

**MINUTES OF THE ORDINARY MEETING OF THE HOROWHENUA DISTRICT COUNCIL  
HELD IN THE COUNCIL CHAMBERS, 126-148 OXFORD STREET, LEVIN ON WEDNESDAY,  
4 NOVEMBER 2009 COMMENCING AT 4:15 PM**

**PRESENT**

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 N D H Murray  
Cr A D Rush  
Cr R N Shaw

**IN ATTENDANCE**

Mr D G Ward (Chief Executive Officer)  
Mr B H Austin (Manager - Community Assets)  
Mr D M Clapperton (Strategic & Corporate Services Manager)  
Mr T Thomas (Environmental Services Manager)  
Mr D Law (Finance Manager)(from 4.45 pm)  
Mr D B McCorkindale (Project Manager - District Plan Review)  
Mr D J Tate (Parks Assets Officer)  
Mr W D Crockett (Operations Manager)  
Mr R R Nicholson (Infrastructure Assets Manager - Acting)  
Mrs K J Corkill (Meeting Secretary)

**ALSO IN ATTENDANCE**

Ms C Carlyle (Group Support Officer)  
Ms E Ganley (Wastewater Engineer)

**MEDIA IN ATTENDANCE**

Mr P Franklin ("Chronicle")  
Mrs F Lougher ("Horowhenua Mail")

**PUBLIC IN ATTENDANCE**

There were ten (10) members of the public in attendance at the commencement of the meeting.

**APOLOGIES**

An apology was recorded for Cr PK Keenan who had previously applied for and received leave of absence.

**Resolved**

(Colling / Good)

*"THAT Cr Keenan's apology be received."*

## **ANNOUNCEMENTS**

### Speaking Rights

Item 1798 Road Name for a New Road in Subdivision at 70 Potts Road  
- Mrs Lorraine Clifford

### Conflict of Interest

Item 1805 Chief Executive Officer's Report - 3e. Viability of employing small contractors  
- Cr L E McMeeken

Cr McMeeken queried why Item 1809 - Te Awahou Trust Project, Foxton, was being considered In Committee as previously this matter had been part of the open Agenda. Mr Clapperton advised that the reason was to "protect the privacy of natural persons" as the item involved people in relation to the proposed Trust establishment.

## **CONFIRMATION OF MINUTES**

Ordinary Meeting 7 October 2009 (Minute Items 1774-1787)

### **Resolved**

(Hunt / Good)

*"THAT the minutes of the Ordinary Meeting held on 7 October 2009 (Minute Items 1774-1787) as submitted be confirmed."*

## **MATTERS ARISING**

Cr Hunt advised a minor correction. Mr Ken Caldow, who passing had been noted with regret at the last Council meeting, required a 'w' to be added to his name.

Cr Hunt also noted that some comments she had made in relation to the Te Awahou Trust had not been recorded in the Minutes.

## **PROCEEDINGS OF COMMITTEES**

### **Item-1795 Proceedings Foxton Community Board 19 October 2009**

**File No**            **4049**

### **Purpose**

To present to the Horowhenua District Council the minutes of the Foxton Community Board meeting held on 19 October 2009.

### **Resolved**

(Allan / McMeeken)

*"THAT Report 4049 be received."*



Moved: Allan

Seconded: Colling

*“THAT the Foxton Community Board recommends to Council that Council officers investigate a suspensory or concessionary loan to assist in making the Foxton Health Centre a reality.”*

On a show of hands, there were four (4) in FAVOUR and five (5) AGAINST. The motion was, therefore, LOST.

## REPORTS

As Mr & Mrs Clifford were in attendance to speak to the Item 1798, His Worship the Mayor suggested that it would be expedient to hear this matter at the beginning of the Reports section.

### **Item-1798 Road Name for a New Road in Subdivision at 70 Potts Road**

**File No** 4059

#### **Purpose**

To select a name for a new private road in a subdivision at 70 Potts Road, Levin Rural.

#### **Resolved**

(Allan / McMeeken)

*“THAT Report 4059 be received.”*

Mrs Clifford joined the table to speak to this report, commenting:

- they had been disappointed to see that the recommendation was for the road to be called “Serenity Place” which was not what was requested and they did not consider it appropriate for the area;
- this was a private road and as such did not need Council's permission when it came to naming;
- there were other ‘lanes’ in other subdivisions;
- they did not understand why ‘lane’ was not acceptable.

Mr Thomas confirmed that officers had no objection to the use of ‘lane’ for the proposed private road.

#### **Resolved**

(Hunt / Colling)

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

*“THAT the new private road in the Hillview Investments Ltd subdivision at 70 Potts Road, Levin, be Serenity Lane.”*

## **Item-1796 Monitoring Report Horowhenua District Council to 4 November 2009**

**File No**            **4051**

### **Purpose**

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

### **Resolved**

(Judd / Shaw)

*“THAT Report 4051 be received.”*

Page 13 Item 1655 Chief Executive Officer’s Report to 4 February 2009  
The viability of employing small contractors was an item in the Chief Executive Officer’s Report (3c).

Page 16 Item 1745 Application for Funding - Historic Levin Court House  
Whilst the grant application had been declined, funding for the upgrade of the Historic Levin Court House had been included in the budget for the current year.

Page 21 Item 1782 Environmental Vision for Coastal Lakes and Lowlands  
Mr Clapperton advised he had met with a representative of Graeme Bagrie, and key stakeholders would be identified to work towards developing a draft Coastal Lakes and Lowlands Strategy over the coming months for Council consideration by 30 June 2010.

## **Item-1797 Horowhenua District Plan Review**

**File No**            **4060**

### **Purpose**

To obtain a Council resolution to formally commence a rolling review of the Horowhenua District Plan.

### **Resolved**

(Good / Judd)

*“THAT Report 4060 on the Horowhenua District Plan Review be received.”*

Mr Thomas and Mr McCorkindale joined the table to speak to this report, commenting that this matter had been delayed awaiting the amendments to the RMA and also the progress of the proposed One Plan, but any risks to the planning process were now considered minimal. Whilst they were very conscious of the money that could be spent on such a review, they were very comfortable with the budget available. A decision had been made not to retain consultants as they believed there was enough capability in house to do the review justice. Specialist consultants would only be used should the need arise. There could be some legal costs around appeals, but these would be flagged to Council at the earliest opportunity.

Following Councillor comments, His Worship the Mayor stood to acknowledge the work being done by officers and the significance of the undertaking for the District.

**Resolved**

(Rush / Judd)

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

*“THAT Officers be authorised to commence a rolling review of the Horowhenua District Plan in accordance with the requirements of the Resource Management Act 1991 and subsequent amendments.”*

*“THAT the review shall include, but not be limited to, a review of all parts of the Operative District Plan that have not been subject to a public plan change process since 1 January 2009.”*

**Item-1799 Field Street Extension, Foxton - Uplifting of Road Reserve and Dedicating as Road**

**File No            4044**

**Purpose**

To obtain Council’s formal consent to the legalisation of the said piece of land as road and allow the legal process to proceed.

**Resolved**

(Hunt / Shaw)

*“THAT Report 4044 be received.”*

Mr Ward noted that both this and the following item had previously been referred to the Foxton Community Board.

**Resolved**

(Hunt / McMeeken)

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

*“THAT the Horowhenua District Council hereby resolves pursuant to Section 111 of the Reserves Act 1977 to uplift the reserve classification over Lot 3 DP 57409 and dedicate Lot 3 DP 57409 as road.”*

**Item-1800 Field Street Extension, Foxton - Stopping Part Of**

**File No            4048**

**Purpose**

To seek Council approval to the stopping of part of Field Street extension, Foxton.

**Resolved**

(Good / Colling)

*“THAT Report 4048 be received.”*

**Resolved**

(McMeeken / Judd)

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

*“THAT Horowhenua District Council hereby resolves, pursuant to Section 342 and the Tenth Schedule to the Local Government Act 1974, that Public Notice be given to the proposal that a section of road shown on the plan attached as Lot 3 DP 57409 be stopped, as it is no longer required for the extension of Field Street, Foxton.”*

**Item-1801 Waitohu Valley Road, Manakau South - Land Purchased to be Declared as Road**

**File No            4043**

**Purpose**

To obtain Council’s formal resolution declaring land purchased to be road and allow the legal process to proceed.

**Resolved**

(Good / Murray)

*“THAT Report 4043 on be received.”*

**Resolved**

(McMeeken / Good)

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

*“THAT pursuant to Section 114 of the Public Works Act 1981 the Horowhenua District Council hereby declares as road the land described as Section 1 SO Plan 386057 with an area of 2319m<sup>2</sup> formerly contained in Certificate of Title WN428/238.”*

**Item-1802 Waitohu Valley Road, Manakau South - Stopping Parts Of**

**File No            4045**

**Purpose**

To obtain Council’s formal resolution to the stopping of parts of Waitohu Valley Road, Manakau South.

**Resolved**

(McMeeken / Good)

*“THAT Report 4045 be received.”*

## **Resolved**

(McMeeken / Good)

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

*“THAT in view of the fact that no objections were received to the proposal to stop portions of Waitohu Valley Road, “The Horowhenua District Council, pursuant to Section 342 and the Tenth Schedule of the Local Government Act 1974, hereby declares those portions of Waitohu Valley Road, Manakau South, as shown on Plan SO 401988 Sections 2, 5, 7 & 9 with a total area of 1689m<sup>2</sup>, are now stopped”.”*

*“THAT the required Public Notice of parts of Waitohu Valley Road being stopped be advertised.”*

## **Item-1803 Grounds Maintenance Funding Request**

**File No**                **4065**

### **Purpose**

To obtain Council’s resolution on the use of \$15,000 set aside for additional ground maintenance in Council's 2009/2010 LTCCP.

## **Resolved**

(Judd / Allan)

*“THAT Report 4065 on the Grounds Maintenance Funding Request be received.”*

Council’s Parks Assets Officer gave a summation of his report. He tabled a list of proposed additional mowing sites should the recommendation in the report be adopted.

In response to a query, Mr Tate advised that Solway Park was not included in the list as it had already been restored to its previous standard.

## **Resolved**

(Good / McMeeken)

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

*“THAT the \$15,000 is retained within the Parks budget and used to return as many reserves as possible to previous levels of service.”*

## **Item-1804 Liquor Licensing Matters from 21 July 2009 to 21 October 2009**

**File No**                **4058**

### **Purpose**

To update matters relating to liquor licensing for the period 21 July 2009 to 20 October 2009.

## **Resolved**

(McMeeken / Colling)

*“THAT Report 4058 be received.”*

## Resolved

(McMeeken / Colling)

*“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.”*

*“THAT the information in Part 3(b) of this report be noted.”*

## Item-1805 Chief Executive Officer's Report to 4 November 2009

**File No**            **4053**

### Purpose

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

## Resolved

(Good / Shaw)

*“THAT Report 4053 be received.”*

Mr Ward worked through the issues for consideration contained in his report, highlighting as required.

### 3d. Zone 3 Meeting

His Worship the Mayor gave a brief report on the zone 3 Meeting which had been hosted by the South Taranaki District Council in Hawera, outlining the various presentations (from ERO, the New Zealand Fire Service, the Local Government Insurance Group, Local Government New Zealand and EECA) which had all been interesting and of value.

Cr McMeeken withdrew from the table when the next matter was discussed.

### 3e. Viability of employing small contractors

In response to a query about Councillors involvement in what was a Councillors’ initiative, Mr Crockett advised that Crs Judd and Shaw had been involved in the process and it was the intention that the matter would ultimately come back to the Council for sign off.

Cr McMeeken rejoined the table.

### 3f. Financial Reports

Mr Law reported, in relation to the Rates Rebates Scheme, that last year, by this date, 1,305 people had been eligible for rates rebates totalling \$617,000.00. To 4 November 2009, 1305 people had been eligible for an increased amount totalling \$828,000.00. It was expected that the total of 1,958 eligible for rates rebates last year would be exceeded this year.

Mr Ward noted that the headings on columns A and B on the Quarterly Report Expenditure (page 70) should read “Annual Plan **2009/2010**” and “Projected to 30-June **2010**” respectively and he gave a brief summation of the information provided.

Mr Ward also noted that the Audit Subcommittee was scheduled to meet by the end of November 2009 to consider and sign off on the Audit Management Report (which he had received yesterday afternoon)

3g. 2009-2019 LTCCP Monitoring Report

Mr Ward advised that officers were reviewing this list for completeness to ensure that all items that should be there had been included.

Page 74 Item 9 Consultation with Māori

Cr Murray suggested that a solid agenda should be available for these meetings to ensure these meetings were worthwhile.

Page 72 Item 3 Projects for Shannon CBD

Cr McMeeken commented on how smart the Shannon CBD was currently looking.

Page 75 Item 17 Queen Street Walkway

Item 18 Provision of Walking and Cycling Facilities

Did any of Council's projects (possibly the link between Foxton and Foxton Beach) meet the Government's criteria to access the \$30m allocated for cycling and walkways?

Mr Clapperton said he had information provided by Boffa Miskell and hoped to report back to the December 2009 Council meeting.

A report on the petition received on the Queen Street Walkway was also scheduled for the December 2009 Council meeting.

Page 76 Item 19 "Water Supplies" should, in fact, read "Solid Waste".

Item 20 Estuary Management Plan Review, etc

It was suggested that clear parameters were needed for the Foxton Beach Beach Wardens. Mr Tate advised he had recently met with the Beach Wardens, with a further meeting to be held in mid-November 2009.

**Item-1806 Resource Consents Considered Under Delegated Authority**

**File No**            **4056**

**Purpose**

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

**Resolved**

(Judd / Allan)

*"THAT Report 4056 be received."*

*"THAT the Land Use and Subdivision Resource Consents be received as listed:*

***All Subdivision Resource Consents Granted Under Delegated Authority  
23/09/09 to 23/10/09***

<b>Date</b>	<b>File Ref</b>	<b>Subdivider</b>	<b>Address</b>
29-Sep-09	SUB/2822	Ronald & Lorna King	44 Williams Road, Tokomaru Rural
1-Oct-09	SUB/2738	Graham & Pamela Burns	66A Nash Parade, Foxton Beach
9-Oct-09	SUB/2834	Jeffrey & Susan Rothney, Graham Conner & Laura Snowden	34 & 44 Papaitonga Lake Road, Ohau Rural

**All Land Use Resource Consents Granted Under Delegated Authority  
23/09/09 to 23/10/09**

<b>Date</b>	<b>File Ref</b>	<b>Applicant</b>	<b>Address</b>
1-Oct-09	LUC/2831	Florence Rangiheuea	357 Paranui Road, Foxton/ Himatangi Rural
1-Oct-09	LUC/2829	Tony & Diane Foot	12 Futter Street, Foxton
5-Oct-09	LUC/2826	Richard & Mandy Evett	147 Kahukura Avenue, Waitarere Beach
8-Oct-09	LUC/2825	Maureen Blishen	49 Tame Porati Street, Manakau
16-Oct-09	LUC/2841	Dean Robertson & Suzanne Fordyce	1198 State Highway 1, Manakau Rural."

**Item-1807 Documents Executed and Electronic Transactions Authorities Signed**

**File No**            **4055**

**Purpose**

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

**Resolved**

(Colling / Shaw)

*"THAT Report 4055 be received."*

*"THAT the Horowhenua District Council hereby ratifies the signing of the documents and electronic transactions authorities as scheduled:*

- i. Electronic Transaction Authority relating to the grant of easement to Horowhenua District Council by Gary Edwin and Mary Patricia Culling to drain sewage over lands shown "A", "B", "H" and "I" on DP 408024, Liddell Street, Foxton*
- ii. Electronic Transaction Authority relating to the several properties of former authorities making up Horowhenua District Council and the transmission applications for twenty (20) Certificate of Titles to be registered in the name of Horowhenua District Council.*
- iii. Instrument to partially surrender easement by Jasco Lands Limited over a registered right of way over an access strip from Council's land, Lot 2 DP 65530, to Taylor Street, Foxton Beach."*

*"THAT the Horowhenua District Council confirms the decision in accepting the following contracts and that authority be given to the signing of Electronic Transactions Authorities:*

*Contract No. 09/10 : Reseals 2009-2010."*

The meeting adjourned for a meal break at 6.00 pm and reconvened at 6.40 pm.

**Item-1809 Te Awahou Trust Project, Foxton CONFIDENTIAL**

**File No 4029**

Prior to moving into the public excluded, the reason for holding Item 1809 - Te Awahou Trust Project, Foxton, was discussed.

His Worship the Mayor clarified that it was to protect the privacy of potential nominees that were being considered for appointment to the Trust. Potentially these people may not be nominated, but at this stage it was important to keep their names out of the public arena.

**Resolved**

(McMeeken / Good)

*"THAT the following recommendations be incorporated in the open portion of the Minutes for this Council meeting."*

CARRIED

**Resolved**

(Allan / Judd)

*"THAT Council supports the Te Awahou project in principle and the inclusion of the Foxton Library, Visitor Information Centre and Service Centre into the project."*

CARRIED

Cr Hunt recorded her vote against the motion.

**Resolved**

(Allan / Murray)

*"THAT Council agrees in principle to becoming a Settlor to the Te Awahou Trust Deed."*

CARRIED

Cr Hunt recorded her vote against the motion.

**Resolved**

(Allan / McMeeken)

*"THAT Council nominates His Worship the Mayor, Brendan Duffy, and Mr Basil Vertongen, Chair of the Foxton Community Board, to the Te Awahou Trust Electoral College."*

CARRIED

Cr Hunt recorded her vote against the motion.

**Resolved**

(Murray / Good)

*"THAT the following resolutions of Council adopted 6 November 2006 be rescinded."*

*"THAT Council agrees in principle, subject to budget capability, with the recommendations of the Foxtton Amenities Project Steering Group that:*

- i) The existing Council Service Centre site be the preferred site for a new Foxtton Amenity facility.*
- ii) That the functions to be included in the facility be a library, Council Service Centre and visitor information centre, with adequate toilets to service the needs of the facility; and, if possible, an arts centre and public toilets.*
- iii) That the existing façade and Council meeting room be retained in the new facility."*

*"THAT the Council consider a concept design for the exterior of the Service Centre site and endorse the concept allowing the Foxtton Amenity Project Steering Group to proceed with further discussion and community consultation."*

*"THAT a further report be made to Council at the earliest opportunity clearly detailing the applicable timelines and likely budgetary implications and funding sources for the conceptual proposal."*

## **CARRIED**

Cr Hunt recorded her vote against the motion.

## **MOTION TO EXCLUDE THE PUBLIC**

### **Resolved**

(McMeeken / Judd)

*"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."*

***Item 1808 - In Committee Proceedings Foxtton Community Board 19 October 2009***

***Item 1809 - Te Awahou Trust Project, Foxtton***

***Item 1810 - Purchase of Land to Progress the Levin Sewerage Strategy***

***Item 1811 - In Committee Horowhenua District Council Monitoring Report to 4 November 2009***

### ***Reasons for Confidentiality***

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

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

*Subject to sections 6, 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(2b) Protect information where the making available of the information-*

- (i) Would disclose a trade secret; or*

(ii) *Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.*

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.”*

## **MEETING CLOSURE**

There being no further business the meeting concluded at 8.25 pm.

CONFIRMED this            day of

.....  
**Chairperson**