Proceedings Foxton Community Board 9 February 2009	3.a. (i) <u>Forbes Road Subdivision - Proposed Street Names</u> <i>"THAT the new road names for Forbes Road Subdivision be Oxnam and Story, with Loader being a back up option if required."</i> 3.b. (ii) <u>Foxton Beach Motor Camp - Development Plan</u> <i>"THAT the Development Plan for the Foxton Beach Motor Camp be consulted on with the Foxton Beach community."</i>	M Tregonning W Crockett		Completed May 2009	Signs being installed To be included as part of the LTCCP process. Plans will be available for the Foxton Beach LTCCP meeting.
4 Mar 2009	Item 1663	Proceedings Joint Transport and Health Services Subcommittee 20 February 2009	<i>"THAT the Chief Executive Officer facilitate a meeting of interested agencies in relation to doctor recruitment and retention."</i>	D M Clapperton	17 April 2009	Completed	Meeting of interested agencies held on 17 April 2009.
4 Mar 2009	Item 1668	Moutoa Hall	<i>"THAT Council request staff to discuss the vesting of the Moutoa Recreation Reserve back to the Moutoa Hall Committee."</i>	D G Ward	May 2009		This matter is addressed as a separate item on today's agenda.

**MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
1 Apr 2009	Item 1690	Multi-Purpose Facility in Foxton	<i>"THAT Report 3893 on a multi-purpose facility in Foxton be received." "THAT the Joint Recommendation from Tangata Whenua in the Foxton Area and the Dutch Connection Museum Trust be received and the requirements in the recommendation noted."</i>	D M Clapperton	30 June 2009		Project Steering Group established to prepare feasibility study and recommendation on proposed Foxton Multi-purpose facility by 30 June 2009. First meeting held on 4 April 2009
1 Apr 2009	Item 1680	Foxton Beach Freeholding Account	<i>"THAT Report 3889 be received."</i>	D M Clapperton	30 June 2009		Separate consultation document on Freeholding account distributed with LTCCP Summary.
1 Apr 2009	Item 1681	Horowhenua Library Trust - Draft Statement of Intent 2009-2010	<i>"THAT Council receives the draft Statement of Intent 2009/2010 from the Horowhenua Library Trust." "THAT Council advises the Horowhenua Library Trust that it does not accept the draft Statement of Intent for 2009/2010." "THAT Council requests the Horowhenua Library Trust to modify the draft Statement of Intent, specifically on the</i>	D M Clapperton	30 June 2009		Letter written to Horowhenua Library Trust advising Council's decision. Awaiting response and amended Statement of Intent.

**MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<p><i>following aspects:</i></p> <p>(i) <u>Funding</u> <i>The Trust is to review the strategies required to generate 20% of operating costs from "other income" sources</i></p> <p>(ii) <u>Funding</u> <i>The Trust to recalculate budgets for the three years of the Statement of Intent based on the following Council grant:</i></p> <p><i>2009/0 920,000 2010/11 1,108,600 2011/12 1,163,620."</i></p>				
1 Apr 2009	Item 1677	Proceedings Foxton Community Board 23 March 2009	<i>"THAT the Horowhenua District Council receive the minutes of the Foxton Community Board meeting held on 23 March 2009."</i>	D M Clapperton		Completed	
1 Apr 2009	Item 1678	Proceedings Creative Communities Assessment Committee meeting 30 March 2009	<i>"THAT the Horowhenua District Council ratifies the following allocations totalling \$10,780 from the Creative Community New Zealand Local Assessment Fund:</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
1 Apr 2009	Item 1679	Monitoring Report Horowhenua District Council to 1 April 2009	<i>"THAT a report be provided to Council identifying the status of the current maintenance contracts held by Council."</i>	D G Ward		Completed	
1 Apr 2009	Item 1682	Submissions on Amendments to the Resource Management Act and Building Act.	<i>"THAT officers be authorised to make a submission in the manner set out in this report on behalf of the Council on the Building Amendment Bill 2009 for confirmation at the April Council meeting."</i>	T Thomas		Completed	Submission made. See Chief Executive's report for this meeting
1 Apr 2009	Item 1684	Survey Plans Approved by Delegated Authority Pursuant to Section 223	<i>"THAT the following subdivisions approved under delegated authority and s223 of the Resource Management Act be noted:</i>	T Thomas		Completed	
1 Apr 2009	Item 1685	Resource Consents Considered Under Delegated Authority	<i>"THAT the Land Use and Subdivision Resource Consents be received as listed:</i>	T Thomas		Completed	

**MONITORING REPORT
HOROWHENUA DISTRICT COUNCIL**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
1 Apr 2009	Item 1686	Documents Executed Under Seal and Electronic Transactions Authorities Signed	<i>"THAT the Horowhenua District Council ratify the affixing of the Common Seal of the Horowhenua District Council to the said documents and to the signing of Electronic Transactions as scheduled:</i>	D M Clapperton		Completed	

Item-1697 Community Assets Group 2009/10 Proposed Fees and Charges

File No 3899

To: His Worship the Mayor and Councillors
Horowhenua District Council

From: Operations Manager

Date: 6 May 2009

1. Purpose

- a. For Council to adopt the proposed fees and charges for the 2009/10 financial year for the Community Assets Group.

2. Recommendation

- a. That Report 3899 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 adopt the proposed schedule of fees and charges for the Community Assets Group (Attachment A) and allow ratepayers and residents to provide submissions on the proposed changes.

3. Issues

- a. Background

Fees and charges are reviewed annually to ensure that:

- Fees and charges are fair and reasonable;
- Income is at a level to meet the requirements of Council's Funding Policy;
- Fees and charges are adjusted as may be required to compensate for changing commodity prices, inflation and central government initiatives (e.g. minimum wage increments/amendments to holiday entitlements).

- b. LTCCP

The 2006/2016 Long Term Council Community Plan (LTCCP) - Volume 3 outlines the activities and Levels of Service to be achieved relating to the community assets group.

- c. Revenue and Financing Policy

In respect of the services for which additional charges are proposed, Council's Funding Policy for these functions is:

• Reserves	100:0	Public/Private Good
• Sports Fields	95:05	Public/Private Good
• Pools	70:30	Public/Private Good
• Cemeteries	60:40	Public/Private Good
• Pools	70:30	Public/Private Good
• Water	70:30	Public/Private Good
• Wastewater	90:10	Public/Private Good
• Landfill and WTS	30:70	Public/Private Good
• Recycling	100:0	Public/Private Good
• Roadside Collection	15:85	Public/Private Good
• Motor Camps	0:100	Public/Private Good
• Halls	70:30	Public/Private Good
• Residential Housing	0:100	Public/Private Good
• Endowment Property	0:100	Public/Private Good
• Commercial Property	0:100	Public/Private Good
• Forestry	100:0	Public/Private Good
• General Property	75:25	Public/Private Good
• Pensioner Accommodation	0:100	Public/Private Good

4. Consultation

It is proposed to allow ratepayers and residents to comment on the proposed fees and charges in conjunction with the LTCCP consultation. Separate advertising of the proposed changes will be placed in local newspapers and the Community Connection with a four week consultation period.

Council will be able to consider the proposed fee changes in conjunction with the LTCCP submissions.

The views of the Foxton Community Board in relation to fees and charges at the Foxton Pools complex (te puna wai te awahou) and the Foxton Beach Motor camp have been sought. The Board agree with the proposed changes.

5. Discussion

The proposed fees and charges have been used to calculate the proposed revenue for each Community Assets Group activity for the 2009/10 financial year. Subsequently, any significant amendments to the proposed fees and charges made, will impact on revenue projections for the 2009/10 year.

Commentary in respect of the proposed 2009/10 charges (Attachment A) is as follows:

a) Solid Waste Disposal

There some proposed changes to the fees and charges associated with the Foxton and Shannon waste transfer stations. The proposed increases are predominantly as a result of the waste levy that Council is now required to pay to Central Government.

b) Community Halls and Centres

It is proposed that the fees and charges structure for community halls and centres will be modified to better reflect actual usage. The changes proposed are:

- i) Change the block charge periods (e.g. morning/evening) to hourly unit rates.

Currently charging large block time periods (5-6 hours) limits the hall from being utilised to its greatest extent during peak times. A further impact of block time periods is users incurring unnecessary expense, often being charged for a time period that is not fully realised.

- ii) Introduce two separate fees to reflect private and community/public benefit.

The fees will be split into two groups:

Group A

Profit-Making Organisations/Family Functions/Commercial, Government or Charged Events

Group B

Community Events/Use - including organisation run dances, social events & concerts, hobby and sports groups

It is proposed that the reduced community rates will cover all community activities (including ongoing regular use), encouraging greater utilisation of these assets by community groups. Officers will still negotiate with users for periods of significant ongoing use.

Users can apply to Council for concessions for the use of community facilities. Concessions for hall usage must be made in writing and are approved at the discretion of the Strategic and Corporate Services Manager.

- c) Accommodation

Council rental houses have been increased to more appropriate market rents for the types of homes. These homes still do need some maintenance work carried out on them, so rents have been pitched at between the lower quartile and median market prices outlined by the Department of Building and Housing for the Horowhenua area.

- d) Motor camps

The funding policy for this activity is 100% cost recoverable with no general rate applied. A change in fees only applies to the Foxton Beach Motor Camp (FBMC) as the camps at Waitarere and Levin are operated through a lease arrangement.

At this time, based on projected expenditure and revenue of the FBMC for the 2009/10 year and the proposed operating expenditure for the same period, a small operating deficit would exist without increasing fees and charges.

Proposed fees are still relative to those of surrounding motor camp. The below table compares fees of neighbouring camps:

Camp				Tent Site Adult per night	Tourist Cabins (min. charge 2 adults)
Foxton (Proposed)	Beach	Motor	Camp	\$14.50	\$47.50
Himatangi	Beach	Motor	Camp	\$15.00	\$40.00
Hydrabad	Motor	Camp	- Waitarere Beach	\$15.00	\$52.00

The Foxton Community Board has viewed the proposed fees and charges and has adopted them for consultation without amendment.

e) Cemeteries

Increases are proposed primarily for the purchase of burial plots across the districts cemeteries.

The increases reflect the ongoing cost of purchasing and developing land for burial services and the subsequent increase in the area required to be maintained for burial plots as opposed to ashes plots. Subsequently, the costing is weighted more heavily to the purchase of burial rather than ashes plots.

Small adjustments have been made to interment fees and charges, reflecting inflation for the period.

No increases have been proposed to activities that encourage the maximisation of plot use, for example double depth or triple depth interments.

Increases in fees for after hours and public holiday services have also been proposed recognising new holiday and employee legislation.

Fees in the cemetery area will need to continue to increase over the coming years in order for the funding policy to be met.

f) Aquatic Facilities

The aquatics area faces increases in operating costs as part of 2009/10 budget. This relates principally to two core operating requirements - labour and energy. Energy costs have continued to climb even though the Levin Pool is now running more efficiently than it did prior to the upgrade i.e using less power than it did prior to the upgrade.

In the last 18 months, labour costs have been affected by two minimum wage increases with a third to be effected in April 2009.

Levin Aquatic Centre

At the Levin Aquatic Centre a general increase of \$0.50c per swim are proposed across most admissions.

Foxton Aquatic Centre

Larger increases in user fees and charges are proposed at the Foxton Aquatic Centre.

Fees were originally set in the first year of operation to understand the likely success/revenue requirements of the facility. Now that data has been collated it can

be ascertained that increases in fees and charges are required in an attempt to meet the Funding Policy for Aquatic Activities.

The Foxton Community Board have viewed the proposed fees and charges and have adopted them for consultation without amendment.

Amendments to Lane and Pool Hire Charges

Amendments to the structure for pool lane and facility hire at both Foxton and Levin has also been proposed, based on the activity proposed to be undertaken in the lane. As a result two fee groups are proposed:

- **Structured Swimming**

Structured swimming is considered lane swimming with lane ropes. A maximum of 8 swimmers per lane is permitted.

- **Unstructured Swimming**

Unstructured Swimming is considered free play, without lane ropes. Different ratios of swimmers apply with each additional lane hired.

Increases in fees are proposed for unstructured swimming, where currently no caps on swimmers in the lane exist, resulting in an unlimited number of swimmers able to enter the facility at a very low charge. No significant increases are proposed to structured swimming, effecting for examples the local Swim Clubs.

Peak hour rates for bookings requiring the closure of the facility still remain.

6. Options

There are three (3) options available, these are:

- (i) Option 1 - Support the proposed changes and consider these matters during the LTCCP deliberation process.
- (ii) Option 2 - Not support the proposal and recommend alternative rates to Council.
- (iii) Option 3 - Keep the status quo, which will have an impact on revenue projections outlined in the draft LTCCP.

7. Conclusion

- a. The preferred option is Option 1.
- b. Council needs to continue to address fees and charges on an annual basis to assist in keeping rates at a minimum and to achieve funding policies that have been set for activities.

8. Attachment

a. Proposed Fees and Charges 2009/10

	Name and title of signatories	Signature
Prepared by	Waid Crockett Operations 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	D G Ward Chief Executive Officer	



**HOROWHENUA
DISTRICT
COUNCIL**

2009 / 2010

Community Assets

Schedule of Proposed Fees and Charges

for the 2009 / 2010 Financial Year

All Fees and Charges are inclusive of GST

Effective 1 July 2009

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Community Assets

The following charges relate to all services provided by Community Assets that are considered to be chargeable. These charges have been set in accordance with the Local Government Act.

All prices include GST unless otherwise stated.

Hourly Rates

Community Assets Staff Hourly Rates are as follows:

	Cu rre nt Fe es	Pr op os ed Fe es		Cu rre nt Fe es	Pr op os ed Fe es
Manager - Community Assets	\$1 50. 00	\$1 75. 00	Community Assets Engineers	\$8 0.0 0	\$1 20. 00
Community Assets Managers	\$1 10. 00	\$1 35. 00	Community Assets Cadets, Technicians and Officers	\$7 0.0 0	\$8 0.0 0

Pre-Lodgement Meetings / Site Visits

All costs incurred as a result of pre-lodgement meetings or site visits with Council staff will be charged to the application on an actual time and cost basis.

Peer Reviews, Technical or Professional Advice

If Council needs to seek specialist technical or professional advice to assist in the determination of an application, then the costs of that specialist will also be passed on to the applicant on an actual time and cost basis.

Disbursements

Disbursements (mileage, copying, postage etc) may also form part of the final cost of an application and will also be invoiced to an applicant on an actual cost basis.

Waste Water

Current
Fees

Proposed
Fees

Where unusual circumstances justify, a fee of \$100.00 per connection applied for will be payable.

The application fee also includes water connections.

Application Fee - up to two connections (includes water connection)	\$100.00	\$100.00
Application Fee - for three or more connections (includes water connection)	\$200.00	\$200.00
Connection to Network	Invoiced at cost	Invoiced at cost
Septage - Tanker Loads	\$11m ³ of tanker capacity	\$12m ³ of tanker capacity

Trade Waste

Current
Fees

Proposed
Fees

Flow	Formula	Formula
Suspended Solids	Formula	Formula
Bacteriological Oxygen Demand	Formula	Formula
Processing Consent	\$500.00 Deposit	\$500.00 Deposit
The processing of Trade Waste discharge consents will be done on a time and cost basis. A deposit of \$500.00 is required prior to the start of the processing of any discharge consent.		

Solid Waste Disposal

**Current
Fees**

**Proposed
Fees**

Levin

The fees and charges for the Levin Transfer Station are set by Midwest Disposals Ltd.

Disposal prices will be adjusted to meet waste levies at \$10.00/t or as determined by the Ministry for the Environment.

**Note - Previously No Service in Shannon*

Foxton and Shannon Refuse Transfer Stations (RTS)

Disposal of HDC Refuse Bag (up to 4)	New	Free
Disposal of Small Plastic Bags (< 10kgs)	New	\$1.20
Disposal of Large Plastic Bags (10kgs +)	New	\$2.60
Cars - General	\$10.00	\$11.00
Cars - Green*	\$8.00	\$8.00
Vans/Ute - General	\$25.00	\$25.00
Vans/Ute - Green*	\$10.00	\$10.00
Trailers - General (< 1m ³)	\$25.00	\$27.50
Trailers - Green (< 1m ³)*	\$10.00	\$10.00
Large Trailers - General (per m ³)	\$20.00	\$22.00
Large Trailers - Green (per m ³)*	\$10.00	\$10.00

Special, Prohibited Wastes and Other Fees		
Car Bodies (Foxton only)	\$10.00	Free
Paint Exchange	New	Free
Waste Oil	New	\$1.00/4 Ltr
Tyres	New	\$2.00
Fridge/Freezer	New	\$25.00
Gen Whiteware	New	\$15.00
Car Batteries & LPG Bottles/Tanks	New	\$5.00

Water

Current Fees

Proposed Fees

Where unusual circumstances justify, a fee of \$100.00 per connection applied for will be payable. The application fee also includes waste water connections.

Application Fee - up to two connections (includes waste water connection)	\$100.00	\$100.00
Application Fee - for three or more connections (includes waste water connection)	\$200.00	\$200.00
Connection to Network	Invoiced at cost	Invoiced at cost
Temporary Removal of Water Restrictor		
Removal and Reinstatement	\$100.00	\$100.00
Weekly Availability	\$5.00/week	\$5.00/week
Water Usage	Current unit rate	Current unit rate
Water Testing		
Staff Time (1/2 hour minimum)	\$40.00/hour	As per CA Staff Rates
Laboratory Testing	Paid for by applicant @ cost	Paid for by applicant @ cost
Water Meters Final Reading	New	\$20.00

Water Tanker Filling Facility (has a Flat Rate Charge per Load, plus a Charge per Volume)

\$5.00 per
load

\$6.00 per
load

\$0.93/m³
/ volume

\$0.93/m³ /
volume

Community Halls and Centres

**Curr
ent
Fees**

**Prop
osed
Fees**

Charge rates for Community Halls and Centres have been amended in the 2009/10 financial year from time block charges to hourly charges.

Each room will be charged out separately. Hall foyers cannot be booked for private use unless the entire facility is booked.

Two fee structures have been created for the 2009/10 financial year, recognising and encouraging community usage of facilities. The fees are split between two groups:

Group Definitions

Group A

Profit-Making Organisations/Family Functions/Commercial, Government or Charged Events

Group B

Community Events/Use - including organisation run dances, social events & concerts, hobby and sports groups

It is expected that reduced community rates will cover all activities, including ongoing usage; however, periods of significant ongoing use will be negotiated with users as required.

Users can apply to Council for concessions for the use of community facilities. Concessions for hall usage must be made in writing. Approval will be at the discretion of the Strategic and Corporate Services Manager.

Extra Items

After Hours Staff Charge (per hour)		\$35. 00	\$37. 50
Cleaning - Standard Charge (per hour)		\$25. 00	\$27. 50
Security Call-out Charge	Block Charge	\$50. 00/hr (3 hr	\$250 .00

min)

Lost Keys - Lost keys require the complete re-keying of the security profile. The cost for this work will be charged at cost to the user.

Cost

Bond (HDC Civic Area Previously \$200.00)

\$100
.00

\$100
.00

Levin Memorial Hall

Corner Queen and Chamberlain Streets, Levin

Each room will be charged out separately. The Hall foyer cannot be booked for private use unless the entire facility is booked. Per Hour (2 hr min).

	Current Fees	Proposed Fees	
		Group A	Group B
Main Hall		\$25.50	\$19.50
Freyberg Lounge		\$13.00	\$10.00
Kitchen		\$9.50	\$7.50
Drinks Room		\$7.50	\$5.50
24 Hour Use (Block Charge)	\$400.00	\$550.00	\$425.00
Dressing Room	New	\$5.00	\$4.00

All Facilities	New	\$55. 50	\$42. 50
Extra Item - Sound System - Main Hall (Unit Rate)	New	\$15. 00	\$15. 00
Extra Item - Hearing Loop - Freyberg Lounge (Unit Rate)	New	\$15. 00	\$15. 00

Shannon Memorial Hall

Grey Street, Shannon

Each room will be charged out separately. The Hall foyer cannot be booked for private use unless the entire facility is booked. Per Hour (2 hr min).

Main Hall		\$13. 50	\$10. 50
24 Hour Use (Block Charge)	\$150.0 0	\$310 .00	\$240 .00
Kitchen	New	\$6.5 0	\$5.0 0
Supper Room	New	\$11. 00	\$8.5 0
Dressing Room 1	New	\$4.0 0	\$2.0 0
Dressing Room 2	New	\$4.0 0	\$2.0 0
All Facilities	New	\$31. 00	\$24. 00

Foxton Memorial Hall

Corner Main and Clyde Streets, Foxton

Each room will be charged out separately. The Hall foyer cannot be booked for private use unless the entire facility is booked. Per Hour (2 hr min).

Main Hall		\$17. 50	\$13. 50
Ellwood Room		\$11. 00	\$8.5 0
Podmore Room		\$7.0 0	\$5.5 0
24 Hour Use (Block Charge)	New	\$420 .00	\$325 .00
Kitchen	New	\$6.5 0	\$5.0 0
Dressing Room	New	\$5.0 0	\$4.0 0
All Facilities	New	\$42. 00	\$32. 50

Mavis Vincent Pavilion

The Pavilion is located on Shannon Domain and comprises of two toilets, a lounge and tea making facilities.

Per Hour (2 hr min).

Mavis Vincent Pavilion - Per Hour (2 Hr Min)	\$10.00	\$12. 00	\$9.5 0
Maximum Daily Charge (Block Charge)	New	\$120	\$95.

		.00	50
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Holben Pavilion

The Pavilion is located on Holben Reserve and comprises of toilets, a stepped lounge and kitchen.

Per Hour (2 hr min).

Holben Pavilion - Per Hour (2 Hr Min)	\$15.00	\$17. 50	\$13. 50
Maximum Daily Charge (Block Charge)	New		

Waitarere Surf Club

The Surf Club consists of a lounge, unisex toilet and small kitchen

Per Hour (2 hr min).

Waitarere Surf Club	New	\$22. 50	\$17. 50
Maximum Daily Charge (Block Charge)	New	\$225 .00	\$175 .00

HDC Civic Area,

126-148 Oxford Street, Levin

Each room will be charged out separately. The foyer cannot be booked for private use unless the entire facility is booked for use. The foyer is only available for booking after working hours. Per Hour (2 hr min).

Council Chamber		\$39. 50	\$30. 50
Horowhenua Room		\$26. 50	\$20. 50
Ante Room		\$26. 50	\$20. 50

Foyer (available after working hours only)		\$26. 50	\$20. 50
Kitchen		\$26. 50	\$20. 50
All Facilities		\$162 .50	\$125 .00
24 Hour Use (Block Charge)	New	\$1,6 25.0 0	\$1,2 50.0 0
Extra Item - Tea and Coffee Provision - excludes juice or biscuits (per 25 people) (Unit Rate)	New	\$14. 50	\$14. 50
Extra Item - Data Projector/Speakers (Unit Rate)	New	\$25. 50	\$25. 50
Extra Item - Food/Drink - Additional drink/food items can be supplied at additional cost to the hirer.			

Foxton Service Centre Civic Area

Main Street, Foxton

Rates for ongoing regular use will be negotiated with users as required.

Each room will be charged out separately. The foyer cannot be booked for private use unless the entire facility is booked for use. Per Hour (2 hr min).

Council Chamber	New	\$15.	\$12.
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		50	00
Extra Item - Tea and Coffee Provision - excludes juice or biscuits (per 25 people) (Unit Rate)	New	\$14.50	\$14.50

Accommodation

Current Fees

Proposed Fees

General

<p>Lost Keys Lost keys require the complete re-keying of the security profile for the site or unit depending on the rank or profile of key lost. The cost for this work will be charged at cost and expenses to the user.</p>	New	Cost
<p>Additional Keys Two keys are provided to all residents upon entering properties. Additional keys will be cut at Council's discretion from Council's accommodation security key profile. Charge is per key. A maximum of five keys are permitted per unit at any one time.</p>	New	\$27.50
Rental Accommodation (\$ / week)		
Hokio Beach Road House	\$120.00	\$180.00
Hokio Sands Road House	\$160.00	\$200.00
Avenue Road House (Foxton)	\$180.00	\$200.00

Motor Camps

Current
Fees

Proposed
Fees

Fees relate to the Council owned and operated Foxtan Beach Motor Camp.

Powered/Open Sites

Powered and unpowered caravan, motor home and tent sites.

Adults - per adult per night

\$12.00

\$14.50

Children - per child per night

\$6.00

\$8.50

Cabins

Cabins include bedding and a small kitchenette.

Adults - (First Adult) per adult per night

\$22.00

\$25.00

Adults - (Second Adult) per adult per night

\$20.00

\$22.50

Children - per child per night

\$12.50

\$12.50

Permanent Sites

Permanent sites are powered caravan sites with annexes. Occupying a permanent site, gives the occupant access to the site for a fixed number of nights per annum. Stays that exceed the fixed number of nights or users (outside of immediate family) are charged at standard overnight camp rates.

Overnight stays are restricted to the owner and immediate family (parents and children) or as detailed.

Permanent occupancy is prohibited.

Charges are on a monthly basis.

Permanent Site - 24 nights per year

\$120.00

\$130.00

Permanent Site - 96 nights per year

\$140.00

\$150.00

Extra Items		
Washing Machine/Drier - per token	\$2.00	\$2.00
Showers	\$0.50	N/A*
Dump station/water - motor homes/caravans	\$5.00	\$5.00
Use of Camp Facilities - showers/kitchen	\$3.00	\$5.00

*It is proposed to remove current costly token meters with time restricted meters

Parks and Reserves

Current
Fees

Proposed
Fees

Sports Fields

Schools	Free	Free
Senior Rugby, Rugby League, Athletics, Hockey and Softball and Soccer	\$300.00	\$300.00
Senior Cricket Wicket	\$600.00	\$600.00
Junior Cricket	\$150.00	\$150.00
Netball	\$300.00	\$300.00
Cycling	\$300.00	\$300.00
Tennis Courts	\$300.00	\$300.00
All Junior Fields, Excluding Cricket	\$50.00	\$50.00
Non-Charged Events excluding Levin Domain (per day)		
Cricket - Price on Application	\$50.00 min	\$50.00 min
General Reserves	\$35.00	\$35.00
Amenities Fee (toilet and changing facilities if available)	\$50.00	\$50.00

Levin Domain		
*Additional charge		
Day Event	\$100.00/ day	\$100.00/ day
Charged event exceeding 100 spectators and participants	15% gross gate revenue \$100.00 min	15% gross gate revenue \$100.00 min
*Amenities Fee (toilets and changing facilities)	\$200.00	\$200.00
*Floodlights - invoiced at cost plus 20% administration fee	Invoiced at cost plus	Invoiced at cost plus
*Grandstand (includes access to First Aid and Referees Room)	\$150.00	\$150.00
*Damage deposit	\$500.00	\$500.00
Charged Events on all Parks and Reserves excluding Levin Domain (per day)		
It is proposed that events that exclude the public from use of reserve land will be charged the maximum daily charge.		
*Additional charge.		
Charged event with less than 100 spectators and participants	\$100.00	\$100.00
Charged event exceeding 100 spectators and participants - Price on Application	\$100.00 minimu m to \$500.00	\$100.00 minimu m to \$500.00

	maximu m	maximu m
*Amenities Fee (toilet and/or changing facilities if available)	\$50.00	\$50.00
*Damage Deposit	\$500.00	\$500.00
Weddings		
Ground Hire	\$50.00	\$50.00
Photos Only	Free	Free
Miscellaneous		
Additional Bin and Rubbish Collection	Invoiced at cost	Invoiced at cost
Linemarking and Post Replacement	Invoiced at cost	Invoiced at cost
Keys		
Refundable Key Bond (per set)	\$20.00	\$20.00
Lost Keys	\$100.00	\$100.00

Cemetery

Current
Fees

Proposed
Fees

Plots

Adult	\$400.00	\$500.00
Child (up to 13 years)	\$400.00	\$500.00
Lawn Ashes	\$400.00	\$475.00
RSA Plot	Free	Free
RSA Ashes Plot	Free	Free
Still Born	Free	Free
Memoriam Ashes Garden Plots	\$250.00	\$300.00
Ashes Wall (Foxton only)	\$50.00	\$100.00
Remembrance Wall (Foxton Only)	\$25.00	\$100.00

Reserved Plots

Reserved plots are only available at Shannon, Manakau and Foxton Cemeteries at 200% of the purchase price. Reserved plots, returned to Council will be refunded at 50% of the purchase price. The plot cancellation fee also applies.

Burial	\$800.00	\$1,000.00
Lawn Ashes	\$800.00	\$950.00
Memoriam Ashes Garden Plot	\$500.00	\$950.00

Interment Fees		
Burial Fee (14 years and over, including services personnel)	\$680.00	\$700.00
Child (up to 13 years)	\$80.00	\$150.00
Child (up to 12 months)	\$80.00	\$150.00
Ashes	\$80.00	\$150.00
Other Cemetery Fees		
Double Depth (more than one burial)	\$150.00	\$150.00
Triple Depth (more than two burials - available at Avenue Cemetery only)	\$225.00	\$225.00
After Hours After hours extra fees will apply to interments not completed prior to 12pm Saturday and 4.00pm weekdays.	\$250.00	\$450.00
Out of District Fee per Plot (additional to standard fee)	\$250.00	\$450.00
Monumental Permit A monumental permit is required for all headstone repairs and new headstones and plaques including ashes garden plaques within the cemetery.	\$25.00	\$30.00
Disinterment	Cost	Cost
Cutting and Removing Concrete	Cost	Cost
Sundays and Public Holidays Sunday and Public Holidays fee applies to all interments on Sundays and public holidays with the exception of Easter Sunday, Anzac Day, Christmas, Boxing and New Years Day when no interments are permitted.	\$700.00	\$800.00

Manual Records Search Fee - per entry	\$10.00	\$10.00
Plot cancellation (Reserved Plots)	\$150.00	\$150.00

Aquatic Facilities	Current Fees	Proposed Fees
Levin		
Admission Fees		
Adult - Single Ticket	\$3.50	\$4.00
Adult - 12 Ticket	\$38.00	\$44.00
Adult - 20 Ticket	\$63.00	\$72.00
Children (Up to 15yrs) - Single Ticket	\$2.00	\$2.50
Children (Up to 15yrs) - 12 Ticket	\$22.00	\$27.50
Children (Up to 15yrs) - 20 Ticket	New	\$45.00
Preschool	\$1.00	\$1.50
Spectator	Free	\$0.50
Senior Citizen - Single Ticket	\$2.00	\$2.50
Senior Citizen - 12 Ticket	New	\$27.50
Senior Citizen - 20 Ticket	\$36.00	\$45.00

Student or Beneficiary - Single Ticket	\$2.50	\$3.00
Student or Beneficiary - 12 Ticket	\$27.50	\$33.00
Student or Beneficiary - 20 Ticket	New	\$54.00
Aquacise - Single Entry	\$4.00	\$5.00
Aquacise - Student - Single Entry	New	\$4.00
Aquacise - Senior Citizen - Single Entry	New	\$4.00
Aquacise - 12 Ticket	\$40.00	\$55.00
Aquacise - Student - 12 Ticket	New	\$44.00
Aquacise - Senior Citizen - 12 Ticket	New	\$44.00
Green Prescription - Single Entry	\$2.50	\$3.00
Family (2 Adults/3 Children or 1 Adult and 4 Children)	\$10.00	\$13.00
Showers/Amenities Only	\$2.00	\$2.50

Lane Hire

Lane Hire is charged based on the activity undertaken in the pool lane.

Structured Swimming is considered lane swimming with lane ropes. A maximum of 8 swimmers per lane is permitted.

Unstructured swimming is considered free play, without lane ropes. Different ratios of swimmers apply with each lane hire.

A maximum of four lanes are available for hire at any one time.

General Lane Hire - Structured Swimming (per lane per hour)	\$12.00	\$12.00
Club/School Lane Hire - Structured Swimming (per lane per hour)	\$8.00	\$9.00
1 Lane Hire - Unstructured Swimming (per hour - up to 20 people)	New	\$20.00
2 Lane Hire - Unstructured Swimming (per hour - up to 70 people)	New	\$56.00
3 Lane Hire - Unstructured Swimming (per hour - up to 100 people)	New	\$80.00
4 Lane Hire - Unstructured Swimming (per hour - up to 125 people)	New	\$100.00

Complex Hire (per hour)

*All complex hire rates will incur a \$20 closure notification fee. Any event or complex hire requires 1 Lifeguard for every 40 people in attendance.

* Peak hours are considered Public Holidays, School Holidays and Weekends from 11am to 4pm.

Main 25m Pool Max 200 swimmers at any one time	\$100.00	\$125.00
Teach Pool (not including deep lane) Max 50 swimmers at any one time.	\$50.00	\$50.00
Play Pool Max 50 swimmers at any one time.	\$45.00	\$45.00
Spa Pool (per pool) Max 6 swimmers at any one time.	\$10.00	\$10.00
Deep Lane Max 8 swimmers at any one time	\$25.00	\$25.00
Meeting Room (including Oven, Kitchenette and Furniture)	\$25.00	\$25.00
Hydroslide	\$25.00	\$30.00
Complex Hire * Peak Time: - restricted entry resulting in facility closure	\$150.00	\$225.00
Complex Hire *Non Peak: - restricted entry resulting in facility closure	\$100.00	\$175.00

Complex Hire: *Outside Opening Hours - restricted entry	New	\$75.00
Closure Notification Fee	\$50.00	\$20.00
Other Pool Fees (per hour)		
BBQ's - clean and gas supplied	\$10.00	\$15.00
Inflatable The inflatable must be hired with four lanes. Max 100 swimmers with inflatable use.	\$25.00	\$30.00
Swim School Toys, Accessories and Equipment	Price on Application	Price on Application
Tog and Towel Hire	\$3.00	\$3.00
Swim School (9 week term - 25 minutes unless otherwise stated) Any special student requirements needs to be discussed with the Swim School Co-ordinator		
Water Babies and Toddlers (6 mths to 3 yrs)	\$60.00	\$72.00
Preschool	\$90.00	\$90.00
School Age (General Swim School and Improvers)	\$90.00	\$90.00
Advanced Improvers (40 minute lesson)	\$95.00	\$99.00
Squad Training - 1 lesson per week (per 9 week term)	New	\$100.00
Squad Training - 2 lessons per week (per 9 week term)	New	\$150.00
Squad Training - 3 lessons per week (per 9 week term)	New	\$190.00

Individual Learn to Swim - Individual Classes (per 25 minute lesson) - 1 lesson per week	\$20.00	\$22.00
Individual Learn to Swim - Individual Classes (per 25 minute lesson) - 2 lessons per week	New	\$32.00
Individual Learn to Swim - Individual Classes (per 25 minute lesson) - 3 lessons per week	New	\$40.00
Holiday Learn to Swim	\$50.00	\$50.00
Foxton Pools		
Admission Fees		
Adult - Single Ticket	\$2.00	\$3.00
Adult - 12 Ticket	\$20.50	\$33.00
Children (15 and under) - Single Ticket	\$1.00	\$2.00
Children (15 and under) - 12 Ticket	\$10.00	\$22.00
Preschool	\$1.00	\$1.50
Spectator	Free	\$0.50
Senior Citizen - Single Ticket	\$1.50	\$2.50
Senior Citizen - 12 Ticket	\$15.50	\$27.50
Student or Beneficiary - Single Ticket	\$1.50	\$2.50
Student or Beneficiary - 12 Ticket	\$15.50	\$27.50
Family (2 Adults/3 Children or 1 Adult and 4 Children)	\$6.00	\$11.00
School Hire (per lane per hour)	\$6.00	\$8.00

Lane Hire

Lane hire is charged based on the activity undertaken in the pool lane.

Structured swimming is considered lane swimming with lane ropes. A maximum of 8 swimmers per lane is permitted.

Unstructured swimming is considered free play, without lane ropes. Different ratios of swimmers apply with each lane hire.

A maximum of two lanes are available for hire at any one time.

General Lane Hire - Structured Swimming (per lane per hour)	New	\$11.00
Club/School Lane Hire - Structured Swimming (per lane per hour)	\$6.00	\$8.00
1 Lane Hire - Unstructured Swimming (per hour - up to 20 people)	\$6.00	\$17.00
2 Lane Hire - Unstructured Swimming (per hour - up to 65 people)	\$6.00	\$50.00
Aquacise - Single Entry	\$2.50	\$5.00
Aquacise - Single Entry - Student	New	\$4.00
Aquacise - Single Entry - Senior Citizen	New	\$4.00
Aquacise/Aquafit Programmes - 12 Ticket	\$25.50	\$55.00
Aquacise/Aquafit Programmes - Student - 12 Ticket	New	\$44.00
Aquacise/Aquafit Programmes - Senior Citizen - 12 Ticket	New	\$44.00

Shannon Summer Pools

Admission Fees

Adult - Single Ticket	\$1.00	\$2.50
Children (15 and under) - Single Ticket	\$0.50	\$1.50
Preschool	New	\$1.00
Spectator	New	\$0.50
Senior Citizen - Single Ticket	New	\$2.00
Student or Beneficiary - Single Ticket	New	\$2.00
Family (2 Adults/3 Children or 1 Adult and 4 Children)	New	\$8.00
Aquacise - Single Entry	New	\$5.00

Complex Hire (per hour - during normal operating hours)

*All complex hire rates will incur a \$35.00 closure notification fee. Any event or complex hire requires 1 Lifeguard for every 40 people in attendance.

*Main Indoor 25m Pool Max 125 swimmers	\$50.00	\$75.00
*Playpool Max 40 swimmers	\$25.00	\$50.00
*Outdoor Pool Max 200 Swimmers	\$40.00	\$65.00
Closure Notification Fee	\$20.00	\$20.00

Swim School

Holiday Learn to Swim (per week)	New	\$50.00
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Pool Staff (per hour)

Any event or complex hire requires 1 Lifeguard for every 40 people in attendance.

Learn to Swim Instructor	\$45.00	\$45.00
Aquacise Instructor	\$50.00	\$50.00
Operations Supervisor	\$45.00	\$45.00
Lifeguards	\$20.00	\$20.00
Receptionist	\$20.00	\$20.00
Supervisor	\$25.00	\$28.00

Minimum Engineering Standards

**Current
Fees**

**Proposed
Fees**

Hardcopy

\$120.00

\$120.00

CD

\$20.00

\$20.00

Item-1698 Moutoa Hall and Moutoa Recreation Reserve

File No **3895**

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

From: **Property Officer**

Date: **6 May 2009**

1. Purpose

- a. To update Council on progress made in regard to the report subject, following Council's consideration of the Chief Executive Officer's report (3866) at 4 March 2009 meeting.

2. Recommendation

- a. That Report 3895 be received.
- b. The Horowhenua District Council hereby proposes that the purpose of the Moutoa Reserve be changed from "Recreation" to "Local Purpose (Hall) Reserve" pursuant to Sec 24(1)(b) of the Reserves Act 1977 so to allow Council to accommodate activities of the Moutoa Hall Society Incorporated on the said reserve.
AND FURTHER
That Public Notice of the proposal, pursuant to Sec 24(2)(b) of the Reserves Act 1977 be given.

3. Actions Taken

- a. A copy of the Chief Executive Officer's report (3866) along with all supporting information considered at the Council meeting of 4 March 2009 was supplied to the Wanganui Conservancy of the Department of Conservation which resulted.
 - b. Ms F Wilson, Community Relations Officer for the Conservator, then discussed the matter with our Property Division staff before replying in writing.
 - c. Ms Wilson agreed with our view that the control of the reserve, not the land itself, was vested in Council by NZ Gazette 1953, page 1955 and that a freehold title was issued to Council in error and that we should seek to have this title cancelled.
 - d. Ms Wilson advised that because the reserve has an underlying status of Crown land the matter could be addressed by Council proposing that the purpose of reserve be changed from "Recreation" to "Local Purpose (Hall) Reserve", requiring a resolution of Council and the required public advertising of one month.
 - e. Following the public advertising of the proposal and Council's consideration of any objections, the proposal, objections, (if any) and Council's comments on the objections received need to be forwarded to the Department of Conservation who would undertake the change of purpose for the reserve.
-

- f. Ms Wilson further advised that the balance of the reserve, not utilised by the Moutoa Hall Committee, could be leased for grazing, with a maximum five year term for any one lease.

Prepared

Approved for Release

M R Tregonning
Property Officer

B H Austin
Manager - Community Assets

3. Attachments

- a. Chief Executive Officer's Report (3866)

Subject: Moutoa Hall

File No 3866

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

From: Chief Executive Officer

Date: 4 March 2009

Purpose

- b. To provide elected members with details of discussions that have taken place between representatives of Council and the Moutoa Hall Committee in regard to the use of land adjacent to the proposed site of the new Moutoa Hall.

Recommendation

- c. That Report 3866 be received.
- d. That Council request staff to discuss the vesting of the Moutoa Recreation Reserve back to the Moutoa Hall Committee.

Issues for Consideration

- e. Council recently received an approach from the Moutoa Hall Committee regarding re-building of the Moutoa Hall. At its meeting on 5 November 2008 Council was addressed by Colin Easton on behalf of the Moutoa Hall Committee in regard to land use requirements associated with the proposed re-building of the burnt out Moutoa Hall.
 - f. Mayor Duffy, District Plan Manager, David McCorkindale and Chief Executive Officer, David Ward met with Colin Easton and his Committee on 10 February 2009.
 - g. From that meeting Council staff prepared a letter (copy **attached**) identifying the issues that the Moutoa Hall Committee and the Council needed to consider and recommending an appropriate course of action.
 - h. Subsequent to that letter being written the Hall Committee produced for Council's consideration details of land transfer/vesting that took place during the early 1950s.
 - i. Council's property staff have reviewed those papers presented to Council by the Hall Committee and are clearly of the view that the recreation reserve was only ever vested in the Manawatu County Council to control the land. It is the view of our staff that Horowhenua District Council should not have been issued a Certificate of Title for the property in March 2002.
 - j. That being the case it is my view that staff should approach the appropriate Crown Departments with a view to vesting the land back to the Moutoa Hall Committee.
 - k. That process being effected, the land issues identified in the letter to Mr Easton, attached to this report, would not be necessary.
 - l. In the event that the Crown does not agree with the staff position I would recommend that the process identified in the letter be followed.
 - m. The land in question has been utilised as a grazing reserve as long as staff can remember (20 years plus). No lease has been prepared for this activity nor has any revenue been received from this grazing activity.
 - n. Staff are of the view that the land would not be of any future use or benefit to Council, but rather it is clearly suited to the occupation by or recreational use by residents within the local area.
-

- o. A copy of the Council staff report on the movement of the recreation reserve is also **attached** to this report.

Prepared

D G Ward
Chief Executive Officer

4. Attachments

- a. Letter dated 11 February 2009 to Mr Colin Easton
- b. Staff report on the movement of the recreation reserve

11 February 2009

Mr Colin Easton
easton_c@xtra.co.nz

Dear Colin

RE: Moutoa Hall and adjoining Recreation Reserve Land

Thank you to you and your Committee members for taking the time to meet with Mayor Brendan, David McCorkindale and myself on the site of your proposed hall last week. As agreed we have considered the various available options and have outlined a preferred option below.

Having now visited the site and considered your proposal, we consider that the best outcome for all parties would be for the Hall Society to purchase the entire adjoining reserve land (legally described as Sec 21 Blk VII Mt Robinson, being 6467m² in size). Council has recently undertaken a formal valuation of the site. However, we would be receptive to considering a reasonable offer from the Hall Society should you wish to pursue this option.

Purchase of the entire title would remove the additional time delay and subdivision costs that would occur if only a portion of the existing title was to be subdivided off.

To proceed with this offer it would be necessary to receive written confirmation before 20 February 2009. As I mentioned during our meeting this will enable the matter to be raised at the next Council meeting on the 4 March 2009.

Prior to purchasing the land it will be necessary for the Council to apply to the Minister of Conservation to have the Recreation Reserve status revoked. I can see no benefit to your Society in retaining the reserve status, in fact it would possibly become a hindrance to future development of this land and could be quite onerous on the Hall Society. Revoking the reserve status under the Reserves Act 1977 initially requires a resolution from the Council. The Minister is then required to give notice for one month to allow any objections to be received. Allowance will need to be made for a Council resolution to be passed and for the Reserves Act process to be completed.

I am aware that you are eager to see the Hall rebuilding project commence and with that in mind I suggest that if the Society is agreeable to the purchase of this land, that we enter into a memorandum of understanding. The memorandum would cover the existing land ownership arrangement and allow the parking and proposed effluent disposal arrangement to occur while the sale and purchase of the land is completed. The memorandum would ensure that if for some reason the purchase of this land did not proceed, that within a specified period of time both parties would organise for the parking and effluent disposal arrangements to be formally protected by easements.

To commence the building project prior to the sale and purchase of the land it will be necessary for a resource consent to be obtained due to the siting of the hall in relation to the side boundary. The memorandum of understanding would be sufficient to cover the parking and effluent disposal arrangement. Written consent from the Council as the adjoining landowner would also be necessary as part of the resource consent process. I understand that you have been dealing with Jason Batt of this office regarding the building consent, and that this is all in hand. Once the building consent and resource consent has been issued you would be entitled to commence building the hall.

Alternatively the resource consent process could be avoided if you were to wait until the sale and purchase of the land has been completed before commencing building work.

Whilst onsite we discussed the memorial gates and commemorative plaques. These features are not currently protected by the District Plan. I am conscious that with the upcoming District Plan Review these gates and commemorative plaques may well be a feature that is considered for heritage protection. With this in mind I would like to assume that the Hall Society would not prevent the formal protection of these gates if this was considered appropriate.

Please do not hesitate to contact me if you have questions regarding any of the matters raised above. I look forward to receiving your response.

Yours faithfully

David Ward
Chief Executive

Moutoa Hall Site & Adjacent Recreation Reserve

Gaz 1953/1800 Sec 21 - 6467m² - set aside as Recreation Reserve.
Gaz 1953/1955 Control of said reserve vested in Manawatu County Council.

Note: Roger Downey, Todd Whitehouse advises that Horowhenua District Council would need to offer back to Crown if it does not want to keep control of it.

27 May 1952 Letter x L&S to Hall Committee advising that Part Sec 67 will probably be reserved as a hall site and asks if the Hall Committee is an Incorporated Body otherwise unable to vest control in Committee.

6 June 1952 Letter x L&S to Hall Committee acknowledging letter advising Hall Committee not Incorporated and further stating that it would be quite satisfactory to vest the section in Trust in the Manawatu County Council.

Undated Statement x Hall Committee to Manawatu County Council advising that if the L&S did vest approx 1 acre of Pt Sec 67 in the Manawatu County Council, adjoining the land where the Moutoa Hall is erected, to be held in Trust for the Moutoa Hall Committee pending Incorporation, the Committee undertakes that it will be responsible for rates and all other outgoings on the land.

12 September 1952 Letter x L&S to Manawatu County Council advising Hon Minister has approved the reservation of Part Sec 67 for recreation purposes and the vesting of Control in Trust in Manawatu County Council.

12 September 1952 L&S advising Hall Committee of above.

29 September 1953 Letter L&S to Manawatu County Council advising Plan of Section 21 (formerly Part Rural Section 67) is now completed and the gazetting of the land in the Control and Trust of Manawatu County Council will now proceed.

27 January 1954 Letter x Manawatu County Council advising Section 21 has now been vested in the Control of the Manawatu County Council.

Survey Plans of Moutoa Hall Site & Adjacent Recreation Reserve

- July 1923 Plan of Pt of Lot 27 (DP 1689). Sec 67 Blk VII Mt Robinson SD (this taken x Body of Plan), but the Deposit No at top right-hand corner of Plan shows 6431. Also in Body of Plan at top the words "Lot 1 added 31-7-1984" and shown in the Plan as an area of 2 roods (2023m²). Also on the plan shown as 6431 in the Body of is SO 22717 and yet such SO Plan was not drawn until August 1952 - this refers to the School site which in September 1953 was vested in Manawatu County Council to control of the Manawatu County Council.
- August 1952 Plan SO 22717 was drawn up showing Section 21 (School site originally) but subsequently declared reserved for recreation purposes and the control of the said reserve vested in the Manawatu County Council which has an area of 6467m².
- Note: We have drawn in, to the north boundary of the reserve, the Lot 1 DP 6431 C/T 307/116 which had been added to the 1923 Plan on 31-7-1984, which also shows the three names of Smith, Newth & Barber, the Trustees of the Moutoa Hall, the names currently appearing in the QV records on the Moutoa Hall Committee assessment. This being attended to by Cullinane Steele as the named Trustees have all died some time ago.
- Conclusion No part of reserve ever transferred to Moutoa Hall Committee as written about 27 May 1952. It would appear the hall was on Barber land prior to "Lot 1 DP 6431 being created to give Hall Committee a separate site as added to July 1923" Plan on 31-7-1984. The recreation reserve only ever vested in Manawatu County Council to control the land not being vested. We do not think Horowhenua District Council should have been issued a Certificate of Title for the property in March 2000 in view of the wording of the Gazette Notices.

Item-1699 Application for funding - Levin Town Entrance Signs

File No 3894

To: His Worship the Mayor and Councillors
Horowhenua District Council

From: Chief Executive Officer

Date: 6 May 2009

1. Purpose

- a. To obtain a Council resolution to apply for funding of \$11,151.12 (excluding GST) from the Horowhenua Community Trust for the upgrading of the Levin Entrance Signs on behalf of Keep Levin Beautiful.

2. Recommendation

- a) That Report 3894 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 resolve to “apply for funding of \$11,151.12 (excluding GST) from the Horowhenua Community Trust for the upgrading of the Levin Entrance Signs”.

3. Issues for Consideration

- a. Keep Levin Beautiful (as an organisation) has a key purpose of working with Council identifying and undertaking selected projects for community benefit, that would otherwise not be a key funding priority for Council.
 - b. A key project identified by Keep Levin Beautiful has been the upgrading of new entrance signs to Levin, and the installation of a new sign on the Arapaepae/Queen Intersection.
 - c. Officers have worked with KLB to find an appropriate design and assisted in seeking quotations. Offers of in-kind donations have been received and voluntary work for the signs construction.
 - d. The proposed signs will compose of Stone pillars and new timber signs. Some light surrounding tree planting will also occur.
 - e. KLB as an organisation have bank accounts, however the groups constitution has lapsed placing them in a position unable to apply for funding.
-

- f. As with other local organisations, KLB has requested Council apply for funding on their behalf for this worthy community project
- g. A resolution from Council is required to apply for funding from charitable trusts.

Prepared

D G Ward
Chief Executive Officer

4. Attachments

- a. Copy of letter of support from Chair of Keep Levin Beautiful, Cr Tony Rush

Attachment

KEEP LEVIN BEAUTIFUL PROJECT COMMITTEE

C/- Horowhenua District Council
Private Bag 4002
Levin 5540

The Manager
Horowhenua Community Trust
Levin

To Whom It May Concern

Support for Grant Funding Application - Levin Community Entrance Signage

Keep Levin Beautiful (KLB) is a strong but informal community group that works closely with the District Council on projects that contribute to a clean, beautiful and proud town; one with which its citizens can identify. We have an active committee of around ten with a wider support group, and we co-operate with other groups as well. An example is working with Council and the Levin Rose Society on the redesign and replanting of the Cambridge Street Rose Garden.

This letter is in support of a grant application that will make possible another joint HDC/KLB project, the construction of beautiful new entranceways main highways to the North, South and East of the town. Each entranceway will consist of 'Welcome to Levin' signs with associated boulders and plantings.

While such sites have not been seen as priorities for direct ratepayer funding, particularly in a situation of major cuts in expenditure on parks and reserves, they will nevertheless contribute greatly to a number of desirable community outcomes; a beautiful town, a town that its citizens can be proud of, and a town that welcomes visitors on entrances.

KLB has been involved in consultation with the Council management on the design of the entranceways for many months now. We will continue to work in partnership going forward. Council will project manage the project, hence they are making the application on behalf of the community. KLB will help source sponsored boulders and other landscaping design elements, and if necessary undertake some of the installation and planting work.

I would estimate that the value of such work and sponsored materials, together with Council's contribution to project management will at least equal the grant funding requested. On behalf of KLB and the Levin community, I therefore write in support of the application

Yours truly,

Tony Rush
Chair, Keep Levin Beautiful Committee

Item-1700 Alterations to Parking Restrictions - Civic Building Area

File No **3914**

To: **The Chairperson and Members
Horowhenua District Council**

From: **Regulatory Business Unit Manager**

Date: **6 May 2009**

1. Executive Summary

a. Purpose of the report

To propose alterations to parking restrictions at the Civic Building and a consequential amendment of the Horowhenua District Council Traffic & Parking Bylaw 2007.

b. Key issues

1. The Civic Building is being used more and more by external agencies during the course of the day.
2. The current parking time restrictions in place are no longer conducive to meeting parking needs of users.

2. Recommendation

- a. That Report 3914 on Alterations to Parking Restrictions - Civic Building Area 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 resolve the following amendment to Schedule 2 of the Horowhenua District Council Traffic and Parking Bylaw 2004 -
 - (i) The P60 parking restriction covering seven car parks, Civic Building, 126 Oxford Street, Levin be revoked and the area become unrestricted
 - (ii) That the P15 covering two carparks on Oxford Street, Levin outside the Civic Building be redesignated to P60.

3. Context

a. Background

From time to time there is a need to update bylaws by way of amendments to ensure the bylaw, in this case a parking restriction, is relevant to meeting a need. These proposed amendments are a case in point.

b. Significance

This matter is not significant in terms of Council's Significance Policy.

c. Legal Issues

- (i) Any changes to a bylaw requires a resolution of Council. To facilitate this process Councils must decide:
 - (a) Whether the amendments proposed are in fact required; and
 - (b) Whether the amendments proposed are of a minor nature or not, which dependant upon this decision sets the process to be follows.

Minor amendments are defined by s156(2) of the Local Government Act 2002 as "amendments of minor effect, or editorial changes, or converting weights or measures".

- (ii) It is officer opinion that the amendments proposed are necessary for reasons outlined in clause 3e and that the amendments are only minor; hence the recommendations in place, to adopt by resolution the changes proposed.
- (iii) In the event that Councillors do not agree with the commentary in 3c(i) and (ii) above, the recommendation in clause 2c, should not be resolved and the matter referred back to officers.

d. Approach

Community views have not been sought as it is believed amendments are of a minor nature, therefore use of the Special Consultative Procedure is not required.

e. Discussion

- (i) The P60 restriction was placed in the Civic Building carpark soon after Council relocated. The restriction was placed as a mechanism to stop long term parking to ensure that there was parking availability for people doing business with Council.
- (ii) The P15 on Oxford Street outside the Civic Building has been in place for sometime.
- (iii) Over recent months the Council Civic facility has become increasingly popular as a venue for use by agencies and groups, including Community organisations, external of Council during the course of normal working hours.
- (iv) This increased use of the Civic facilities has resulted in ongoing difficulties for the users with parking needs, and as a result it is believed that the parking restriction in place requires reconsideration, hence this report.
- (v) Four additional carparks have recently been formed on Oxford Street directly outside the Civic Building with a P60 restriction, Report 3896, 6 May 2009, subject to Council resolution. These carparks together with the proposal to change a current P15, recommendation 2 c (ii) above, will provide six additional P60 parks directly outside the Civic Building and as a result will compensate the restricted carparks being proposed to be done away with in this report. As a consequence there should still be ample carparks available to short term users doing business with Council.

- f. (1) There are believed to be two options -
- (i) Option 1 Status quo remains in that the seven P60 car parks at the Civic Building remain P60, or
 - (ii) Option 2 The P60 restriction at the Civic Building car park be resolved to be unrestricted.
- (2) The preferred option is Option 2 on the basis that with the recent formation of additional car parks on Oxford Street outside the Civic Building, both short term needs, and those of users of the Civic facilities, can be met.
- g. The only cost involved will be removing signage and road markings in the Civic car parks. These are minimal and can be met from operational budgets.

4. Conclusions

- (1) (i) The proposal has been made to meet the need of a changing environment, eg increased use of the Civic facilities.
 - (ii) Compensating additional car park availability is now available directly outside the Civic Building on Oxford Street.
 - (iii) The amendments to parking restrictions in the bylaw are considered minor in nature.
- (2) Accordingly it is believed that by adopting the resolutions in Clause 2 of this Report, a practical solution can be achieved that meets the need of all affected.

	Name and title of signatories	Signature
Prepared by	M E Lepper Regulatory Business Unit Manager	
<u>Confirmation of statutory compliance</u>		
In accordance with section 76 of the Local Government Act 2002, this report is approved as: <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	T Thomas Environmental and Regulatory Services Manager	

Item-1701 Sale and Supply of Liquor and Liquor Enforcement Bill

File No **3912**

To: **His Worship the Mayor and Councillors
Horowhenua District Council**
From: **Environment and Regulatory Services Manager.**
Date: **6 May 2009**

1. Executive Summary

a. Purpose of the report

To confirm the officers submission on the Sale and Supply of Liquor and Liquor Enforcement Bill

b. Key issues

Local Government New Zealand (LGNZ) has made a submission on the proposed Bill. Officers seek confirmation that their support of that submission reflects the Horowhenua District Councils opinion. The closing date for submissions was the 23rd April 2009 hence the officer submission in advance of this report.

2. Recommendation

- a. That Report 3912 on the Sale and Supply of Liquor and Liquor Enforcement Bill 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 officer submission attached to the report be confirmed.

3. Context

a. Background

Various amendments to the Sale of Liquor Act have been proposed by the present Government. Officers have received a copy of the LGNZ submission on those proposals and have written to the Select Committee in support of that submission.

b. LTCCP

The content of the submission is not considered inconsistent with the LTCCP.

c. Significance

The matter is not one of significance in terms of the council's policy on significance.

Analysis

f. Views

The Bill contains a number of proposals which are set out in the Executive Summary of the attached submission by LGNZ and which have been copied below.

Summary of proposals and LGNZ submission.

1. *Prohibit the supply of liquor to a minor by anyone other than a minor's parent or guardian, or a person that has the consent (implied or explicit) of the minor's parent or guardian*

Local government supports the intent of these provisions but has concerns about their practicality and ability to be effectively implemented and has recommended an alternative approach

2. *Tighten definitions to stop the sale of liquor by convenience and small grocery stores*

Local government supports the intent of these provisions, but considers that the size limit should be increased to 200 sqm retail floor area

3. *Clarify that supermarkets (and grocery stores) cannot extend the range of liquor they sell beyond wine, beer, cider, and mead, by any means*

Local government supports this provision

4. *Preventing the establishment of liquor stores within stores or immediately adjacent to the supermarket or other store*

Local government supports this provision

5. *Make it explicit that local alcohol plans must be given effect to in licensing decisions*

Local government strongly supports these provisions

6. *Provide for social impacts to be considered in liquor licensing decisions*

Local government supports these provisions provided that social impact assessments are not mandatory for every application but only when deemed necessary by the local authority

7. *Provide for longer temporary closures of licensed premises*

Local government supports this provision.

Notably, the Bill makes provision for Councils to prepare Local Alcohol Plans if deemed necessary for use in considering licencing applications to it.

A further point of note in the submission relates to the costs to Councils in meeting their obligations under the Act. It is submitted that provision for fees be established in relation to these costs.

It should also be noted that the Bill proposes an amendment to the Land Transport Act which would make it an offence for drivers under the age of 20 without a full licence to drive with any alcohol in their blood.

- g. Options
Council can either confirm the officers' submission or instruct that it be withdrawn and or amended.

- h. Costs

Costs related to the submission are minimal.

4. Conclusions

- a. The preferred option(s)

That Council confirm the officers' support of LGNZ in this matter.

- b. Impact on Council Policy

No immediate impact.

Name and title of signatories	Signature
<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	Tony Thomas Environment and Regulatory Services Manager.

5. Attachments

- a. Officers letter of support to LGNZ submission.
- b. LGNZ Submission

23 April 2009

Local Government New Zealand
PO Box 1214
Wellington

Sale and Supply of Liquor and Liquor Enforcement Bill

Thank you for providing this Council with a copy of your submission on the above Bill. Unfortunately due to the timing I am unable to obtain our Councils comments on the proposal before today's closing date for submissions but would instead confirm our support at an officer level for your submission. I will copy this to the Justice and Electoral Select Committee by way of confirmation of this.

I note your submission makes particular reference to the absence of any proposal to allow councils to recover costs associated with the proposed legislation and would support your submission that this needs to be addressed. I am aware of this concern having been raised in my Council discussions on a number of occasions.

Yours sincerely

Tony Thomas
Environment and Regulatory Services Manager.

Cc
The Clerk
Justice and Electoral Select Committee
Parliament Buildings
Wellington

Submission to the Justice and Electoral Select Committee

In the matter of

Sale and Supply of Liquor and Liquor Enforcement Bill

From *Local Government New Zealand*

April 2009

Executive Summary

Local Government New Zealand supports the Sale and Supply of Liquor and Liquor Enforcement Bill. We consider it to be a practical and useful response to managing alcohol in our communities and providing greater community input into decision making. We consider that locally based alcohol policies or plans are the best mechanism for providing community input into decision making, considering local impacts and taking a comprehensive approach to alcohol related issues and liquor licensing.

This Bill, however, will only go part of the way. The social and economic costs of alcohol in New Zealand are significant. We will go into detail on these costs as we are certain you will receive this information in other submissions. While the local government sector supports this Bill, we strongly believe that a lot more needs to be done to address the sale, supply and consumption of alcohol in New Zealand. We consider that the Law Commission's review into the Sale of Liquor Act 1989 provides opportunities to consider the broader issues. At this stage the relative timing of this Bill vis-à-vis the review is unclear. This submission is made on the understanding that this Bill will go ahead despite the review being brought forward.

In summary, this Bill would make the following changes of particular significance to local government:

8. Prohibit the supply of liquor to a minor by anyone other than a minor's parent or guardian, or a person that has the consent (implied or explicit) of the minor's parent or guardian

Local government supports the intent of these provisions but has concerns about their practicality and ability to be effectively implemented and has recommended an alternative approach

9. Tighten definitions to stop the sale of liquor by convenience and small grocery stores

Local government supports the intent of these provisions, but considers that the size limit should be increased to 200 sqm retail floor area

10. Clarify that supermarkets (and grocery stores) cannot extend the range of liquor they sell beyond wine, beer, cider, and mead, by any means

Local government supports this provision

11. Preventing the establishment of liquor stores within stores or immediately adjacent to the supermarket or other store

Local government supports this provision

12. Make it explicit that local alcohol plans must be given effect to in licensing decisions

Local government strongly supports these provisions

13. Provide for social impacts to be considered in liquor licensing decisions

Local government supports these provisions provided that social impact assessments are not mandatory for every application but only when deemed necessary by the local authority

14. Provide for longer temporary closures of licensed premises

Local government supports this provision.

As a general point, we note that the Bill does not provide any additional mechanism for councils to recover the additional costs imposed through changes to the liquor licensing processes or to cover any development of "Local Alcohol Plans". Currently many councils fund liquor licensing by up to 50% from rates while any plan or policy development is also funded from rates. In most other areas of council responsibility, councils can set fair and reasonable fees through their Annual Plan process. In contrast, liquor licensing fees are set by legislation. Local government seeks a change to the manner in which liquor licensing fees are currently set so that their real (and changing) costs can be more closely reflected in fees and charges. This is a change we will be seeking through this Bill and the Sale of Liquor Act review.

Finally, there may be a need to clarify the relationship of aspects of the Bill to the Resource Management Act 1991 (particularly around location and density controls) so that it is clear which aspects take precedence, that there is no duplication, and no grounds for revisiting consent decisions in the liquor licensing process.

Outline of this submission

Part 1 of this submission provides some broad context to the issues.

Part 2 sets out specific comments on the Bill.

Part 3 provides a conclusion.

Process for developing this submission

Local Government New Zealand makes this submission on behalf of the National Council, representing the interests of New Zealand local government. This submission outlines a general local government view on the Bill.

Local Government New Zealand invited all member local authorities to contribute comments to assist in formulating this submission.

A *Local Government New Zealand* working group of technical experts reviewed this submission and it was endorsed under delegated authority by Lawrence Yule, as the President of the National Council.

Hearing

Local Government New Zealand wishes to be heard on this submission.

Part 1 Alcohol in our communities

The broader context

The many changes over recent decades liberalizing access to alcohol have brought benefits to communities, but also many significant costs. There is a broad sense that the 'pendulum' has swung too far with the liberalization New Zealand has experienced since the changes in the late 1980s. Furthermore the current tools are simply not adequate to deal with the challenges facing us in 2009 and into the future.

Challenges facing us include:

- an established culture where drinking to excess is normalised and often encouraged
- sales to minors and consumption by minors
- sales from dairies/small grocery stores (which the Act never intended)
- design and marketing of products aimed at minors
- low cost alcohol and loss-leading practices by large retailers
- the detrimental impact of the Commerce Act on local management of alcohol
- a perceived lack of community input into licensing decisions under the current Act
- inadequate funding for local government to manage alcohol in the community.

As the Committee will be aware, community concerns about alcohol and its impacts have been increasing over recent years. Communities are demanding more say in decision making about where and how alcohol is sold, supplied and consumed. There is support in local government for more community input into licensing decisions and the consideration of the wider impacts of alcohol sale and supply in the community.

We consider that the proposals in this Bill will go some way towards addressing our concerns. However, the broader review of the Sale of Liquor Act is critical in taking a holistic and comprehensive approach to these issues of great import to our communities and our nation.

Areas of local government responsibility

Local authorities have broad responsibilities for promoting the social, economic, environmental and cultural wellbeing of communities under the Local Government Act. As such, councils implement a wide range of strategies and policies to fulfil these responsibilities.

Through District Licensing Agencies, territorial authorities, have significant and wide ranging statutory roles under the Sale of Liquor Act. Along with the Police and Public Health, local government is at the forefront of managing alcohol in our communities.

Many local authorities have also adopted local alcohol strategies policies in order to take a comprehensive district or city wide approach to managing alcohol and its effects and have addressed issues as broad as alcohol at council functions, sponsorship and youth access to alcohol.

Approaches will vary between local authorities as they address the unique needs and aspirations

of their communities, including different population groups and neighbourhoods. Nevertheless, alcohol and its effects, is an issue for communities right across New Zealand.

Relationship to the Sale of Liquor (Objections to Applications) Amendment Bill

In June 2008, the Sale of Liquor (Objections to Applications) Amendment Bill [known colloquially as the Hawkins' Bill] was tabled in Parliament. It proposed to amend the Sale of Liquor Act (SOLA) to: provide for more community input into liquor licensing decisions; require applicants to do a social/economic impact assessment which would be subject to public notice requirements; and allow the authority to take additional matters into account when an application is opposed.

Local Government New Zealand submitted to the Social Services Select Committee on this Bill. While we supported the intent of the Bill, we noted that there would not be widespread support for it as it stood. The mandatory requirements for impact assessments on every application were not supported by local government. Local government considered that local discretion around the use of/requirement for impact assessments is required. We considered that local alcohol strategies - where they exist - may be the best place/context to consider the need for a social impact assessment, be it at a district/city or community level or on an individual application basis. The Committee held hearings on the Bill, but made it clear that it would be passing all the submissions and hearings information to the Select Committee that considers the Sale and Supply of Liquor and Liquor Enforcement Bill.

Sale and Supply of Liquor and Liquor Enforcement Bill: local government input

The feedback local government provided on the Sale of Liquor (Objections to Applications) Amendment Bill was taken into account by the previous Government in developing the Sale and Supply of Liquor and Liquor Enforcement Bill. Although the process for developing the Bill was very time constrained, *Local Government New Zealand* had some opportunities to provide input based on feedback received from the sector. At that time, we expressed general support for the changes with some concerns about the enforceability of the prohibition on sale to minors, and the practical considerations relating to social impact assessments. Our comments on the Bill, as introduced to Parliament, are outlined in Part 2 below.

Part 2 Specific comments on the Bill

Part 1 - Amendments to the Sale of Liquor Act (Clauses 4-48)

Generic amendment proposed to Part 1

We consider that an amendment is required throughout Part 1 of the Bill in order to give full effect to Local Alcohol Plans (LAP). All relevant clauses of the Bill need to be amended so that, in addition to information that applicants are currently required to provide for licences or renewals, applicants must provide "any additional information required by a local alcohol plan" .

It would also be worth clarifying that a number of local authorities - for example adjacent councils with overlapping issues - may want to develop a joint LAP.

Clause 2 - commencement

Content

This clause provides for the commencement of the various parts of the Bill as follows:

- Part 1 (Amendments to the Sale of Liquor Act) comes into force on a date determined by the Governor-General through an Order in Council.
- Part 3 (Amendments to the Land Transport Act) commences 6 months after assent
- The remainder of the Act (including amendments to the Summary Offences Act) commences the day after assent.

Comment

We propose an amendment to this clause. Local government would prefer a set date for the commencement of the Bill (particularly Part 1). We suggest that the Bill be given immediate effect on the day it receives Royal Assent.

There is some concern that without a set date, the commencement of the legislation could be delayed. We do not consider that there needs to be a delay to the enactment of the Bill while any regulations are drafted. To highlight the possible consequences, local government is still waiting for regulations to be drafted under the Local Government Act, enacted in 2002. We do not wish to see the legislation delayed in any way pending regulations. We suggest that those councils who are ready to proceed do so, and any regulations developed be implemented via review of their policy.

If the Bill is to achieve its aim, then a new system of setting liquor licensing fees and charges needs to be given effect as soon as possible. As noted earlier councils face many challenges funding liquor licensing activities, and these challenges will only increase with the enactment of this Bill. We recommend a review of the setting of fees and charges to government as a matter of urgency.

At this stage the relative timing of this Bill vis-à-vis the Law Commission's review of the Sale of Liquor Act is unclear. This submission is made on the understanding that this Bill will go ahead despite the review. However we understand that there is a possibility the two may eventually be considered together. Transitional provisions may require re-consideration if that is the case.

Clause 5 - interpretation

Content

This clause provides definitions of key terms in the Bill.

Comment

We suggest some amendments to this Clause.

Local government prefers the term "Local Alcohol *Policy*" to "Local Alcohol *Plan*". We suggest that what the Act envisages is more akin to other policies developed by local government such as Gambling Venue Policies. We consider that Local Alcohol Policies should provide a contextual framework for the consideration of local responses.

We also seek to have definitions for criteria relating to grocery stores included in the Bill. The definition of a grocery store (and distinguishing these from dairies) has been a significant challenge and concern for many involved in liquor licensing. Later sections of the Bill deal with grocery stores in more detail, however, we suggest that the Committee should consider including definitions, particularly for "principal business" and "main order household foodstuff requirements". Case law has provided greater clarification of key terms; however, we consider that legislative definition could increase certainty in this area.

Amendments relating to on-licences (Clauses 6 - 13)

Summary

Clauses 6-13 provide for "Local Alcohol Plans" be given effect in decisions relating to on-licences. They cover applications, variations and renewals, and the provisions are essentially repeated for each type of on-licence.

Under the current process:

- unopposed applications can be granted by the District Licensing Agency (DLA) (with or without conditions)
- opposed applications go to the Liquor Licensing Authority (LLA)

The Bill proposes that applications will have to be consistent with the Local Alcohol Plan (LAP). This means that:

- unopposed applications consistent with LAP can be granted by DLA
- unopposed applications inconsistent with LAP can be granted by DLA with conditions that ensure it becomes consistent with the LAP
- unopposed applications that cannot be made consistent with the LAP through conditions can be declined by the DLA (and appealed to the LLA)
- opposed applications will still go straight to the LLA

The various clauses are commented on in detail below. The general structure of this section is also repeated for off-licence, club licences and special licences, though there are some unique

additions for off-licences which are outlined in the following section. We are generally in support of these clauses (though have some specific comments on particular aspects).

Clause 6 - notifications

Content

Clause 6 requires applicant to notify the DLA when and where public notification of their application will occur.

Comment

We support this clause as it enhances one of the overall purposes of the Bill, to enhance public participation in the licensing process.

DLAs already have the ability to determine the publications in which notifications can be placed. However, some DLAs have expressed concerns about applicants deliberately advertising at times which result in little public awareness, such as Christmas Eve or New Years Eve. This means that interested or affected parties may not be made aware of the application. Clause 6 would require the applicant to inform the DLA of when and where notification would occur. The DLA may be able to negotiate with the applicant if a particularly inappropriate time is chosen.

Alternatively the DLA could place the notice on behalf of the applicant and charge the applicant (as under the Resource Management Act 1991) or there could be a requirement for a notice to be placed on a "working day" as defined in s2 of SOLA.

Overall, there is a view in local government that the current methods of public notification are not effective in informing the community. The broader issue of community notification, information and input need to be addressed in the wider review of the SOLA. We suggest that new options need to be considered: in some areas mail drops to surrounding residents may be necessary, while greater use of notification via email or websites could be another useful option.

Clause 7 - applications

Content

This clause prevents a DLA from granting an on-licence if there is an applicable LAP and the application is inconsistent with LAP. The DLA must impose conditions if these are required by LAP.

Comment

We support this clause. It provides for LAPs to be given effect in the statutory decision making process. We consider that LAPs are a good mechanism for providing community input and greater local control over liquor licensing decisions.

Clause 8 - Criteria

Content

This clause provides that the LLA must not grant an on-licence, where there is an LAP, if it is inconsistent with the LAP, *and* the DLA has not notified LLA that it supports the granting. Further

the LLA must impose conditions consistent with the LAP should it grant the licence.

Comment

We support this Clause. It means that the LLA can't grant a licence if the DLA does not agree, and even if the DLA does agree, the LLA must impose any conditions necessary under LAP.

Clause 9 - support

Content

This clause provides for LLA and DLA to impose conditions provided for in LAP

Comment

We support this clause which gives effect to the LAP as it is central to the entire Bill. We consider that there may be some aspects of the LAP that may need to be given effect to all licensed premises once the policy comes into force, and regardless of the date of their licence renewal. For example, should a council wish to establish a policy requiring licences to adopt a one way door policy; it would be more equitable for this to be imposed on all licences on the same date rather than waiting for renewals.

Clauses 10-13 - variations and renewals

Content

These clauses essentially repeat the content of cl.6-9. They provide that variations (cl.10) and renewals (cl.12-13) cannot be made if they are inconsistent with LAP.

Clause 11 essentially repeats Clause 6 on notifications.

Comment

We support these clauses as they give effect to the LAP during variations and renewals.

Amendments relating to off-licences (Clauses.14-22)

Clauses 14-22 largely repeat the content of clauses 6-13, requiring that LAPs be given effect through decisions relating to off-licences. The key difference relates to small groceries.

Clause 15 - applications

Content

This repeats the requirements to give effect to LAP; however it requires all applications for grocery stores under 150sqm to be dealt with by the LLA even if they are unopposed.

Comment

We support the requirement for off-licence decisions to give effect to the LAP. However, we have some concerns about the provisions relating to small grocery stores.

Most councils do not support all small grocery applications (under 150sqm in the Bill) going to the

LLA automatically. Most consider that the DLA should be able to consider the application first, which could then be referred to the LLA.

See also our comments on Cl. 17 relating to the definition of grocery stores.

Clause 16 - Criteria for LLA

Content

This clause essentially repeats cl. 8 but has particular additions.

Cl. 16 (1A) and (1C) provide that the LLA must not grant an on-licence, where there is an LAP, if it is inconsistent with the LAP, *and* the DLA has not notified LLA that it supports the granting. Further the LLA must impose conditions consistent with the LAP should it grant the licence.

Cl. 16 (1B) introduces a new element, preventing the LLA from granting a licence situated within a shop unless it is a supermarket or grocery store.

Comment

We support Cl. 16 (1A) and (1C) as the LLA can't grant a licence if the DLA does not agree, and even if the DLA does agree, the LLA must impose any conditions necessary under LAP.

We also support Cl. 16 (1B) as it prevents the 'store within a store' and any premises other than supermarkets and grocery stores (above 150 sqm) holding an off-licence. Note our previous comments about the definitions of grocery stores.

Clause 17 - types of premises

Content

Cl. 17(1) amends the definition of grocery stores by adding a requirement that they have "a floor area of at least 150msq".

Cl. 17(1A) provides for a grocery store less than 150sqm to hold a licence if it is more than 10km from any other supermarket or grocery store and it would not be economic to establish a supermarket or grocery store.

Comment

We support the setting of a minimum size limit for grocery stores, to avoid what are essentially dairies from holding liquor licences. However, there are a number of challenges in defining a grocery store that require further consideration.

There is general, but not absolute, support within local government for minimum size to be a determining factor in defining grocery stores. Some councils believe that other criteria such as the principal purpose of the business, turnover, controls over the type of alcohol sold, and character of the licensee are more useful criteria. We believe both size and other criteria can be used together to provide greater clarity in this problematic area.

Firstly, we recommend that 200sqm as a preferable size limit. We consider that this is a reasonable limit given the 1000sqm requirement for supermarkets as the only other store in this

category.

Secondly, we recommend that any size limit relate to "retail floor area" rather than the proposed "floor area". Under the proposed terminology stores can include non-retail areas such as store rooms and employee rest areas in their floor size. This makes a mockery of the law as various extensions to what are essentially dairies have been undertaken in the past to qualify for an off-licence. A requirement of "retail floor space" (with any necessary definitions) could prevent this.

Also we note our comments in relation to Cl. 5 where we seek definitions of key terms such as "principal business" and "main order household foodstuff requirements" that relate to grocery stores.

Cl. 17(1A) is essentially a rural exemption, allowing grocery stores less than 150sqm to hold a licence given distance and economic factors. We support the rural exemption generally, though consider that councils may wish to provide more local context within their LAP.

Cl. 18 - Conditions of off-licences

Contents

New section 3B restricts the type of alcohol that can be sold from off-licences within a shop or adjacent to a supermarket and under the same management as the supermarket to what may be sold by a supermarket - wine, fruit wine, mead and beer.

3D restricts off-licences whose principal business is the manufacture of sale of alcohol to continue to have the manufacture or sale of alcohol as its principal business.

Comment

We support this clause. It clearly restricts grocery stores and supermarkets to selling their current range of alcohol: this cannot be expanded into spirits etc. It thereby prevents the 'store within a store' selling spirits.

"Loss leading" of alcohol (ie selling at a loss) by supermarkets is a significant concern to many councils and communities. We consider it imperative that there is no expansion of supermarket sales beyond the existing range of beer, wine and cider, as the consequences of cut prices spirits from supermarkets would be hugely detrimental in the community.

We note that there may need to be definition of "adjacent" in the Bill.

Cl. 19 - Variations

Content

This mirrors cl. 10 requiring variations on conditions to comply with any LAP

Comment

We support this clause for the reasons noted previously in relation to Cl.10.

Cl. 20 - Renewals

Content

This clause mirrors cl. 6 requiring applicant to notify DLA or publication of application

Comment

We support this clause for the reasons noted previously in relation to cl. 6.

Cl. 21 - Applications

Content

This clause mirrors cl. 7 & 15 prevents the DLA granting applications inconsistent with the LAP and any applications for grocery stores under 150sqm.

Comment

We generally support this clause, but note our comments in relation to clauses 7, 15 & 17 around local decision-making and the size of grocery stores.

Cl. 22 - Renewals

Content

This clause provides for the renewal of off-licences and mirrors cl.18.

Comment

We support this clause, for the reasons outlined in relation to cl. 18. However we believe there is an error within it. The new subsection (2)(a)(ii) should not include the word "not" and should read:
(ii) that shop is a shop of a kind described in section 36(1)(d)

Amendments relating to club licences (Clauses 23-30)

These clauses mirror the provisions for on-licences. Our previous comments on on-licences apply to the relevant provisions here.

Amendments relating to special licences (Clauses 31-36)

These clauses mirror the provisions for on-licences. Our previous comments on on-licences apply to the relevant provisions here.

Local alcohol plans (Clause 37)

Clause 37

Content

This clause inserts a New Part 4A into the SOLA including a new:

- S84A which provides for territorial authorities to adopt LAPs
- S84B which sets out the contents of an LAP

Comments

S84A

This section empowers any territorial authority to adopt, amend or revoke an “alcohol plan” using the Special Consultative Procedure (SCP). It may be necessary to clarify that this is the SCP as set out in the Local Government Act 2002. As noted earlier in our submission there is support for communities having a greater say through the development of a local alcohol policy. Councils consider that the SCP is the most appropriate mechanism for community input and consultation on the LAP. This is the most robust consultation process available, is used for similar policies (like Gambling Venue Policies) and for other alcohol related tools such as Liquor Control Bylaws.

We consider that councils should review their LAP at least every 6 years (using a 6 year period provides for the process to fit with the three year cycle of the Long term council community plan (LTCCP) process, but we consider that 3 years is too short a period). Councils could review their LAP at any other time providing they follow the SCP.

We seek some clarification from the Committee as to whether LAPs can exceed (but not undermine statutory limits) e.g. could councils place a larger (i.e. 250sqm) but not smaller size limit on grocery stores?

S 84B

We consider that there are a number of other factors that should be considered in S84B to ensure that councils have the necessary tools to develop robust and effective LAPs.

We propose the following amendments to S84B:

S 84(B) be amended to read

“A local alcohol plan may include requirements relating to...”.

Add a new section after 84B

(h) the size of outlets

(i) any other matters the territorial authority considers relevant

Add to s84B(d):

(d) (iii) other licensed premises

(d) (iv) private residences

(d) (v) places of worship

Note S84B(l) refers to a “policy (which may include a statement of circumstances in which applications are to e grated or refused) on how any criteria or conditions in the plan are to be applied to applications ...”. We have recommended that the term “local alcohol plans” be changed to “local alcohol policies” in the Bill. As such the term “policy” would apply to the wider LAP. The detailed “policy” referred to in S84B resembles current liquor licensing policies, and should be re-named “Liquor licensing policy” or given another term. In the event the LAP may incorporate the detailed information in S84B.

Amendments relating to management of licensed premises (Clause 38)

Content

Clause 38 provides for the mandatory cancellation of a manager's certificate after 3 incidents relating to minors within 2 years and provisions detailing the process for such cancellation. It prohibits them from being a manager, temporary manager or acting manager for five years after the third conviction.

Comment

We support the intent of this Clause to remove repeat offenders from the system. However, we do not consider that this provision goes far enough. Manager certificates should be cancelled for 3 offences of *any type* under the SOLA within 2 years, not just those relating to minors.

Advertising and promotions (Clause 39)

Content

This Clause inserts a number of new sections:

- S136A - sets out principles around promotions not inconsistent with promotion of responsibility and moderation, minimizing exposure of children and young people, and not having strong appeal to children or young people
- S136B - provides for the Government to establish a body to review and enforce codes and deal with breaches and complaints
- S136C - empowers the Director General of Health to issue cease and desist orders
- S136G provides for fines of \$200,000 for body corporate and \$60,000 in other cases

Comment

Alcohol advertising is currently self-regulated by the advertising industry through the Advertising Standards Authority. This Clause gives effect to the 2008 review which promoted a shift from self-regulation to enforced regulation. This review considered co-regulation (by government and the industry) and full government regulation. The preferred option of the review and in this Bill is enforced self-regulation.

We do not believe that this Bill goes far enough in controlling advertising and promotion. We consider that the current system of control is ineffective and needs radical change. We are facing significant alcohol related harm across New Zealand and there is a need for greater control of alcohol advertising and promotions both through the media and on site.

The proposed system will require close scrutiny to ensure the principles on which it is based are upheld. For example, the principles refer to limiting exposure of young people to alcohol, yet supermarkets often have large alcohol displays immediately on entering a supermarket.

There is a great need to strengthen controls on promotion. We expect this to be seriously addressed in the Law Commission's review, but would like to see a stronger stance taken in this Bill also.

Amendments relating to offences and enforcement (Clauses 40-46)

Content

These clauses provide for amendments or additions to current sections:

- restricting the defence for sale, or permitting minors to be in a restricted or supervised area, to having sighted an evidence of age document (Cl. 40 and 42)
- creating an offence to present, sell, hire, lend, give or otherwise dispose of a false evidence of age document and provides for a \$2000 fine (Cl 44)
- diversion of minors to alcohol treatment programmes instead of paying infringement fees (Cl. 43)
- prohibit the supply of liquor to a minor by anyone other than a minor's parent or guardian, or a person that has the consent (implied or explicit) of the minor's parent or guardian (Cl. 41)

Comment

We support the general intent of these provisions but have a number of practical concerns with two of them. We support Clauses 40, 42 and 44 regarding evidence of age documents. These are overdue provisions.

We support the intent of diverting minors to treatment programs, but issue a note of caution regarding the availability of youth alcohol and drug services. Anecdotal feedback from our members suggests that it is already difficult for youth to access relevant services, and this Bill would only increase demand. Government may need to look at corresponding funding in this area to provide for any changes in demand.

Whilst we support the intent of Clause 41 relating to supply, we are concerned about its practicality and ability to be implemented. Feedback from liquor licensing staff in local government suggests that proving consent (implied or explicit) will be extremely difficult to do in practice. There is no 100% perfect approach in addressing supply and consumption by minors. However, rather than the current proposal in Cl 41, we propose that the Bill provide that alcohol can only be consumed by minors under the direct supervision of parents or guardians. The parent or guardian will have to be present supervising at the time of consumption. This would avoid what we perceive will be very complex provisions around determining consent for supply (be it "implicit" or "explicit").

We suggest another amendment not currently contained within the Bill relating to Controlled Purchase Operations (CPOs). These are essentially "sting operations" run by the Police, DLA and Public Health to detect sales to minors). Currently the law does not provide an exemption to allow youth taking part in CPOs to lie about their age. We recommend an amendment to s172 to exempt young people volunteering for CPOs from the 172 offences of falsely representing their age.

We note that there also seems to be a lack of clarity about whether the law allows for "Shoulder Tap" CPO type Operations outside off-licences to approach patrons entering being asked to purchase. This needs to be clarified in the legislation.

Clause 45-46 - Closures

Content

These clauses provide for closures by Police due to riots or fighting to have effect for 48 hours.

Comment

We support this clause. There is a flaw in the current system where closures only apply for that day. This means that a closure could be issued at 11.45pm and will only have effect until midnight. Such a provision is clearly unhelpful. We support the expansion of closure orders for 48 hours.

Amendment of regulation-making power (Clause 47)

Content

Cl. 47 allows for the making of regulations providing for the preparation and contents of LAPs.

Comment

See our comments on Cl.2 regarding commencement

Provisions enabling limited renewal of certain otherwise unrenovable licences (Clause 48)

Content

This Clause sets out a three year transitional period for on-licences and club licences after Cl. 12 (LAPs) comes into force. The Bill provides for one renewal during the transition period under the current regime, but any future renewals can not extend beyond the transition period if they are not consistent with any LAP.

In relation to off-licences the transition period is the earlier of three years from the commencement of Clause 17 (limiting small groceries from having licences) or Clause 22 (giving effect to LAPs on renewals)

A new s258 clarifies that no compensation is available for either failure to receive a renewal, no longer being eligible for an off-licence (e.g. small groceries), for the imposition of new conditions by the LLA, or for the impacts of the transitional provisions. It should also specify this in regard to DLA decisions.

Comments

We support this Clause.

Provisions consequential on enactment of Part 1

Part 2 - Amendments to Summary Offences Act 1981 (Clauses 49-53)

Content

This makes it an offence under the Summary Offences Act, with a consequent fine of up to \$2000, to supply to a minor without parental consent.

Comment

We support the inclusion of significant fines in the legislation. However, we refer the Committee to our comments on Clause 41 where we point out the difficulties in implementing a "consent" based provision. We have suggested requiring alcohol to be consumed only under the direct supervision of a parent or guardian.

Part 3 - Amendments to Land Transport Act 1998 (Clauses 54-60)

Content

This amends the Act to make it an offence for young people without a full licence to drive with any alcohol at all in their blood. (ie it institutes provisions for zero blood alcohol content for drivers under 20 without a full licence).

Comment

We support this provision.

Part 3 Conclusion

New Zealanders have become increasingly concerned, over recent years, about the detrimental impacts of alcohol sale and consumption in our communities. There is a sense that the pendulum has swung too far in favour of liberalization of the sale and supply of alcohol, and that there are insufficient tools available for communities to correct this balance. There is a strong desire from the community to have more of a say in liquor licensing decisions, and for local authorities to have greater local discretion.

This Bill is an important first step in providing for greater local control over licensing decisions. By providing for Local Alcohol Plans (policies) which set a context for local decision making to have greater effect in the statutory process, local community wishes will have a stronger voice in these processes.

A number of other significant issues need to be addressed if we are to reverse the increasing levels of alcohol related harm we are seeing in our communities. Local government endorses the need for a comprehensive review of laws relating to the sale and supply of liquor, currently being undertaken by the Law Commission. This Bill is useful in that it will address some aspects of the picture, but many more, complex issues remain. We ask the Committee and the Government to take a broad and comprehensive consideration of both this Bill and the SOLA review.

Item-1702 Strathmore Park Subdivision - Proposed Road Names

File No **3911**

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

From: **Manager: Resource Management**

Date: **6 May 2009**

1. Purpose

- a. To select a road name for the Strathmore Park Subdivision in Tokomaru.

2. Recommendation

- a. That Report 3911 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 Strathmore Park Subdivision (being a subdivision of Lot 1 DP 349466), as contained in Horowhenua District Council file number RS 1219 and illustrated on the Scheme Plan in Attachment B to this report be:
- Islay Close for the street that goes off Williams Road.

3. Issues

- a. Each new street or right of way created servicing numerous properties requires a name. As a condition of subdivision approval, the applicant is required to provide some alternatives.

In accordance with the Council's policy the applicant has submitted possible names for the new road. The applicant letter is included in Attachment A.

The suggested names have been checked by Council's planning staff to ensure that there is no conflict with existing road names insofar as there is not likely to be confusion for emergency vehicles being able to locate the road..

The two other streets in the subdivision are Highland View Road and Angus lane. These were approved at a Council meeting dated 05-02-2008.

4. Issues for Consideration

Two options were submitted for consideration for the new road.

These are:

Islay Lane and
Glenesk Lane.

Both of the applicant's choices were considered. There is an existing street named Glen in the Horowhenua District so in order to prevent confusion between this name and the proposed name Glenesk, Islay Lane was considered to be more appropriate

The term Lane is however not appropriate in terms of the " Internal Management Policy Nomenclature of Roads" as contained in report MES 1269 so after discussion with the landowner it was agreed that the new recommended name be Islay Close.

	Name and title of signatories	Signature
Prepared by	P Vorster Resource Management 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 and Regulatory Services Manager	

5. Attachments

- a. Letter from Developer.
- b. Scheme Plan of subdivision.

MR Pieter Vorster.

Horowhenua District Council.
re:in.

11/4/09.

I have enclosed a plan with the names we suggest, we look forward to your decision, also enclosed is a copy of your original letter approving the other two roads

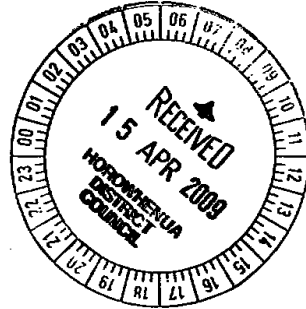
Thank you

George Beaton

George.

Regards from
George Beaton, David & Barry Manderson

'Camberley Farms'
11 Tane Road
RD 4
Palmerston North
New Zealand
Ph/Fax 063298889



-----Original Message-----

From: Pieter Vorster [mailto:pieterv@horowhenua.govt.nz]
Sent: Wednesday, 8 April 2009 3:59 p.m.
To: 'george'
Subject: RE: Strathmore Park road names
Sensitivity: Personal

Please send me a DT indicating the names on plan to attach to the Council report. As soon as I have it I will check out the names you have recommended and communicate with you. Will endeavour to submit the reports to a Council meeting in May.

Pieter Vorster

~~manager, resource management~~
Environmental and Regulatory Services
Horowhenua District Council
Ph 06 366 0999
Fax 06 366 0977

From: george [mailto:camberley@xtra.co.nz]
Sent: Wednesday, 8 April 2009 3:15 p.m.
To: Pieter Vorster
Subject: Strathmore Park road names
Sensitivity: Personal

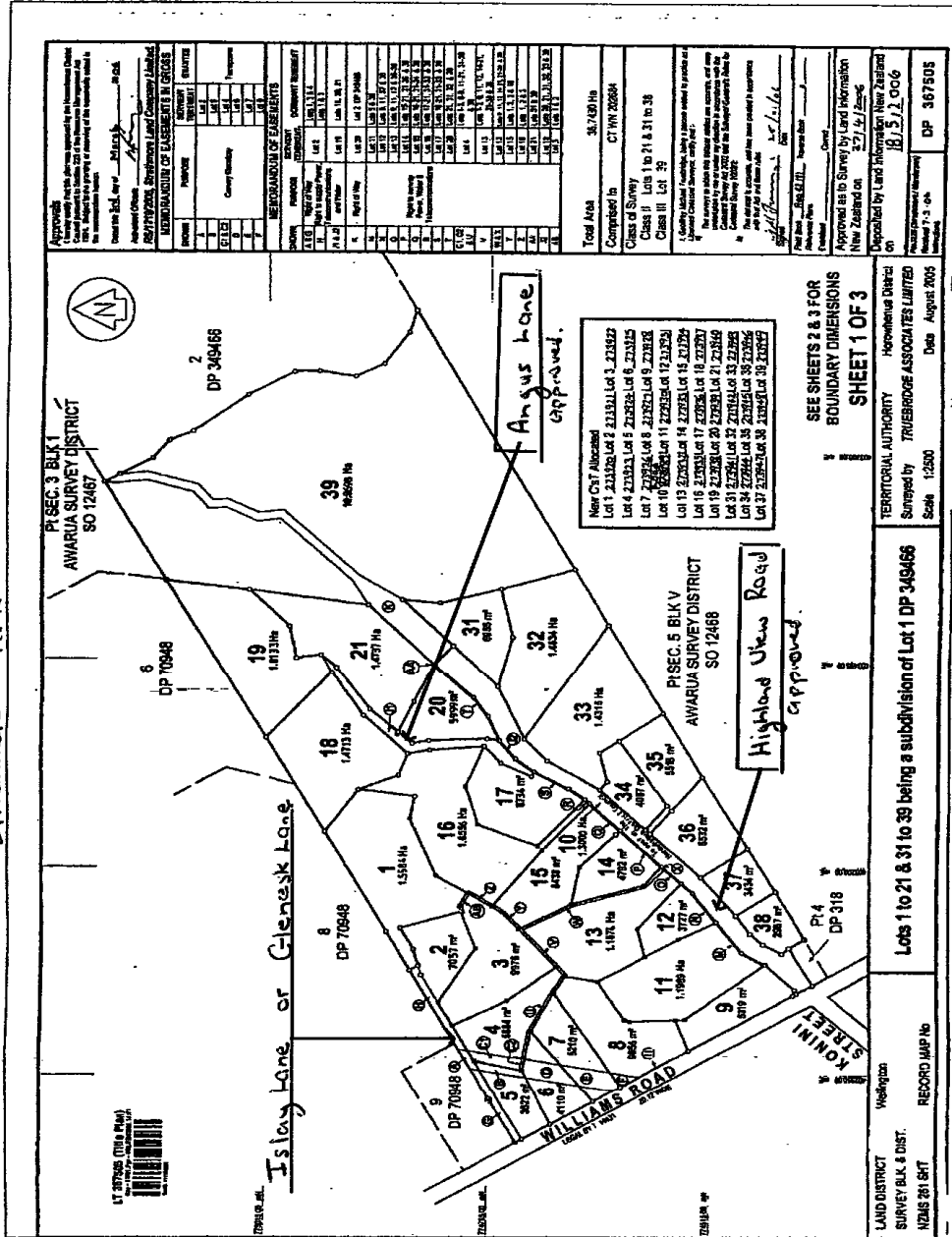
Dear Pieter,

I have been talking with Noel Gill about the names for the roads at Strathmore Park, he says the main road will be called Highland View Road, and the short road in the middle of the subdivision will be called Angus Lane. He also thought we should have a name for the short road that goes off Williams's road, for some reason this road has not been given a name. Can we suggest it be called Glenesk Lane or Islay Lane. I have attached the original letter to you with the name suggestions which has these options.

Once this third name is approved I will get Fulton Hogan to erect the signs.

Many thanks

Strathmore Park.



Lot No.	Area (m ²)	Area (Acres)
1	1,358	0.31
2	795	0.18
3	878	0.20
4	824	0.19
5	824	0.19
6	824	0.19
7	824	0.19
8	824	0.19
9	824	0.19
10	824	0.19
11	1,000	0.25
12	870	0.20
13	1,171	0.27
14	870	0.20
15	870	0.20
16	1,626	0.40
17	874	0.20
18	1,473	0.34
19	1,473	0.34
20	990	0.23
21	1,477	0.34
22	1,473	0.34
23	1,473	0.34
24	1,473	0.34
25	1,473	0.34
26	1,473	0.34
27	1,473	0.34
28	1,473	0.34
29	1,473	0.34
30	1,473	0.34
31	1,473	0.34
32	1,473	0.34
33	1,473	0.34
34	1,473	0.34
35	1,473	0.34
36	1,473	0.34
37	1,473	0.34
38	1,473	0.34
39	1,473	0.34

SEE SHEETS 2 & 3 FOR BOUNDARY DIMENSIONS SHEET 1 OF 3

SEE SHEETS 2 & 3 FOR BOUNDARY DIMENSIONS SHEET 1 OF 3

SEE SHEETS 2 & 3 FOR BOUNDARY DIMENSIONS SHEET 1 OF 3

AWARUA SURVEY DISTRICT SO 12467

AWARUA SURVEY DISTRICT SO 12468

DP 70948

DP 70948

DP 70948

DP 349466

WILLIAMS ROAD

KONINI STREET

PI SEC. 3 BLK 1 AWARUA SURVEY DISTRICT SO 12467

PI SEC. 5 BLK V AWARUA SURVEY DISTRICT SO 12468

LAND DISTRICT SURVEY BLK. & DIST. NZMS 281 B/T

RECORD MAP No

Scale 1:2500

Date August 2005

Surveyed by TRIVEERIDGE ASSOCIATES LIMITED

TERRITORIAL AUTHORITY HORIZONTIA DISTRICT

Approved as to Survey by Land Information New Zealand on 27/8/2005

Deposited by Land Information New Zealand on 18/5/06

DP 349466

Transaction Id 19474195
Client Reference niamkersley001

Search Copy Dated 16/10/07 9:08 am, Page 2 of 4
Register Only

Item-1703 Minor Amendments to the Horowhenua District Plan

File No 3908

To: His Worship the Mayor and Councillors
Horowhenua District Council

From: Environmental and Regulatory Services Manager

Date: 6 May 2009

1. Purpose

- a. To update the Council on minor amendments to be made to the Horowhenua District Plan and seek the Council's agreement to make the necessary amendments.

2. Recommendation

- a. That Report 3908 on Minor Amendments to the Horowhenua District Plan 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 that officers be authorised to make amendments as set out in this report and make updated copies of the Horowhenua District Plan available at the Public libraries and Council Customer Service Centres.

3. Issues for Consideration

- a. The Horowhenua District Plan became operative 13 September 1999. Since then there have been 16 plan changes (14 Council initiated plan changes and 2 private plan changes) that have become operative.
 - b. Although Plan Changes 17 and 18 have both been made operative, the District Plan has not been updated to incorporate these changes into the existing text and maps.
 - c. Given the upcoming hearings to be held for Proposed Plan Changes 20 and 21, together with the statutory review of the District Plan is it essential that an updated version of the Plan is available to Council, officers and member of the public.
 - d. It has also become clear that the versions of the District Plan in the public libraries have not been updated with the approved plan changes in a way that would provide members of the public with certainty that they are viewing an accurate and up-to-date version of the District Plan.
 - e. In updating the operative District Plan to include Plan Changes 17 and 18, Council officers want to take the opportunity to correct minor typing and formatting errors within the Plan.
 - f. Clause 20A of the First Schedule of the Resource Management Act 1991 provides for the following
"A local authority may amend, without further formality, an operative policy statement or plan to correct any minor errors".
 - g. **Attachment A** sets out the nature and extent of the minor amendments to be made to the operative District Plan.
-

- h. Any matter that is considered to change the intent or meaning of the Plan has not been addressed in this process. Officers openly acknowledge that the existing operative plan contains a number of errors and inconsistencies that to resolve would require a formal plan change. It is intended that these matters be corrected as part of the formal district plan review and not through this process under Clause 20A of the First Schedule.
- i. There are no direct significant costs in making the minor amendments as set out in the attached schedule.

Prepared

Approved for Release

David McCorkindale
Project Manger (District Plan Review)

Tony Thomas
Environmental Services Manager

4. Attachments

- a. Attachment A – Schedule of Minor Amendments to the Operative Horowhenua District Plan.

Schedule of Minor Amendments to the Operative Horowhenua District Plan

Section	Provision	Nature of Change
Entire Plan		General formatting throughout document, including new page numbers, removing extra blank lines & gaps, formatted headings.
Schedule of Changes		Amend operative date of Plan Change 8. Add details of Plan Changes 17 and 18
Contents		Amend Part B heading. Amend page numbers throughout the whole document. Add Schedule 5 Add Reference to Maps 36-37
Introduction	A7	Add detail to the headings of Schedules
1	1.1	Amend 'Clause 74(2)' to read 'Section 74(2)'
1	1.4	Renumber from '1.5' to '1.4'
6	Issue 13a and Objective & Polices 8A.	Add in Plan Change 17 amendments
6	Policy I.6	Amend Policy 1.6 to I.6
14	14.1(j)	Amend second 14.1(i) to 14.1(j).
14	14.2.3, 14.3, 14.4.1, 14.5, 14.8	Add in Plan Change 17 and 18 amendments
16	16.3, 16.4.4, 16.5	Add in Plan Change 17 amendments
17	17.4.1(iii)	Correct typing error 'nay' to 'any'
18	18.7	Change heading to be consistent 'Standards' to 'Conditions'
19	19.2.21(iv)	Correct typing error 'metre sin' to 'metres in'
21		Change page number references to refer to new numbering system
23		Change page number references to refer to new numbering system
25		Change order of definitions to ensure all definitions are in alphabetical order
Schedule 1	D11, D12, D57, D62	Add detail to legal description
Schedule 1 Schedule 2	D86	Amend street name Apply consistency to legal description. Update table to remove Structure and Notable Trees no longer existing
Schedule 4 Schedule 5		Renumber Schedule '5' to '4' Add Design Guide and Structure Plan from Plan Change 17

Schedule 5	Design Guide	Remove extra word 'fencing' from Figure 3b description. Renummer second '4.6.7' to '4.6.8'. Renummer second '4.4.11' to '4.4.13' Renummer heading for Overall Site Design from '3' to '4.0'
Planning Maps	Maps 24, 25 and 26	Add amendments to reflect Plan Change 17 and 18.

Item-1704 Liquor Licensing Matters from 21 January 2009 to 22 April 2009

File No **3910**

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

From: **Liquor Licensing Inspector**

Date: **6 May 2009**

1. Purpose

- a. To update matters relating to liquor licensing for the period 21 January 2009 to 22 April 2009.

2. Recommendation

- a. That Report 3910 be received.
b. That the Licences and Managers' Certificates as scheduled in Part 3(a) of this report, which have been granted or renewed under delegation, be ratified.
c. That the information in Part 3(b) of this report be noted.

3. Issues for Consideration

a. New and Renewed Applications

New	New/On/Off Club Licences	To Expire
Innovation Liquor Ltd	040/OFF/2009/2	16.03.10
Sandra Gwendoline Scaife	040/ON/2009/1	18.03.10
Renewed Licence		
Manakau Bowling & Sports Club	040/CL/13/01	14.05.12
New Certificate		
Sandra Gwendoline Scaife	040/GM/2009/2	05.02.10
Sarah Jane Horne	040/GM/2009/3	26.02.10
Diane Marie Corley	040/GM/2009/4	20.03.10
Nipun Kumar Sharma	040/GM/2009/5	24.03.10
James Adams	040/CM/2009/1	15.04.10
Renewed Certificate		
Karemoana Matamua	040/GM/02/04	07.02.12
Gaylene L Broadbelt	040/GM/2008/8	08.02.12
Shelley Megan Smith	040/GM/2005/5	23.03.12
Brian Dudley Bishop	GM1214/99	29.03.12
Cynthia Mary Bishop	GM1213/99	29.03.12
Valerie Franklin	040/GM/2008/13	27.03.12
Mark Phillip Wheeler	036/GM/6/2002	12.02.12
George Michael Samson	GM1102/99	30.03.12

Gary Ian Wylie	040/CM/2008/1	28.02.12
Virginia Maria Wall	040/GM/2008/11	28.02.12
Gregory Douglas Manson	040/GM/2008/18	16.05.12
Rebecca Jane Wilson	040/GM/2008/17	16.05.12
Elizabeth Anne Drake	040/GM/2008/15	02.05.12
Christine Margaret Norris	GM890/99	10.03.12
Wayne Frederick McGhie	040/GM/2008/14	27.03.12
Malcolm Paul Hadlum	040/GM/02/12	22.05.12

Special Licence

Athletic Rugby Football Club	1852
S E A Manning	1851
Prenzel Kapiti Coast	1855
Levin Club	1853
Wendy J Rolston	1854
Manawatu Marine Boating Club	1860
Levin Cosmopolitan Club	1856
Jason Aaron Johnstone	1857
Tracey Stevens	1861
Rosemary English	1865
Valerie Franklin	1959
Manakau Hotel Ltd	1858
Levin Little Theatre Society	1862
David Thomas Hughes	1863
Levin Club Inc	1864
Toeieiu Tuna	1866
Robert Neil Hemmingson	1868
Foxton RSA	1869
Foxton RSA	1870
Edward A Bleach	1871

Temporary Authority

Sandra G Scaife	1	05.05.09
Krishan K Dang	2	11.05.09

b. Work in Progress

The following applications are under action:

1. Under Action - 2
2. Applications granted ex Liquor Licensing Authority, Wellington - Nil
3. Applications awaiting determination ex Liquor Licensing Authority, Wellington - Nil
4. Applications awaiting determination ex Horowhenua District Licensing Agency - Nil
5. Premises inspected for compliance under the Act - 1 (6 weeks Annual Leave taken)

General/Club Manager's Certificate

1. Under Action - 1
2. Applications granted ex Liquor Licensing Authority, Wellington - Nil
3. Applications awaiting determination ex Liquor Licensing Authority, Wellington - Nil.

Special Licences/Temporary Authorities Pending

1. Special Licences Pending - Nil
2. Temporary Authorities Pending - Nil.

Prepared

Approved for Release

D Hayward
Liquor Licensing Inspector

T Thomas
Environmental & Regulatory Services Manager

Item-1705 Chief Executive Officer's Report to 6 May 2009

File No **3903**

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

From: **Chief Executive Officer**

Date: **6 May 2009**

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 3903 be received.
- b. That the submissions by officers in regard to proposed amendments of the Resource Management Act and Building Act be confirmed.
- c. That Council Remuneration for the 2009/2010 year continue to be distributed as for the 2008/2009 year.
- d. That any unpaid amount from the allocation of \$8,754 for the Hearing Committee daily fee payments for the 2008/2009 year be distributed equitably amongst Councillors as at 30 June 2009.
- e. That any unpaid amount from the allocation of \$8,754 for the Hearing Committee daily fee payments for the 2009/2010 year be distributed equitably amongst Councillors as at 30 June 2010.

3. Issues for Consideration

- a. Submissions on the Resource Management (Simplifying and Streamlining) Amendment Bill 2009 and the Building Amendment Bill (No 2).

At the April 2009 Council meeting officers were authorised to make submissions on the above Bills for confirmation by the Council.

The April agenda included a draft submission on the Resource Management Act amendment by Local Government New Zealand (LGNZ). The draft was subsequently finalised without any major modifications. A copy of that submission is to be **tabled**. Officers have reviewed the final submission and made a short submission in support of that document.

The April agenda did not include the LGNZ submission on the Building Act amendments as it was not available at the time. **Attached** is a copy of the submission prepared by LGNZ which officers have reviewed and have submitted on behalf of Council in support of that submission. The submission was in line with information available at the time of the April report.

b. Status of Current Service Contracts - Engagement of Smaller Contractors

Council currently has a number of key contracts with suppliers which extend into the next financial year. In response to issues raised by some Councillors at recent meetings, Officers are now preparing a procurement strategy for the next generation of maintenance contracts. Interviews with key staff, stakeholders and suppliers are planned for the 5th and 6th May 2009 with a view to having a strategy finalised by the end of June 2009. Officers will then start to prepare tender documentation that is expected to go out around the end of the current calendar year for new contracts to start on 1 July 2010.

Staff believe there is value in having some elected member presence in this interview process. Whilst acknowledging that this suggestion is at somewhat short notice, I have taken the liberty of approaching a couple of Councillors to ascertain whether they would be interested in joining the process.

c. Councillor Remuneration Review

On 14 and 15 April 2009 The Hay Group conducted interviews with those elected representatives from Council and the Foxton Community Board who wished to engage in the process. The purpose of these interviews was to ascertain current levels of workload in order to prepare a report for Council consideration prior to responding to the Remuneration Authority with regard to proposed levels of remuneration due to commence on 1 July 2009.

Attached to this report is a copy of The Hay Group report prepared for consideration following those interviews with elected members.

Today's meeting will discuss The Hay Group report, and consider the recommendations made in the report. Specifically we will give consideration to comments regarding an appropriate allocation of funds to elected members, acknowledging the changed workload from 2002 (when the last review was conducted) through to anticipated workload (particularly around the forthcoming District Plan review).

Following debate Council will need to resolve how it wishes to progress this matter and advise the Remuneration Authority accordingly. It is important that this discussion is concluded at today's meeting as there is no Council meeting scheduled for June 2009 (due to a commitment to hearing and deliberating on submissions to our LTCCP). The Remuneration Authority must be advised of our outcome prior to the commencement of the 2009/2010 financial year.

The key recommendations extracted from The Hay Group Report are:

- that the premium paid to the Deputy Mayor be abolished from 1 October 2010 unless there are specific accountabilities assigned to that role
- that the premium paid to the Chair of the Hearings Committee be replaced by a higher meetings fee and that the role be paid the same salary as other Councillors
- that non-resource consent hearings be remunerated at the following rates:
 - Chair \$223.20 (based on 6 hours work at the Councillor hourly rate)
 - Member \$148.80 (based on 4 hours work at the Councillor hourly rate)
- that the full Council hear District Plan reviews on the basis that this is considered core governance work. Councillors attending District Plan hearings are to receive \$100 per meeting paid from the Remuneration Pool
- that 50% of the remuneration to the Chair of the Foxton Community Board be paid from outside the pool. This would necessitate consideration of how that portion (\$8,550) should be funded.

It is important to acknowledge that The Hay Group Report suggests status quo for the 2009/2010 year with the proposed changes effective from 1 July 2010.

The following table illustrates the difference between the current remuneration levels and the proposed changes recommended to be enacted from 1 July 2010.

	Current 2008/2009 \$	Proposed 2009/2010 \$	The Hay Group 2010/2011 \$
Mayor	69,683	72,192	72,192
Deputy Mayor	25,287	26,535	18,300
Chair of Hearing Committee	25,287	26,535	18,300
Councillors	17,439	18,300	18,300
Chair, Foxton Community Board	14,474	15,188	17,100 (half ex pool)
Member Foxton Community Board	4,883	5,124	9,000 (half ex pool)
Hearing Committee Daily Fee Non RMA matters	8,754	8,754	34,358
	302,529	316,100	316,100
Meeting Fees Non RMA Hearing Committee			
Chair	150	150	223.20
Members	100	100	148.40

The Hay Group Report makes in depth comments on the reasons for the proposed changes from 1 July 2010. The main issues I have with the recommendations are around the amount allocated into the Hearing Committee daily fee pool and the proposed variation to remuneration payable to Foxton Community Board members.

The current level of remuneration paid to those members of the Hearing Committee who consider resource consents is \$85 per hour for the Chair and \$68 per hour for Committee members. The cost of the Hearing Committee for resource consent matters is fully recovered from the applicant. There is no change proposed to this fee allocation.

Other Hearing Committee meetings relating to non-resource consent matters - specifically dealing with bylaws and the district plan are currently remunerated at a level of \$150 paid to the Chair and \$100 paid to committee members - in each case these are a flat meeting fee.

The Hay Group report acknowledges the significant increase in work load associated with the category of meetings and as such has suggested an increase of the meeting fee for the Chair to \$223.20 and for members to \$148.40. In each case these fees are to be fully recovered from the identified pool of \$34,358.

Any amount of funds not utilised from the Hearing Committee daily fee pool of \$8,754 during the 2009/2010 financial year would be equitably allocated amongst elected representatives at 30 June 2010.

In reviewing how the funding for those elected to the Foxton Community Board is to be allocated we are mindful of the fact that up to 50% of money to Community Boards may be taken from outside the Pool. If Council is of a mind to consider this as an option, then it must do so with consideration to the funding source for that remuneration level. If Council

was to pursue this aspect it would be prudent to give wider consideration to all costs associated with the operation of the Foxton Community Board rather than exclusively those associated with remuneration of elected Board Members.

Having read the report, and considered the current workload of Councillors and the key activities and projects in the 2009/2010 financial year, it is my recommendation that the current level of remuneration be retained through to 30 June 2010 - a view shared by the authors of the report. Further, that in preparing its budget for the 2010/2011 financial year Council undertakes an in depth review of future work load for the two year period from 1 July 2010 specifically around the matter of anticipated work load associated with the District Plan Review. At this point it is worth reminding ourselves that there will be very little elected member involvement in District Plan work until after the 2010 election.

d. Memorandum of Understanding with Horizons Regional Council

Attached is a draft copy of a proposed Memorandum of Understanding between Horizons Regional Council and Horowhenua District Council.

As with those Memoranda of Understanding that we recently adopted with local Iwi this is an enabling document designed to build and improve communication between our two organisations. The agreement acknowledges the need for our organisations to work more closely together to give effect to our respective responsibilities and, more importantly to direct the two organisations to constantly recognise the impact on the community and the environment of any actions that we collectively take.

This Memorandum builds further on the relationship established in recent months between the Chair and Chief Executive Officer of Horizons and Mayor Duffy and myself. Whilst we have spent considerable time discussing a number of long outstanding issues, I believe that we have made significant progress in recognising each other's roles and responsibilities to enhance our working relationship into the future.

A similar memorandum was recently signed with Tararua District Council. I personally believe both Horizons and ourselves have everything to gain through entering into this Memorandum of Understanding.

e. Regional Territorial Authorities Forum

For Councillors information, at the date of writing this report, confirmed attendees at the Regional Territory Authorities forum at Feilding on 14 and 15 May 2009 are Mayor Duffy, Deputy Mayor Colling, Councillor Hunt and the Chief Executive Officer.

f. Annual Plan Monitoring Report

A copy of the 2008/2009 Annual Plan Monitoring Report is **attached**. The completed items have now been removed.

g. Financial Reports

The quarterly financial report for period ended 31 March 2009 accompanies the agenda. As is normal practice, would elected members direct any questions they intend to raise at today's meeting to staff by midday Wednesday in order that detailed answers may be provided at the meeting.

Prepared

D G Ward
Chief Executive Officer

4. Attachments

- a. Submission to the Local Government & Environment Select Committee in the matter of Building Amendment Bill (No 2) 2008
- b. Hay Group Report
- c. Memorandum of Understanding Horizons
- d. Annual Plan Monitoring Report
- e. Financial Report (this document accompanies the agenda)

*Submission to the Local
Government & Environment
Select Committee in the
matter of Building
Amendment Bill (No 2)
2008*

April 2009



Local Government New Zealand
te pūtahitanga matukōkiri

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Introduction

1. *Local Government New Zealand* appreciates the opportunity to submit on the Building Amendment Bill (No 2) 2008 ("the Bill").
2. *Local Government New Zealand* makes this submission on behalf of the National Council, representing the interests of all local authorities of New Zealand. It is the only organisation that can speak on behalf of local government in New Zealand. The submission was prepared following consultation with councils.
3. The submission has been endorsed under delegated authority by:
 - Lawrence Yule, as President of the National Council
 - Kerry Prendergast, as the Vice President of the National Council
 - Dianne Hale, as the regulation portfolio holder of the National Council.
4. This submission provides general comments on the Building Act and intent of this Bill and then provides comment and recommendations on the three proposals in the Bill: national multi-use approvals; voluntary PIMs; and managing variations to consented building work.

General overview

5. *Local Government New Zealand* supports the intent of the three proposals in the Bill. The proposals are all streamlining initiatives. *Local Government New Zealand* agrees that all opportunities for streamlining and simplifying the Building Act should be considered. We note below, that some aspects of the proposals are unlikely to result in significant streamlining achievements.
6. We acknowledge that the Department of Building and Housing (DBH) did consult with *Local Government New Zealand* and a number of local authorities in developing the proposals. The concept of the initiatives was supported in that consultation. This submission now provides our comments on the details in the Bill to ensure the actual provisions are appropriate, equitable and workable.
7. We note the potential for any amendments to the Act to cause disruption, inefficiency and cost to established implementation practice. Care must be taken to ensure that amendments are well justified and correctly crafted to appropriately respond to the issue they seek to address. Support from the Government in putting the amendments into practice is also important.
8. Building Act implementation is a complex, technical and busy role for councils. The Council role is a critical component of the building regime. As Building Consent Authorities (BCAs), territorial authorities have extensive understanding and experience in consent processing under the Building Act and are in an excellent position to consider the actual implications of the proposals in the Bill.
9. We note that this Bill addresses three specific areas but that a more comprehensive review of the Act has been signalled to come later this year. We fully endorse the need for a robust review of the key elements; objectives; processes; and costs/benefits of the Act.

National multi-use approvals (clauses 6-9 of Bill, new sections 30A to 30H, clause 15 - 17, 19, 25, 27-29)

10. The Bill will enable the DBH to run a system of national multiple-use consenting. We believe that where this option is taken up, it should provide streamlining in processing the building consent.
11. It is intended to be used for building work that is replicated on a nationwide basis (such as standard design dwellings by group builders) to have the design of the building work consented as complying with the Building Code by the DBH. A building consent would still be required from the BCA but this would consider site or locality issues not reconsider the approved building design.
12. The criteria for national multi-use approvals would be set by regulations. The provisions in the Bill give no indication of the potential scope for a multi-use approval or the criteria to come in regulations. For example, rather than applying to substantial building work such as a house design, the wording in the Bill could apply to smaller components of a building project or even a product. This gives rise to potential confusion between the paths of product certification and national multi-use approval. We believe the Bill should include some defined scope of what could be processed as a national multi-use approval and then the detailed criteria can be further defined by regulation.
13. The new section 45(1)(ba) would suggest that a national multi-use approval can only be used as part of a building consent if the multi-use approval is issued to the same person who is applying for the building consent. This may be appropriate if, for example, the multi-use approval related to a house design of a group builder, and that group builder is expected to be the applicant for each building consent using that design. However, if a multi-use approval could apply to a smaller component or product, this may be too restrictive. For example if a log burner manufacturer obtained multi-use approval for their log burner design, other persons should be able to use that multi-use approval as part of a building consent application for a house which contains that log burner within it. This point relates to the potential scope of a multi-use approval noted above.
14. The new processing role for DBH requires an assessment of applications against the building code similar to the BCA role in assessing building consent applications. A BCA is required to be accredited to demonstrate appropriate systems, competency etc. There are no corresponding requirements for the DBH in their new role. We believe that it is inequitable for customer and industry expectations as to standards of regulatory bodies to be only addressed for one track of the consenting system. It is also inequitable to expect BCAs to meet and continue to meet prescribed standards as to their capability, and yet not to impose similar expectations on the DBH for their similar role. The Bill should require the DBH to be accredited to undertake this role.
15. Due to the more limited consideration of the BCA for the building consent, the timeframe for making the consent decision where it includes a national multi-use approval is reduced to 10 working days (clause 17). This would seem reasonable if the national multi-use approval related to a dwelling or significant part of the building work. However as noted above, it is not clear that this would be the case. The 10 day time limit should only apply if the national multi-use approval relates to all the building work and the building consent is only dealing with site works and local conditions. A 20 working day timeframe should continue to apply if a building consent application involves amendment to a multi-use approval or it only forms part of the building work. The Bill should be amended accordingly.

16. We note that proposed clause 30D(3) provides the option of the DBH refusing to accept an application for processing where it does not meet the requirements of the Act. This provision is appropriate. While a similar power is implicitly available for BCAs in receiving applications being processed through a normal consent track under section 45(1), this could be more explicit to provide the same power for both tracks.
17. We are concerned at the lack of timeframes set out for the DBH process in proposed sections 30E - 30G, for example around seeking further information and making a decision on an application. The setting of timeframes are appropriate to ensure a streamlined process. We acknowledge the importance of getting these approvals right, but the absence of any timeframes creates uncertainty for an applicant, is inequitable compared to the standard consent track, and inappropriate in a regulation imposing such prescriptive requirements on BCAs processing applications through the standard consent track. Timeframes must be included in these clauses.
18. Clause 8 which amends section 19(1) contains a technical error. We submit that the reference to "any relevant condition" should be "each relevant condition".
19. We note that there will be implementation implications (including costs) for BCAs which will need to be considered in the timing and operation of this new function. For example, possibility of changed workload, need to amend accredited procedures, need to amend fee schedules, need to update customer information. The DBH should work with BCAs to ensure that the link between their new function and BCAs is appropriately supported. In particular, we strongly recommend that DBH consult with BCAs about implementation dates to ensure that appropriate lead in time is provided to amendments to systems and fee schedules.

Voluntary PIMs (clauses 10 - 14, 18, 20 - 24, 26)

20. The Bill will make project information memorandum (PIMs) voluntary. Certain information that was processed as part of the PIM will now be processed as part of the building consent ie certificates in relation to development contributions or resource consents, and notification in relation to historic places. Information necessary to complete the building consent process will be gathered as part of the consent (rather than PIM) process for example land features, wind zones.
21. As all the information required to process an application will still be required, we do not expect this amendment to have any significant effect in terms of streamlining. We acknowledge that PIMs are not meeting their intended purpose ie providing early advice to inform the building consent application. We believe early information and advice on matters such as Resource Management Act (RMA) requirements or development contributions would streamline as it avoids rework on design or processing at a later stage. If the PIM is not the solution, we encourage the Committee to consider other options, perhaps as part of the phase two RMA review which will consider matters of legislative integration and as part o the next phase of the Building Act review.
22. These changes would come into force 6 months after the Amendment Act has effect. We are concerned at the timing of this change due to implementation issues for BCAs. Firstly, there needs to be clear transitional provisions outlining the situation with existing applications for PIMs in process when the change

comes into effect. Secondly, councils will need to amend fee schedules to reflect the shift of processing time from the PIM to the building consent. Councils are currently (or have completed) consulting on their long term council community plans which come into effect on 1 July 2009. These plans include consideration of fees for regulatory services. To avoid the cost, time and process involved in one off changes to fee schedules, we recommend that these changes commence on 1 July 2010 or alternatively, transitional provisions be inserted in the Bill to provide that fees payable under the old provisions in relation to PIMs can continue to be collected as part of the building consent application fee, despite a PIM no longer being mandatory (until 1 July 2010).

23. There is a need to clarify that a certificate issued under s36 (development contribution) or 37 (resource consent required) is part of the processing of the building consent, not just an attachment to the consent. This will ensure the ability to include the processing of these certificates within the standard building consent process (and fee). We submit that the Bill must clarify the link between s36/37 and the processing of consents.
24. We support the proposal to provide a standard PIM form.
25. We note that there will be implementation implications (including costs) for BCAs which will need to be considered and supported in this change. For example, possibility of reduced fee income for BCAs, need to amend accredited procedures, need to amend fee schedules, need to make new arrangements with territorial authority, Historic Places Trust, internal advisers etc, need to establish alternative tracks for both a new system/process and maintain current PIM systems for when applications are made for PIMs, need to update customer information. The DBH should work with BCAs to ensure that the amendment is appropriately supported.

Managing variations to consented building work (clause 15, amendment to section 45(4), clause 16, 30)

26. The Bill will clarify different tracks for variations to consented work. A distinction will be made between major and minor variations. Regulations will define "minor variation". Where a variation is a "minor variation" it is not required to be applied for using the standard application form, but must still meet all the other requirements in s45 of the Act. Instead of the BCA issuing an amended consent for the variation, for a minor variation the BCA records it in writing. This is expected to mean a note on the building consent / plans. To make these amendments workable, we submit that the regulations need to define both "minor variation" and "variation". The definition of "minor variation" will need to be clear to ensure consistent practice. It will need to define both the lower level of variation (anything below that is not a variation) and upper level (anything above that is an amendment).
27. The issue of managing variations is often raised as an issue of uncertainty and inconsistency. We believe that significant clarification and consistency has been achieved in respect of managing variations as the result of the recent BCA accreditation process. The extent of any remaining issues is not clear and while clarifying a simple process for minor variations may assist, we do not expect it to provide any substantial streamlining benefit.

28. We note the statutory link between the issued consent and the code compliance certificate (section 94). The Bill will need to be amended to provide clarification on variations in this context.
29. There will be implementation implications (including costs) for BCAs which will need to be considered and supported in this change. For example, need to amend accredited procedures, need to update customer information. The DBH should work with BCAs to ensure that the amendment is appropriately supported. In addition, the DBH will need to provide clear guidance to the building sector on the new definitions (once defined) and tracks.

Summary of recommendations

National multi-use approvals

- a. Amend the Bill to define the scope of what could be processed as a national multi-use approval (with detailed criteria further defined by regulation). Dependant on that scope, consider the relevance of the need for a link between the holder of the multi-use approval and the applicant for a building consent.
- b. Amend the Bill to require the DBH to be an accredited consent authority (similar to BCA accreditation) to undertake the role of issuing national multi-use approvals.
- c. Amend the Bill so the 10 day time limit (clause 17) only applies if the national multi-use approval relates to all the building work and the building consent is only dealing with site works and local conditions.
- d. Amend the Bill so that clause 30D(3) (ability to refuse to accept an application for processing where it does not meet the requirements of the Act) is explicitly available to BCAs for applications being processed through a normal consent track.
- e. Amend proposed sections 30E - 30G to include timeframes for all steps of processing applications for multi-use approvals.
- f. Amend Clause 8 to change the reference to "any relevant condition" to "each relevant condition".

Voluntary PIMS

- g. Amend the Bill to include clear transitional provisions outlining the situation with existing applications for PIMS in process when the change comes into effect.
- h. Amend the Bill so the changes to PIMS commence on 1 July 2010 or alternatively, transitional provisions be inserted in the Bill to provide that fees payable under the old provisions in relation to PIMS can continue to be collected despite a PIM no longer being mandatory (until 1 July 2010).
- i. Amend the Bill to clarify the link between s36/37 and the processing of consents.

Managing Variations

- j. Amend the Bill so that regulations will define both "minor variation" and "variation". The definition of "minor variation" will need to be clear to ensure consistent practice. It will need to define both the lower level of variation (anything below that is not a variation) and upper level (anything above that is an amendment).

-
- k. Amend the Bill to clarify how variations fit in the statutory link between the issued consent and the code compliance certificate (section 94).

Implementation support

- l. Endorse the DBH working with BCAs to ensure that implementation of the amendments is appropriately supported.

Conclusion

30. *Local Government New Zealand* supports the amendments in the Bill in order to achieve the objective of streamlining particular aspects of the Act.
31. While we generally support the proposals, we do have doubts that the amendments to PIMs and variations will achieve significant streamlining. We believe the proposed multi-use approvals could provide good streamlining, dependant on the scope of those approvals. We do have concerns with some of the details and have provided specific recommendations on some aspects of the Bill in response to those concerns. Our recommendations are to ensure that the amendments are workable, reasonable and equitable.
32. This Bill has a focus on three specific matters and will move quickly through the legislative process. We strongly endorse a full and inclusive review of the Act in the next anticipated phase of amendments to consider more fundamental changes to streamline building law and ensure it is fit for purpose. There are several areas that are worthy of reconsideration in the spirit of simplifying; streamlining; appropriateness; cost effectiveness; and equity. We seek a review that is focused on the objective of achieving quality building not just focused on process.
33. We encourage the Committee to consider the support necessary to put amendments to the Act into practice, particularly through dedicated support and guidance the Department can provide. This will be most important in the initial stages of preparing for, and implementing, the changes.
34. Local authorities have considerable experience and knowledge in the Building Act in practice. We would be pleased to be involved in further discussions and provision of advice to the Committee or to work with the officials advising the Committee in working towards legislation that will be effective in achieving its intentions and able to be implemented at a practical level.
35. *Local Government New Zealand* appreciates the opportunity to provide you with our written comments. We do not seek to be heard by the Committee on this submission.

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28th April 2009

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

Dear David,

Re: Elected Member Remuneration Framework

I refer to our recent discussions and your request that Hay Group assist in the Council's review of the remuneration paid to its Elected Members. In particular, our advice has been sought on the issue of the Hearings Panel and whether its Members should be paid differentially to other Councillors, based on the expectations that a significantly higher time commitment will be required through the period of the District Plan review. We have now completed our analysis of the information provided by most of the elected representatives of the Council and Foxton Community Board. This information was supplied through interview, response to questionnaires and via e-mail.

As you are aware, the writer was commissioned by the Higher Salaries Commission and Local Government New Zealand in 2002 to develop the current remuneration framework that applies to all Territorial Local Authorities and Regional Councils. We undertook a review of the initial benchmark sample for the Remuneration Authority at the end of 2008 following representations around increasing and differential workloads. As part of the original research Hay Group "sized" the roles, using the Hay evaluation method, of Mayors, Regional Council Chairs, Councillors, Committee Chairs, Community Board Chairs and Community Board members for 18 councils in the benchmark sample. This required an assessment of the main factors that make up each of these roles and comparison to other elected member positions within the same Council and across Councils.

The benchmark Councils are: Auckland; Christchurch; Tauranga and Palmerston North Cities; New Plymouth; Hastings; Far North; Gisborne; Southland; Tasman; Taupo; Taranaki; Kaitiaki Coast; Waimakariri; Grey and Carterton Districts; the Greater Wellington Regional Council and Environment Canterbury.

1. The Job Sizing Methodology

A full description of the Hay methodology is attached as Appendix A to this report. In assessing the job sizes we focus entirely on analysing the content of the position, as performed by an experienced, fully competent job holder. As such the personal skills, qualifications and attributes of the job incumbents are irrelevant, we consider the outputs the job is expected to deliver and assess the appropriate level of skills required to deliver these results. Our evaluation does not discriminate between full and part time employment, and is not concerned with the balance between routine and complex issues that need to be resolved. The evaluation has to take into consideration the most complex, ongoing, issues that the roles are expected to resolve.

www.haygroup.com

Differentiation between roles is achieved using a unique combination of universal job requirements from Hay's work culture research. This allows the particular governance and representation nature of these roles to be accommodated without losing market relativity. Comparisons to governance roles in other types of organisations also form part of the quality assurance processes undertaken by Hay.

We have used this research to consider the specific requirements of the Horowhenua District Councillors and the Foxton Community Board Chair and Members, and to compare them to the relevant job sizes from the benchmark group.

2. Job sizes

Appendix B contains details of the job sizes reached for the roles considered. In arriving at these outcomes, the same approach used by the Higher Salaries Commission/Remuneration Authority in 2002 has been followed.

3. Number of Hours

Based on the questionnaire information provided by the Mayor, Councillors and Community Board Members we have used average time commitments to assess the respective generic contribution in order to consider apportionment from the available remuneration pool. We recognise that time commitments fluctuate according to both formal Council business requirements and the ability and preparedness of individual Councillors to give of their available discretionary time. We would also note that the split of time between the Mayor, Deputy Mayor and any Committee Chairs varies widely between Councils according to the governance structure and responsibilities delegated by the Mayor.

Please note that we have excluded from the time commitment any travel time and associated organisations where these either reflect duties for which separate remuneration is paid, or where the member is performing the duties of a Director, (whether paid or unpaid). In these circumstances, governance requires the Director to have the interests of the organisation as paramount. Their role as an elected member must be discounted.

We have not tried to weight the importance or challenge of the activities performed or to verify the accuracy of information provided to us.

Position	Average Monthly Time Commitment (max 160 hours = 40 hours x 4 weeks)
Mayor	160
Deputy Mayor*	44
Chair of Hearings Committee #	50
Councillors (8)	41
Chair Foxton Community Board	49
Member Foxton Community Board (4)**	30

* We have not been able to speak with the Deputy Mayor. The time assessment is based on information provided, and the absence of any specific duties or Committee Chair responsibilities allocated to the Deputy Mayor.

Excludes time spent on Hearings, but does include the liaison requirements with Council officials and any associated generic pre-Hearings work

** This average is based on only two FCB Members and excludes time allocated by the two Councillors appointed to the Community Board. The average time commitment for those Councillors is 18 hours per month which is not otherwise captured.

4. Remuneration Setting Process

There are a number of factors that contribute to the eventual remuneration levels for elected members:

- a) The size of the roles;
- b) The market comparison;
- c) The requirement to comply with Remuneration Authority guidelines determining the maximum salary pool;
- d) The number of hours taken to perform the requirements of the role.

As stated previously, we do not take account of individual performance, and indeed the Remuneration Authority deems all elected members to be fully competent at their roles.

The information provided to Hay Group detailing current remuneration entitlements are as follows:

Mayor	\$72,192
Deputy Mayor	\$26,535
Chair of Hearings Committee	\$26,535
Councillors (8)	\$18,300
Chair Foxton Community Board	\$15,188
Member Foxton Community Board (4)	\$5,124
Hearing Committee daily fee pool	\$8,754
Total Remuneration Pool	\$316,100

The Remuneration Authority determines the remuneration applicable for the Mayor and the balance of \$243,908 is available for distribution amongst the remaining elected members.

We have translated these time commitment and remuneration figures back to an hourly rate, which gives the following outcomes:

Role	Hourly Rate
Mayor	\$37.60
Deputy Mayor	\$50.25
Chair of Hearings Committee	\$44.25
Councillors	\$37.20
Chair Foxton Community Board	\$25.83
Member Foxton Community Board (4)	\$14.23

5. Market Comparisons

The Remuneration Authority's initial benchmarking was predicated on elected members being benchmarked (on a full time equivalent basis) to the market benchmark, with a 25% discount being applied – in line with all other statutory roles- to reflect the wider service to the community expectation.

If this approach were to be adopted, without any adjustments for the Deputy Mayor and Chair Hearings Committee the remuneration outcomes would be:

Mayor	\$106,500
Councillors (10)	\$17,500
Chair Foxton Community Board	\$17,100
Member Foxton Community Board (4)	\$9,000
Total Remuneration	\$334,600

Applying this formula does **not** produce a result that is compliant with the pool available under the Remuneration Authority formula. The greatest disparity relates to the role of the Mayor and mainly reflects a substantial increase in time commitment between our original research and the current date. This is consistent with our findings when we undertook similar research on Mayoral roles for LGNZ last year.

While we do not have specific information in the case of the Horowhenua District Council to be able to validate this statement, from work with other Councils we understand that the average time commitments of Councillors has decreased since 2002. This reflects the shift to salarise Councillors rather than have uncapped meeting fees, which led to some questionable practices.

6. Factors considered

Hearings Committee.

There is no doubt, based on the submissions made, that the District Plan review is expected to require a significant time contribution. This will occur mainly in the 1 -2 years following the 2010 Local Authority elections.

At the current time there are 5 Councillors appointed to the Hearings Panel and they commit, on average, 13 hours per month to hearings work. This includes pre-reading and research as well as the actual time involved in hearings. Most hearings start at 4.15pm to minimise working time disruption for both the panel members and submitters. Panel members are paid \$100 per hearing day, from within the pool for non Resource Management, by-laws, hearings.

We were advised by some of the current panel members that the prospective time required post 2010 would interfere significantly with their primary employment, and the current \$100 remuneration was insufficient to compensate for the inevitable loss of earnings.

From other Councillors we heard real reservations about any significant remuneration differentials, and the likelihood that this would create an "A" and "B" team within Council.

We understand that while certification is required for hearings associated with Resource Management Act consents, the same is not the case for District Plan hearings.

Our understanding is that the Remuneration Authority will not currently allow dispensation outside the current remuneration pool to accommodate the work required in the review of any District Plan. The District Plan is a key governance requirement of Councillors and that is the core of the Councillors' role, for which they are already paid.

We believe that the sum set aside in the remuneration pool may not be fully utilised this year or next year. Under the requirements of the Remuneration Authority's pool approval any surplus should be distributed equitably amongst elected members.

Our discussion with the current Hearings Panel Chair suggested that there is little additional time commitment required and no additional accountability as the Chair of the Hearings Panel. There are also a number of hearings where another Councillor has presided. From a job sizing perspective we have not been able to differentiate this role from that of a "generic" Councillor.

Foxton Community Board

A wide range of views was presented to us on the value and effectiveness of the Foxton Community Board, and in particular drawing comparisons between the contribution to the planning and policy processes made by the Community Board and the (unpaid) Advisory Panels representing other communities. The view of several Councillors was that the Advisory panels make an equivalent contribution to local and District policy initiatives. There was also concern expressed that Foxton residents have been advised they are not allowed to go straight to the District Council but must make submissions to the Community Board. Further reservations were expressed about the Council's ability to take action on matters affecting the Foxton area, without first referring the issue back to the Community Board, which leads to undue delays. We have not had the opportunity to fully verify these statements, but our sense is that there is a gap in understanding between Councillors (apart from the two Foxton ward Councillors) and the rest of Council.

We are not surprised by these different perspectives. They are replicated in most other Councils where Community Boards exist, and have been behind the demise or transformation of some Community Boards into other advisory bodies, or Community Councils.

We have noted that the full costs of the Community Board are funded from the remuneration pool. Representations made by Community Boards in 2002 resulted in the Remuneration Authority approving the ability for Councils to pay up to 50% of Community Board remuneration outside the pool. This was intended to avoid any lack of representation on Community Boards. Our understanding is that where this opportunity has been exercised, there has often been a targeted rate on the relevant community.

Although outside the scope of our brief, many comments were made about the Foxton Beach Freeholding Account and the role of the Community Board in both the property development activities and the distribution of the profits back into the community. We were surprised that the Community Board has this responsibility which we would have expected to be more appropriate to a Council Controlled Organisation, or LATE, model.

7. Recommendations

1. That the premium paid to the Deputy Mayor be abolished from the next election, unless specific accountabilities are assigned to the role.
2. That the premium paid to the Chair of the Hearings Panel be replaced by a higher meeting fee, as shown below, and the role be paid the same salary as other Councillors.
3. That non- RMA Hearings be remunerated at the following rates:
 - Chair \$223.20 (Based on 6 hours work at the Councillor hourly rate)
 - Member \$148.80 (based on 4 hours work at the Councillor hourly rate)
4. That the full Council hear District Plan reviews as core governance work. To encourage meeting attendance a meeting fee per Councillor of \$100 per meeting would be available subject to the maximum available in the pool. Any surplus at the end of each year to be distributed equitably amongst Councillors.
5. That Foxton Community Board funding should be as provided under the Remuneration Authority rules at 50% within the pool and 50% externally. Whether this is funded by a targeted rate, or at large is a matter for Council to consider.
6. The resulting remuneration rates, using the current pool available would be:

Mayor	\$72,192
Councillors (10)	\$18,300 (no change)
Chair Foxton Community Board	\$17,100 (\$8,550 ex pool)
Member Foxton Community Board (4)	\$18,000 (\$18,000 ex pool)
Hearing Committee daily fee pool	\$34,358
Total Remuneration Pool	\$316,100

If our understanding in respect of the information provided to us is incorrect or if any aspect of this report requires further elaboration or explanation, please do not hesitate to contact either Sandra or I.

Yours sincerely,

HayGroup Limited



Peter Cornish
Director Executive Reward



Sandra Blake
Consultant

APPENDIX A: THE HAY GUIDE CHART-PROFILE METHOD OF JOB EVALUATION

The Hay Guide Chart-Profile Method is a process by which rational and systematic decisions can be made about the relative value and importance of different jobs in the organisation. It is equally applicable to jobs in all departments, which can therefore be related in a common language.

Judgements are made in 3 major areas, as follows:

I. KNOW-HOW, which is the combination of knowledge, skills and experience required for fully acceptable job performance. Know-How is considered in three dimensions:

1. **Depth and Range of Technical Know-How**

This is the requirement for basic through to advanced knowledge, understanding and skills, which must be present before the job can be performed satisfactorily. It covers both depth and specialist knowledge in a single area (e.g. taxation or circuit physics) and the wider ranging knowledge of a number of different fields (e.g. as is normally required by a general management type of job). The requirement for the knowledge and skill is what matters, rather than the way it is obtained. Levels of educational qualification are thus, strictly speaking, irrelevant.

2. **Breadth of Management Know-How**

The judgement made under Management Breadth concerns the degree of ability required from the job holder to strike a balance, whether in an executive or an advisory capacity, between the claims of divergent objectives and interests. The greater the diversity of functions, the larger the size, the more the job holder is required to trade off priorities and the longer the timescale of planning, then the greater will be the managerial breadth requirement of the job.

3. **Human Relations Skills**

The judgement made here covers the extent to which the job requires skill in dealing with people and in getting results through them.

II. PROBLEM SOLVING - The span, complexity and level of analytical, evaluative and innovative thought required in the job - expressed as a utilisation of Know-How. Problem Solving is considered in two dimensions:

1. **Thinking Environment**

This is sometimes known as "Freedom to Think". It may be considered as the framework within which the job holder is required to think, and the types and degree of constraint that this imposes. Alternatively, it may be considered in terms of the

scope of the thinking contribution that the job holder is required to make, and the wider that is, the higher the rating.

2. **Thinking Challenge**

This judgement relates to the intrinsic complexity and open-endedness of the thinking or problem solving to be done within the framework referred to above. The harder it is to reach solutions, and the more difficult it is to determine whether those solutions are correct, the higher the job is rated on this scale.

III. ACCOUNTABILITY - The scope given to the job holder to direct resources of all kinds and to influence or determine the course of events, and their **answerability for the consequences of their decisions and actions on the organisation**. Accountability is also considered in three dimensions:

1. **Freedom to Act**

This scale is, in many ways, like Thinking Environment above, with the vital difference that it is concerned with the requirements to take decisions and act upon them, rather than to determine the solutions to problems. Like Thinking Environment, it is concerned with the relative absence of constraints, whether personal, procedural, or of a policy nature, and the extent or scale of the requirement to make a definite contribution to the aims of the organisation.

2. **Magnitude - Area of Impact**

This dimension gives a convenient assessment, of the scale of the activities of the organisation on which the job holder is required to have a positive impact. (Judgements on the area and type of impact must be made together). To achieve maximum comparability between jobs, Area of Impact may be considered in terms of annual revenue or expenditure controlled or influenced, or as part of a continuum looking at impact upon a specific work unit within a department through to an impact on the entire organisation.

3. **Job Impact**

The job's degree of impact on dimension determined under Area of Impact is judged on this scale. Impact is gauged in terms of the directness of the job's influence on end results in this area, and answerability for them. There are six main degrees of impact; to see a job as Prime, Major or Shared is to see it as having a direct answerability for taking action, and for the consequences of those actions. This is different in kind to an Advisory, Contributory or Remote (sometimes called Responsive) impact which is indirect.

It is important to stress that impact and magnitude (Area of Impact) must be looked at together - it is meaningless to consider one without the other.

Appendix B: Job Sizes

Role	Know How	Prob-Solving	Accountability	Total Points
Mayor	FIL-3 350	F4 50% 175	E3M 230	755
Councillor	E+I3 264	E3+ 38% 100	D+3M 132	496
Community Board Chair	EI3 230	E-3+ 33% 76	D2+A 100	406
Community Board Member	EI2 200	D3 29% 57	D2C 76	333

Memorandum of Understanding

Horizons Regional Council and Horowhenua District Council

Purpose

To ensure that the District Council and Regional Council act in the best interests of their community and environment.

To build and improve communication between Horowhenua District Council and Horizons Regional Council

Context

Horizons Regional Council (HRC) and Horowhenua District Council (HDC) have functions under the Resource Management Act (1991) and Local Government Act (2002) in relation to environmental management. The Councils have agreed that they need to work more effectively in order to give proper effect to the responsibilities they have. The consequences of the actions undertaken by the Councils impact on the community and environment. This Memorandum of Understanding (MoU) is focused on improving performance in relation to regulatory activity only. It is intended to cover the following specific matters:

1. Process for day-to-day management of environmental functions
2. A focus on water take discharge and waste management
3. Prioritisation and agreement of matters which will receive attention
4. Increase understanding of the roles and functions of the agencies
5. A focus on finding cost effective options for funding infrastructure
6. Ensuring that the parties to this Memorandum are treated as key stakeholders in statutory processes where the above matters are being addressed
7. Process for resolution of conflict
8. To ensure the activities of the respective Councils are undertaken in the public domain

Each of these will be broken down into a description and one or two actions which we will check ourselves against in a per annum basis.

These approaches are all predicated on an appreciation and acceptance that the District and Regional Councils have existing and proposed plans and strategies under the Local Government Act and Resource Management Act.

1. Process for day-to-day management of environmental functions
2. A focus on water take discharge and waste management (**EXAMPLE 1**)

Description

Horowhenua District Council holds xx consents for water takes, discharges and management of waste via landfills. It regularly applies for consents on a one-off basis for similar activities.

Outcomes for the next 12 months

-
- (a) The parties will prepare and undertake an audit of current consents held, risks to the environment and community, and prioritise those consents for action.
 - (b) The parties will support this approach into the LTCCP process and be conscious of these commitments in the preparation of regulatory documents such as the One Plan.
 - (c) The Asset Management and Consents Team of the respective Councils will meet every two months to prepare and action activity for the next period. A record of this activity will be provided to the Chief Executives.

3. Prioritisation and agreement of matters which will receive attention
4. Increase understanding of the roles and functions of the agencies
5. A focus on finding cost effective options for funding infrastructure
6. Ensuring that the parties to this Memorandum are treated as key stakeholders in statutory processes where the above matters are being addressed
7. Process for resolution of conflict

Giving Effect to the MoU

The parties to the MoU will meet not less than every two months with the following participants:

Mayor	Horowhenua District Council
Chief Executive	Horowhenua District Council
Chair	Horizons Regional Council
Chief Executive	Horizons Regional Council

Supporting staff as required.

Parties to the MoU will not take action in relation to their regulatory activities without advising the partner to the MoU at an Executive level that an action is to be pursued. This shall include activities such as compliance action, proposals into LTCCPs, or preparation of regulatory plans.

Annual Review Priorities

The parties to the MoU shall annually review the priorities set out for resource consent and upgrade activity agreed for the 12 months prior.

The parties to the MoU shall deal with each other in the first instance without involvement of consultants, contractors or other parties.

The parties shall report to a joint workshop of interested Councillors from both organisations on an annual basis.

The parties shall report on a six monthly basis through the relevant committee of Council on progress with the MoU. Councils will be invited to attend and provide feedback to their partner Council at these sessions.

The parties shall ensure that information collected in relation to resource use by the parties is readily available and relevant for all discussions in relation to the MoU.

DRAFT

**MONITORING REPORT
ANNUAL PLAN 2008/2009**

Item	Item Description	Resolved	Responsible Officer	Date to Action By	Date Completed	Officer Comment
4	Rating Review	That Council undertake a full rating review in conjunction with the preparation of the 2009/2019 LTCCP.	D Law	30 June 2009		A Rating Review will be undertaken in conjunction with the preparation of Council's LTCCP in the review of the Revenue & Financing Policy
5	Closure of Bath Street toilets	That, subject to budgetary implications, Council commits to the provision of two Exaloo-style toilets on an appropriate site within the CBD, with the Bath Street toilets to remain open in the interim.	P Shore	31 March 2009		Staff continue to explore options in respect of this proposal.
10	Holben Reserve	That funding of \$17,500, sourced from the Foxton Beach Freeholding Account, be included in the Annual Plan for the creation of a recreational reserve and for the lifting of pine trees and native planting at Holben Reserve.	D Tate	28 March 2009		Work has been undertaken lifting the Pine trees. Further work is planned to commence native planting in winter months.
22	Levin Football Club Maintenance	Officers would make contact with the Club to further discuss opportunities for the Club to undertake aspects of grounds maintenance.	D Tate	31 August 2009		Officers are discussing maintenance issues with the Club, with development currently occurring.
28	Parson Avenue Kindergarten Request for Carpark	<i>"THAT the Council supports the Parson Avenue Kindergarten in providing a carpark by way of officer time to project manage the job and that the Kindergarten source external funding for the project."</i>	W Crockett	31 March 2009	Completed	

**MONITORING REPORT
ANNUAL PLAN 2008/2009**

Item	Item Description	Resolved	Responsible Officer	Date to Action By	Date Completed	Officer Comment
29	Foxton RSA Recycling	<i>"THAT Council reviews the provision and location of recycling facilities in Foxton as part of a wider focus on solid waste and recycling."</i>	K Wi Warena	31 October 2008		This matter was subject to discussion at the Foxton CB meeting of 23 March 2009.
30	Koputaroa Hall	<i>"THAT Officers further discuss with Koputaroa School the requirements of resealing the carpark and discuss the options of Ministry of Education or external funding."</i>	M Pond	30 September 2008	Completed	Carpark has now been sealed.
37	Kuku Water Race	<i>"THAT Council hereby resolves to close the Kuku Open Race Rural Water supply during the course of the 2008/09 financial year." "THAT the Chief Executive Officer be requested to write to the property owners currently charged for the usage of the Water Race and Ngati Tukorehe advising them that, following stakeholder consultation over the past eight years, Council has decided to close the water race and that 'closure' will involve easing the artificial flow diversion into the downstream water course, with natural flows being allowed to continue, in order to protect environmental and cultural values." "THAT any costs associated with the closure of the water race be funded from the general rate."</i>	B Austin	31 October 2008		"A consultation meeting was held with representatives from the Ngati Tukorehe Trust on 1 April and a common understanding of the issues was achieved. The key issues for iwi are not as direct users of the water, but relate to the cultural and environmental values that the artificial water input supports. The Trust would like to see either the artificial input continue, or the values supported by other measures. A site walkover meeting with Horizons, iwi, our consultant and HDC staff has been organized for 12 May to identify what other measures may be

**MONITORING REPORT
ANNUAL PLAN 2008/2009**

Item	Item Description	Resolved	Responsible Officer	Date to Action By	Date Completed	Officer Comment
						able to be taken. Other work in preparation for closure of the race is proceeding in parallel."
42	Waitarere Beach Dunes	<p><i>"THAT Council gives consideration to the lowering and reformation of the dunes at Waitarere Beach in the 2009/2019 LTCCP review."</i></p> <p><i>"THAT Council gives consideration to the extension of stormwater outlets at Waitarere Beach in the 2009/2019 LTCCP review."</i></p>	<p>P Shore</p> <p>M Pond</p>	31 October 2008		<p>This was considered as part of the LTCCP review. \$100,000 has been included in Year 5 of the LTCCP.</p> <p>Work was planned for February 2009. A resource consent from Horizons Regional Council had not been received as at 25 March 2009.</p>
44	Adopt an Anzac Group Upgrade to District War Memorials	<i>"THAT Council provides support to the project to upgrade the district's War Memorials by way of officer time. This will ensure that any modifications are consistent with the aims and objectives of the town's development, are consistent with the reserves Management Plan for the site, and that construction is of a high quality that will ensure longevity."</i>	D Tate	31 August 2008		<p>Adopt an Anzac have made significant progress developing a concept and consulting with the community. A final plan will be distributed to Councillors shortly for their information. Over \$20,000 in funds have been raised. Applications have been submitted for funding to various organisations.</p>

**MONITORING REPORT
ANNUAL PLAN 2008/2009**

Item	Item Description	Resolved	Responsible Officer	Date to Action By	Date Completed	Officer Comment
46	Levin Tennis Club Resealing of Tennis courts	<i>"THAT Council budgets for the renewal of the Levin Tennis Courts as part of the 2009/2019 LTCCP review."</i>	P Shore	31 October 2008		This was considered as part of the LTCCP review. \$100,00 has been included in Year 5 of the LTCCP.
51	Foxton Amenity Centre	<i>"THAT the Foxton Amenity Centre project be included in Council's 2008/2009 Annual Plan and that the project proceed recognising the need for the Foxton Project Amenity's Group to raise the sum of \$500,000.00 towards the project."</i>	D Clapperton	30 June 2009		Whilst a feasibility study is being completed on a multi-purpose facility in Foxton incorporating Maori Arts & Crafts centre, national Dutch Museum, sub-regional tourism information centre, library and community use space (completed by 30 June 2009 with recommendation) funding for the Foxton Public Amenity facility continues. Should the feasibility study indicate the multi-purpose facility is not possible the Foxton Amenity facility will proceed as planned. If the multi-purpose is deemed feasible Council will need to decide whether the library, service centre and visitor information centre is included or not.

**MONITORING REPORT
ANNUAL PLAN 2008/2009**

Item	Item Description	Resolved	Responsible Officer	Date to Action By	Date Completed	Officer Comment
52	Levin Community Centre	<i>"THAT the Levin Community Centre project be included in Council's 2008/2008 Annual Plan and that the project proceed recognising the need for the Horowhenua Library Trust to raise the sum of \$4,000,000.00 towards the project."</i>	D Clapperton	30 June 2009		Eastern & Central Community Trust visited in Hastings. Seeking funding to \$250k. Project Plan for funding being prepared

Item-1706 Documents Executed Under Seal and Electronic Transactions Authorities Signed

File No **3906**

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

From: **Strategic and Corporate Services Manager**

Date: **6 May 2009**

1. Purpose

- a. To present to Council the documents that have been executed under seal, Electronic Transactions and Contracts signed by His Worship the Mayor and the Chief Executive Officer which now need ratification.

2. Recommendation

- a. That Report 3906 be received.
- b. That the Horowhenua District Council ratify the affixing of the Common Seal of the Horowhenua District Council to the said documents and to the signing of Electronic Transactions as scheduled:
 - i. Electronic Transaction Authority relating to authority to discharge Council's encumbrance from each lot that has been sold and the development levy paid pertaining to Waitarere Rise subdivision and also withdrawal of the encumbrance from the three open space lots which are being transferred to Waitarere Rise residents Society Inc pursuant to Council's Resource Consent conditions.
 - ii. Consent to the registration of the Instrument dated 30 March 2009 between Waitarere Rise Limited as both Grantor and Grantee creating covenants pertaining to membership of Waitarere Rise Residents Society Incorporated
 - iii. Electronic Transaction Authority relating to sale of Part Lot 1 DP 415695 formerly comprised in Certificate of Title WN 39A/686 - Waitarere Beach Road, Waitarere beach
 - iv. Instrument granting easement to Horowhenua District Council a right to convey sewage over land marked "A", "G" and "D" on DP 393126 involving Certificates of Title 373047 and 373048, 15 Robbie Street, Foxton Beach.

3. Issues for Consideration

- a. This report provides a mechanism for notifying the execution of formal documents under the Council seal and signing of Electronic Transactions Authorities.

Prepared

D M Clapperton
Strategic and Corporate Services Manager

Item-1707 Resource Consents Considered Under Delegated Authority

File No **3905**

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

From: **Environmental and Regulatory Services Manager**

Date: **6 May 2009**

1. Purpose

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

2. Recommendation

- a. That Report 3905 be received.
b. That the Land Use and Subdivision Resource Consents be received as listed:

**All Subdivision Resource Consents Granted Under Delegated Authority
20/03/09 to 24/04/09**

Date	File Ref	Subdivider	Address
6/04/09	SUB/2737	Brian & Pamela Stewart	631 Queen Street, Levin
8/04/09	SUB/2726	Paetata Farm Limited	471 Waikawa Beach Road, Levin Rural
8/04/09	SUB/2700	Graham & Dale Ellis	Lot 2 Forest Road, Waitarere Beach

**All Land Use Resource Consents Granted Under Delegated Authority
20/03/09 to 24/04/09**

Date	File Ref	Applicant	Address
20/03/09	LUC/2744	Rex & Dorothy Riordan	293 Pretoria Road, Tokomaru Rural
27/03/09	LUC/2753	Allan & Gillian Cuthbertson	264 Motuiti Road, Foxton/Himatangi Rural
27/03/09	LUC/2749	Warren Webb & Michelle Burgess	12 Denton Road, Levin Rural
3/04/09	LUC/2748	Trevor & Mina Teal	14A Robbie Street, Foxton Beach
16/04/09	LUC/2757	Andrew & Gina Body	73 Wakefield Road, Levin Rural

Prepared

T Thomas
Environmental and Regulatory Services Manager

Item-1708 Survey Plans Approved by Delegated Authority Pursuant to Section 223

File No 3904

To: His Worship the Mayor and Councillors
Horowhenua District Council

From: Environmental and Regulatory Services Manager

Date: 6 May 2009

1. Purpose

- a. To present to Council for certification the list of survey plans approved by delegated authority pursuant to Section 223 of the Resource Management Act 1991.

2. Recommendation

- a. That the following subdivisions approved under delegated authority and s223 of the Resource Management Act be noted:

Date	File	Subdivider	Address
23/03/09	SUB/2576	D & J Taylor Property Limited	180A Cambridge Street, Levin
26/03/09	SUB/2732	Craig & Kelly Preston-Stichbury	Lot 1 Tararua Road, Levin Rural
26/03/09	SUB/2522	Fairfield Estate Ltd	170 Fairfield Road, Levin
26/03/09	RS/1037	NZ Estate Trust Ltd	5-9 Buckley Road, Tokomaru Rural
30/03/09	SUB/2527	Aaron Ruck	146 Strathnaver Drive, Waikawa Beach
1/04/09	SUB/2569	Graeme & Kathleen Gore, Colin & Jennifer Petterson	15 Tavistock Road, Ihakara Rural
15/04/09	RS/1226	Michael & Lorraine Clifford, Andrew & Maire Bain	70 Potts Road and 45-51 Wallace Loop Road, Levin Rural
15/04/09	SUB/2612	Horowhenua District Council	97 Manakau Heights Road, Manakau Rural
21/04/09	SUB/2736	Michael Galyer	28 Heather Street, Levin

Prepared

T Thomas
Environmental and Regulatory Services Manager

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.”

Confirmation of Minutes 1 April 2009 (Minute Items 1687-1689)

Item 1709 - In Committee Proceedings Hearing Committee 24 March 2009

Item 1711 - Property Matters

Item 17121 - In Committee HDC Monitoring Report to 6 May 2009

Reason 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, 8 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.