



**HOROWHENUA
DISTRICT
COUNCIL**

AGENDA

ORDINARY MEETING

FOXTON COMMUNITY BOARD

15 NOVEMBER 2010

NOTICE IS HEREBY GIVEN that a meeting of the Foxtton Community Board of the Horowhenua District Council will be held in the Chambers, Foxtton Service Centre, Foxtton, on Monday, 15 November 2010 commencing at 6.30 p.m.

Members of the Foxtton Community Board are:

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

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

Business will be according to the attached Agenda.

Contacts

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www.horowhenua.govt.nz

AGENDA

15 NOVEMBER 2010

ORDER OF BUSINESS:

1. Apologies
2. Public Speaking Rights
Notification to speak is required by 12 noon on the day of the meeting. Further information is available on www.horowhenua.govt.nz or by phoning 06 366 0999
3. Late Items:
To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.
Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:
 - (i) The reason why the item was not on the Agenda, and
 - (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.
4. Members' Conflict of Interest
Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.
5. Announcements
Photo - At 6.15pm the official photo of the Foxton Community Board will be taken.
Swearing In - Board Member Roache will make his Declaration of Office before the Chief Executive Officer.
6. Receipt of Minutes - Ordinary Meeting 4 October 2010 (Minute Items 494-499)
7. Matters Arising
8. Confirmation of Minutes - Meeting 27 October 2010

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REPORTS

Item-501 Monitoring Report Foxtton Community Board to 15 November 2010

File No 4343

To: The Chairperson and Members
Foxtton Community Board

From: Chief Executive Officer

Date: 15 November 2010

1. Purpose

- a. To provide an update on the Foxtton Community Board Monitoring Report to 15 November 2010.

2. Recommendation

- a. That Report 4343 be received.
- b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

	Name and title of signatories	Signature
Prepared by	D G Ward Chief Executive Officer	
<u>Confirmation of statutory compliance</u>		
In accordance with section 76 of the Local Government Act 2002, this report is approved as: <ol style="list-style-type: none">a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.		

3. Attachments

- a. Foxtton Community Board Monitoring Report to 15 November 2010
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**MONITORING REPORT
FOXTON COMMUNITY BOARD**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
22 Mar 2010	Item 460	Foxton Pools - General Report	<i>"THAT the Foxton Swimming Pool be included on the Monitoring Report, including the results of discussions held between staff and stakeholders."</i>	D Tate		Completed	
19 Jul 2010	Item 475	Annual Plan Submission Update	<p><i>"THAT the Foxton Community Board liaise with the Foxton Medical Trust to determine its position and where it currently stood on the provision of a Health Centre in Foxton."</i></p> <p><i>"THAT a sign be erected on the selected lot in the Forbes Road subdivision indicating that a playground would be installed there in the near future."</i></p> <p><i>"THAT Council officers be requested to investigate the possible removal of the pillar in the centre of the Stuart Ellwood Room, Foxton Memorial Hall."</i></p>	D Ward	Ongoing Ongoing	Completed	
19 Jul 2010	Item 477	Chief Executive Officer's Report to 19 July 2010	<i>"THAT the Foxton Community Board requests officers to prepare a feasibility study on the Taylor Street upgrade for inclusion in Council's draft 2011/12 Annual Plan."</i>	D Ward	Ongoing		

**MONITORING REPORT
FOXTON COMMUNITY BOARD**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<i>"THAT, following the local body elections, all new members of the Foxton Community Board receive a copy of the Foxton Beach Freeholding Account Strategy and Policy."</i>		Ongoing		
30 Aug 2010	Item 484	Granting of Freedom Charter, Foxton - Additional Activity	<p><i>"THAT the Foxton Community Board acknowledge the final approval by the Chief of Army to the granting of a Freedom Charter to 21 Supply Company and the agreed date of Wednesday, 8 December 2010 as the Presentation date."</i></p> <p><i>"THAT the Foxton Community Board approve the request made by the Horowhenua District War Memorials Project Committee (Adopt an Anzac) to have the additional plaques to be erected on the Foxton Cenotaph unveiled as part of this ceremony together with the proposed illumination of the Foxton Cenotaph by the placement of four uplights."</i></p>	D C Cole D M Clapperton		Completed	<p>Plaques to be organised along with quotes for lighting of Cenotaph. Plaques to be erected for December 'Charter' ceremony. Planning meeting held on 14 October 2010. Band for parade confirmed. Venue for after function booked.</p>

**MONITORING REPORT
FOXTON COMMUNITY BOARD**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
							Parade details being worked through with official programme and preparation of Charter Document. Next meeting to be held in 3-4 weeks. No major conflict of date with other local Foxton Events. Wet weather venue booked.
30 Aug 2010	Item 486	Provision of a Half Pipe at Holben Reserve, Foxton Beach	<i>"THAT the Board support the proposal to consult on the "BMX" proposal as an alternative option for the \$30,000.00 currently allocated for a "half pipe"."</i>	P J T Shore			This project is scheduled to be completed by 15 December 2010.
30 Aug 2010	Item 487	Playground at Foxton Beach Coastal Holiday Park - Pinewood Motor Camp	<i>"THAT the Foxton Community Board recommend to the Horowhenua District Council that Officers bring back a detailed plan and funding options for the provision of a new playground."</i>	P J T Shore			This project is scheduled to be completed by 12 December 2010.
4 Oct 2010	Item 494	Monitoring Report Foxton Community Board to 4 October 2010	<i>"THAT Report 4297 be received."</i>	D G Ward		Completed	

**MONITORING REPORT
FOXTON COMMUNITY BOARD**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
4 Oct 2010	Item 495	Foxton Pool	<i>"THAT Report 4289 be received."</i>	D J Tate		Completed	
4 Oct 2010	Item 496	Foxton Recycling Station Relocation	<i>"THAT the Foxton Community Board recommends the relocation of the Foxton Recycling Centre to the Foxton Waste Transfer Station in such a way as to ensure the general public has continued access to recycling facilities at no cost between 7.00 am and 5.00 pm, seven (7) days a week <u>AND FURTHER</u> THAT the location be reviewed for suitability of design and operational hours in twelve (12) months time."</i>	D de Burgh			Concept plan and costs developed. Work to commence November 2010 with mid December 2010 as target date for opening.
4 Oct 2010	Item 497	Council Resolutions Relating to Foxton Community Board	<i>"THAT Report 4299 be received."</i>	D G Ward		Completed	
4 Oct 2010	Item 498	Chief Executive Officer's Report to 4 October 2010	<i>"THAT the Foxton Community Board recommends to Council that staff negotiate the engagement of a Task Force Green Group comprising Foxton or Foxton Beach residents to undertake approved tasks."</i>	D G Ward		Completed	

Item-502 Adoption of Model Standing Orders

File No 4353

**To: The Chairperson and Members
Foxton Community Board**

From: Chief Executive Officer

Date: 15 November 2010

1. Purpose

- a. To present to Board Members for discussion and adoption Model Standing Orders NZS 9202:2003, together with Amendments adopted by Horowhenua District Council on 31 October 2007.

Copies of the Standing Orders and Amendments have been circulated to Community Board Members prior to today's meeting. Please bring these documents to today's meeting.

2. Recommendation

- a. That Report 4353 be received.
b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
c. That in accordance with Section 27, Schedule 7, Part 1 of the Local Government Act 2002, with effect from 15 November 2010 the Standing Orders for the Horowhenua District Council, its Committees and Subcommittees shall be NZS 9202:2003 Model Standing Orders for Meetings of Local Authorities and Community Boards as expanded (or as amended by the New Zealand Standards Association from time to time) with Amendments made and adopted by the Horowhenua District Council at an Ordinary Meeting held on 31 October 2007.

3. Context

- a. On 31 October 2007 Council adopted Model Standing Orders NZS 9202:2003 subject to Amendments. In the interim there have been no further changes to Standing Orders either at a national level, or proposed by this Council. Therefore, this resolution effectively means that the identified Model Standing Orders remain the operative document of Council unless it is amended or replaced.

4. Issues

- a. The Board is required to adopt a set of standing orders for the conduct of its meetings and those of its committees. This Council has traditionally used the standing orders published by New Zealand Standards, of which the Board, through Horowhenua District Council, is a member of the Association. The Board currently uses New Zealand Standards Association Model Standing Orders NZS 9202:2003 for meetings of the Board, its Committees, Subcommittees.
-

- b. The Model Standing Orders are in three parts. Part One contains an outline, interpretation and definitions. Part Two deals with the procedure, which must be followed, leading up to meetings in the way of constitutional and legislative matters. Part Three deals with the procedures at meetings. There are also a series of appendices that give further guidance and in particular the Chairperson's powers and a chart showing the procedure for motions and amendments.
- c. Any change to Standing Orders requires the support of not less than 75% of the members present.

	Name and title of signatories	Signature
Prepared by	D G Ward Chief Executive Officer	
<u>Confirmation of statutory compliance</u>		
<p>In accordance with section 76 of the Local Government Act 2002, this report is approved as:</p> <ul style="list-style-type: none"> a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and, b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision. 		

Item-503 Code of Conduct

File No 4352

**To: The Chairperson and Members
Foxton Community Board**

From: Chief Executive Officer

Date: 15 November 2010

1. Purpose

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

2. Recommendation

- a. That Report 4352 be received.
- b. That the Foxton Community Board confirms its Code of Conduct.

3. Issues for Consideration

- a. Clause 15 of Schedule 7 of the Local Government Act 2002 requires a local authority to adopt a Code of Conduct for its members "as soon as practicable after the commencement of this Act.
 - b. The Board adopted its Code of Conduct on 12 November 2007, and this remains the operative document of the current Council unless it is amended or replaced.
 - c. The Code of Conduct may not be revoked without replacement.
 - d. Any amendment to, or a replacement of, the Code of Conduct requires a vote in support by 75% of the members present.
 - e. There is no statutory requirement for review or confirmation following an election, but given changes in the membership of Council, and any experience drawn from application of the Code of Conduct over the past 12 months, it is considered good practice to at least review the document.
 - f. The key elements of the Code of Conduct are details of:
 - understanding and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in the capacity as members, including behaviour towards one another, staff and their public, and disclosure of information, including the provision of any document to elected members, and
 - a general explanation of the Local Government Official Information & Meetings Act and any other enactment or rule of law applicable to members
 - g. Board Members may wish to identify areas of the Code of Conduct which would benefit from amendment.
-

4. Discussion Items

The role of a local authority

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

They include:

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

Meetings

- a. Part 7 of the Local Government Official Information and Meetings Act applies to all meetings of the Council and Community Boards, as well as to committees and sub-committees of those bodies.
- b. The public have a right to inspect within a period of at least 2 working days before every meeting, without charge, agendas and associated reports circulated to members. The Chief Executive can however, exclude reports that he expects the meeting to discuss with the public excluded.
- c. The general rule is that every meeting of a local authority is open to the public (which includes the media). However, the Board can by resolution exclude the public from a meeting on grounds that conducting that part of the meeting in public would result in the disclosure of information where there is good reason for withholding the information. There is a form of resolution to be used. The resolution must state the general subject of each matter to be considered with the public excluded and the reason for excluding the public. For example, if the Board's solicitors have given advice to the Board that the Board wishes to discuss at a meeting, it can do so with the public excluded. The resolution may also provide for a specified person to remain after the public has been excluded if that person has knowledge that will assist the authority.
- d. There are effectively five different ways by which communication is generally undertaken with elected members - two of these conducted under the LGOIMA - open

public meeting or In Committee meeting - and two less formal, for information purposes only - workshops (which are normally open to the public) or elected member briefings.

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

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

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

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

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

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

Prepared

DG Ward
Chief Executive

4. Attachments

- a. Code of Conduct

CODE OF CONDUCT

Chairperson and Members
Foxton Community Board

Updated 12 November 2007

Adopted by Foxton Community Board on 5 November 2007

PART ONE: INTRODUCTION

Schedule 7 of the Local Government Act 2002 (the Act) requires each local authority to adopt a code of conduct. Once adopted, all elected members are required to comply with the code. Whilst it is not a mandatory requirement, community boards can adopt their own code.

This code of conduct provides guidance on the standards of behaviour that are expected from the Chairperson, elected and appointed members of the Foxton Community Board. The code applies to all members in their dealings with:

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

The objective of the code is to enhance:

- the effectiveness of the Board as the autonomous local authority with statutory responsibilities for good local governance of the Horowhenua District
- the credibility and accountability of the Board within its community of influence
- mutual trust, respect and tolerance between the elected and appointed (hereafter referred to as members) members as a group and between the members and management.

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

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

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

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

- **Public interest.** Members should serve only the interests of the community as a whole and should never improperly confer an advantage or disadvantage on any one person.

- **Honesty and integrity.** Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- **Accountability.** Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.
- **Openness.** Members should be as open as possible about their actions and those of the Board, and should be prepared to justify their actions.
- **Personal judgement.** Members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- **Respect for others.** Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the Council staff.
- **Duty to uphold the law.** Members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.
- **Leadership.** Members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

PART TWO: ROLES AND RESPONSIBILITIES

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

Members

All members, acting as the Board, are responsible for:

- assistance in the development and adoption of Board policy
- prudent stewardship of Council resources within the Board's area
- representing the interests of the residents and ratepayers of the Foxton Community.

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

Chairperson

The Chairperson of the Board must be elected by the members of the Board at its first meeting of the triennium. The Chairperson as a member shares the same responsibilities as other members of the Board. The Chairperson also has the following roles as a:

- presiding member at Board meetings and workshops. The Chairperson is responsible for ensuring that conduct of business during meetings is done in an orderly manner and in line with Standing Orders.
- advocate on behalf of the Board's area. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Board.
- ceremonial head of the Board.

The Chairperson must follow the same rules as other Board Members about making public statements and committing the Board to a particular course of action, unless acting within the rules of media contact on behalf of the Board under its delegation.

The Chairperson can be removed from office by resolution of the Board.

Deputy Chairperson

The Deputy Chairperson of the Board must be elected by the Board at its first meeting of the triennium. The Deputy Chairperson exercises the same roles and responsibilities as other Board members and if the Board Chairperson is absent or incapacitated the Deputy Chairperson must perform all the responsibilities and duties, and may exercise the powers of the Chairperson (as summarised above).

The Deputy Chairperson may be removed from office by resolution of the Board.

Chief Executive Officer

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

- implementing the decisions of the Council
- providing advice to the Council and Community Boards
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive Officer or to any person employed by the Chief Executive Officer, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of the local authority effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- providing leadership for the staff of the local authority
- employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

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

PART THREE: RELATIONSHIPS AND BEHAVIOURS

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

Relationships with Other Members

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

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

Relationships with Staff

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

- recognise that the Chief Executive Officer is the employer (on behalf of Council) of all Council employees, and as such only the Chief Executive Officer may hire, dismiss or instruct or censure an employee
- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees)
- observe any guidelines that the Chief Executive Officer puts in place regarding contact with employees
- the accepted protocol for communication between elected members and staff is via the Chief Executive Officer or the Environmental Services Manager, Finance Manager, Community Assets Manager or Strategic & Corporate Services Manager. Matters of a routine nature should be forwarded directly to the Chief Executive Officer for processing
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee
- avoid publicity criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee

- raise concerns about employees only with the Chief Executive Officer, and concerns about the Chief Executive Officer only with the Mayor or members of the Chief Executive Officer's Performance Review Committee.

Members should be aware that failure to observe this portion of the code of conduct may compromise the Board's position and may expose the Council to civil litigation and audit sanctions.

Relationships with the Community

Effective Council decision-making depends on productive relationships between members and its community.

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

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

Contact with the Media

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

The following rules apply for media contact on behalf of members of the Board:

- the Chairperson is the first point of contact for the official view of the Board on any issue. Where the Chairperson is absent or unavailable, any matters will be referred to the Deputy Chairperson
- the Chairperson may refer any matter to the Chief Executive Officer for comment
- no other member may comment on behalf of the Board without having first obtained the approval of the Board's Chairperson (Deputy Chairperson).

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

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

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

Confidential Information

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

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

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

Conflicts of Interest

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

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

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

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

- any employment, trade or profession carried on by the member or the member's spouse for profit or gain
- any company, trust, partnership etc for which the member or their spouse is a director, partner, trustee or beneficiary
- the address of any land in which the member has a beneficial interest and which is in the Horowhenua District
- the address of any land where the landlord is the Horowhenua District Council and:

- the member or their spouse is a tenant, or
- the land is tenanted by a firm in which the member or spouse is a partner, or a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee or beneficiary
- any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member.

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

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

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

Standing Orders

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

Ethics

The Board seeks to promote the highest standards of ethical conduct amongst its members. Accordingly, members will:

- claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of Council developed in accordance with that determination
- not influence, or attempt to influence, any Council employee to take actions that may benefit the member, or the member's family or business interests
- not use Council resources for personal business (including campaigning)
- not solicit, demand, or request any gift, reward or benefit by virtue of their position
- notify the Chief Executive Officer if any gifts are accepted

- where a gift to the value of \$100.00 or more is offered to a member, immediately disclose this to the Chief Executive Officer for inclusion in the publicly available register of interests.¹

Disqualification of Members from Office

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

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

PART FOUR: COMPLIANCE AND REVIEW

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

Compliance

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

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

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

The Board will request that the Chief Executive Officer prepare a report for the further consideration of the Board. Before beginning any investigation the Board will notify the Member(s) in writing of the complaint and explaining when and how they will get the opportunity to put their version of events.

If it considers that the matter is to be pursued the Board will appoint a Subcommittee to investigate any alleged breaches of the Code of Conduct. The Subcommittee will comprise the Board Chair, Deputy Chair and a member of the public with appropriate expertise.

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

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

Responses to Breaches of the Code

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

Where there are statutory provisions:

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

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

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

- censure in public
- removal of the member from subcommittees of the Board and/or other representative type bodies
- dismissal of the member from a position as Chairperson or Deputy Chairperson of the Board.

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

Review

Once adopted, a code of conduct continues in force until amended by the Board.

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

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

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

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

The Local Government Official Information and Meetings Act 1987

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

Official Information (Parts I to VI of the Act)

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

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

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

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

Local Authority Meetings (Part VII of the Act)

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

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

Local Authorities (Members' Interests) Act 1968

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

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

Disqualifying Interest

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

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

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

Comment

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

Pecuniary Interest

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

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

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

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

Some examples of conflict of interest are:

- A local authority is planning a roading improvement project. A member of the local authority has a close relative who owns a property that is in the way of the project.

- A community organisation approaches a local authority for financial support. A member of the authority is a member or unpaid office holder of the community organisation.
- A member of an authority is also an employee of a company that has a large contract with the local authority. The local authority is considering whether the contract should be renewed.

CRIMES ACT 1961

ss 99, 105 and 105A Bribery and Corruption

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

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

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

Secret Commissions Act 1910

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

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

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

The Securities Act 1978

When does the Securities Act 1978 Apply to the Council?

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

What Does the Securities Act Require?

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

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

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

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

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

POLICY FOR ADVERTISING AND PUBLICITY

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

Item-504 Foxton Community Board Liaison Councillor

File No 4354

**To: The Chairperson and Members
Foxton Community Board**

From: Chief Executive Officer

Date: 15 November 2010

1. Purpose

- a. To report on the role and responsibilities of the Councillor who was appointed as liaison Councillor to the Foxton Community Board as requested at the previous Council meeting.

2. Recommendation

- a. That Report 4354 be received.
b. That the Foxton Community Board recommend adoption of these guidelines to the Horowhenua District Council.

3. Context

- a. At its meeting of 10 December 2007 the Community Board considered and adopted the following guidelines for the position of Foxton Community Board Liaison Councillor:
- the appointed Councillor will represent the views of Council to the Foxton Community Board as is necessary
 - the appointed Councillor will represent the views of the Foxton Community Board to Council as is necessary
 - the liaison Councillor will be accountable to each entity for presentations in a transparent and factual manner in accordance with relevant legislation, and with Council's Code of Conduct.
 - the liaison Councillor is not precluded from espousing their personal views on a matter, provided that it is clearly stated that the view is personal, and only after having previously stated the formal view of either the Council or the Community Board.

- b. At today's meeting the Board will consider"
- the continued appropriateness of these guidelines
 - whether it wishes to appoint a liaison Councillor
 - the name of that person.

	Name and title of signatories	Signature
Prepared by	D G Ward Chief Executive Officer	
<u>Confirmation of statutory compliance</u>		
<p>In accordance with section 76 of the Local Government Act 2002, this report is approved as:</p> <ul style="list-style-type: none"> a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and, b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision. 		

Item-505 Appointment of Community Board Chairperson to the Hearings Committee

File No 4348

To: The Chairperson and Members
Foxton Community Board

From: Environmental Services Manager

Date: 15 November 2010

1. Purpose

To consider whether the Chairperson of the Foxton Community Board should sit on the Horowhenua District Council Hearings Committee for relevant matters.

2. Executive Summary

- a. At the Council meeting of 28 October 2010 the Council appointed the members of the Hearings Committee and also resolved that the Chairperson of the Foxton community Board *"be invited to sit on the Hearings Committee on matters pertaining to the Community Board area."*

3. Recommendation

- a. That Report 4348 on Appointment of Community Board Chairperson to the Hearings Committee be received.
- b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- c. That the Foxton Community Board consider the Council's invitation for its Chairperson to sit on the Hearings Committee on matters pertaining to the Community Board area.
- d. That, in the event the invitation is accepted, that the Horowhenua District Council be requested to formally appoint the Chairperson of the Foxton Community Board as a member of the Hearing Committee in relation to matters pertaining to the Community Board area.

4. Context

Background

The Hearing Committee is charged with a number of responsibilities under its Terms of Reference (Attachment A) and various delegations. Principally these relate to matters under the Resource Management Act but may extend to other matters such as hearings under the Dog Control Act or hearings of submissions in relation to bylaw and policy matters. Generally it will make decisions on these matters and these decisions are binding on the Council.

The Community Board has been invited to consider if its Chairperson should sit with the Hearings Committee on matters of relevance the Community Board area.

In the previous triennium a similar invitation was made to the Community Board and was declined on the grounds that the Board would prefer to be able to represent the views of the community as an advocate rather than being part of the decision making process. Obviously the two roles must be mutually exclusive and if the Community Board is represented on the Hearing Committee then it is required in the interests of natural justice to retain an impartial and objective perspective on any pending hearings.

If the Community Board Chairperson accepts the invitation it will carry an expectation that the accreditation training that Committee members are expected to achieve under the Resource Management Act be undertaken. Councillors in attendance at the Board meeting can provide more details if need be as can the author of this report if needed.

Legal or statutory requirements

It is not required that the Community Board be represented and the Council is entitled to appoint a member if it so wishes. Clause 31 of Schedule 7 of the Local Government Act 2010 covers provisions relating to this (Attachment B).

It is recommended that should the Chairperson of the Community Board accept the invitation then that should be formally confirmed by resolution of Council at the next meeting to avoid any doubt to the status of that person at a hearing.

Consenting issues

N/A

Consultation process

N/A

5. Analysis

Options considered

The options revolve on how to respond to the invitation. The Community Board is at liberty to choose either way. It is noted that the invitation relates matters within the Community Board area although a number of District wide matters are anticipated within the forthcoming triennium which include:

1. Hearings related to the District Plan Review. These are likely to be extended and complex hearings and consequently officers intend to more fully report to Council in due course on the appropriate hearing and decision making process for that project.
2. Various District Plan Changes which require a hearing and determination (e.g. Proposed Plan Change 22 relating to Outstanding Natural Landscapes and Features).
3. Submissions on new legislation for which a consultative process and a hearing may be appropriate and, any hearings under that legislation. Officers are aware of pending changes including:
 - a. Implementation of the revised Food Act and Health Act.
 - b. Review of the Liquor Act, including a subsequent review of the Councils Liquor Policy.

- c. Amendments to the Dog Control Act and also a review the relevant policy and bylaw.
 - d. Review of the Councils Gambling Venue Policy.
4. Reviews of other Council bylaws and policies.

Analysis of Preferred Option

Officers believe that the wider interests of the community are best served by accepting the invitation such that the Community Board has a role in the decision making process rather than advocating the interests of any particular sector for or against any matter under consideration.

Cost

Costs are minimal and relate to remuneration as determined by the Remuneration Authority.

Timeframe

There is no requirement for a decision within any specific timeframe.

Impact on significance policy

None

Impact on LTCCP and relevant Policies

None

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

N/A

6. Conclusions

Preferred options

It is recommended that the Community Board accept the invitation for the reasons set out in this report.

Need for further consultation
None

Communication strategy

The decision will be made public through minutes and the Councils "Community Connection".

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Approved by

Tony Thomas
Environmental Services Manager

5. Attachments

- a. Terms of Reference for the Hearings Committee.
- b. Clause 31 of Schedule 7 of the Local Government Act.

Attachment A: Terms of Reference for the Hearings Committee

Hearings Committee

1. Hear and determine submissions in relation to proposed changes of the operative District Plan.
2. Hear and determine submissions in relation to any proposed District Plan or variation thereof (this is in anticipation of the revision of the District Plan in 2007/08)
3. Hear and determine any objections made under Section 357 of the RMA (being the section under which applicants may object to certain resource consent decisions made by officers under delegated authority).
4. Hear and consider matters requiring a decision as a result of the special consultative process having been undertaken and take any decisions needed as a consequence of that process.
5. Determine matters under any other legislation where a hearing process is necessary.
6. Appoint any commissioner/s to hear and determine any such matter as it considers appropriate.

To act in a regulatory capacity on behalf of Council in regard to any hearings required to be undertaken under any provisions of the Local Government Act 2002 (excepting those matters relating to the LTCCP and/or the Annual Plan), The Building Act 2004, Crown Mineral Act 1991, Sale of Liquor Act 1989, Dog Control Act 1996, Civil Defence Emergency Management Act 2002, Hazardous Substances and New Organisms 1996 Act, and any other enactment or Regulation as required.

Attachment B

Schedule 7, Part 1 31 Membership of committees and subcommittees

- (1) A local authority may appoint or discharge any member of a committee or a subcommittee.
- (2) Unless directed otherwise by the local authority, a committee may appoint or discharge any member of a subcommittee appointed by the committee.
- (3) The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes, or knowledge that will assist the work of the committee or subcommittee.
- (4) Despite subclause (3),—
 - (a) at least 1 member of a committee must be an elected member of the local authority; and
 - (b) an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee.
- (5) If a local authority resolves that a committee, subcommittee, or other decision-making body is not to be discharged under clause 30(7), the local authority may replace the members of that committee, subcommittee, or other subordinate decision-making body after the next triennial general election of members.
- (6) The minimum number of members—
 - (a) is 3 for a committee; and
 - (b) is 2 for a subcommittee.

Item-506 Chief Executive Officer's Report to 15 November 2010

File No 4346

**To: The Chairperson and Members
Foxton Community Board**

From: Chief Executive Officer

Date: 15 November 2010

1. Purpose

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

2. Recommendation

- a. That Report 4346 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 Board appoint as its representative on the
- Foxton Area Community Medical Trust
- d. That the Board appoint as its representative on the
- MavTec
- e. That the Board appoint as its representative on the
- Foxton Tourist & Development Association
- f. That the Board appoint as its representative on the
- Save Our River Trust
- g. That the Board appoint as its representative on the
- Manawatu Estuary Trust
- h. That the Foxton Community Board adopt the proposed 2011 meeting schedule.

3. Issues for Consideration

- a. New Zealand Community Boards and Local Boards Conference 5 May 2011 to 7 May 2011 being held in Rotorua

Attached to today's agenda is advance notice of the Community Board's conference being held in Rotorua in early May 2011.

- Topics identified for discussion include:
 - Communications in a technical Age
 - Legal Issues affecting community board
 - Aging population
 - Empowering communities during a civic defence emergency
 - Water quality
 - Aspect of youth
 - How to engage with your community
-

Indicative registration is \$695 per person plus travel and accommodation. I would reasonably expect that the cost of 2 persons attending the conference would be in the vicinity of \$2,300 to \$2,500 – a cost that would be met from our elected representative training budget.

At today's meeting the Board will consider whether there is interest in attending the Conference, and further it may consider who those attendees will be.

b. Foxton Townscape Plan

The draft Foxton Townscape Plan received 56 submissions. Submitters will have the opportunity to present their submissions to a special meeting of the Foxton Community Board on Monday, 29th November 2010, at the Foxton Rotary Clubrooms at 7.00pm.

The Foxton Community Board will consider the submissions and make recommendations to amend the draft plan at their meeting to be held on Monday 13th December 2010. The Council will consider the final Foxton Townscape Plan at the February 2011 meeting.

c. Foxton Beach Freeholding Fund

In discussion with the Chair I consider it may be appropriate to arrange a briefing session with Board Members to discuss aspects of the Foxton Beach Freeholding Fund including whether there is any desire for these funds to be used as a contribution towards scheduled infrastructure capital works in the Foxton Beach area. Specifically I am referring to water and stormwater issues.

d. Community Board Boundary

Attached for your information is a map detailing boundaries for the Kere Kere Ward and for the Foxton Community Board. This is provided in response to a number of queries that I have received from Board Members in recent weeks.

The boundaries for representation are defined by the Local Government Commission. As a review of these boundaries is scheduled during the next calendar year, the Board may wish to give consideration to a review of these boundaries.

e. Foxton Memorial Hall

Staff acknowledge comments from Board Members in regard to the acoustics within this facility. We are presently evaluating and costing options to improve what has been a long standing issue.

Staff will report to the Board when feasibility work has been completed.

f. Manawatu River

At the request of the Chair, I am arranging a presentation from Officers of Horizons Regional Council in regard to the recently signed River Accord, and related river issues. It is intended that this will take place at the February 2011 meeting.

g. Taskforce Green

At its meeting of 4 October 2010 the Board considered a number of employment opportunities within the Foxton and Foxton Beach areas for persons to be engaged under the Taskforce Green banner.

Staff have subsequently considered and rejected a number of these items due to either lack of funding or associated materials or jobs that are already included under maintenance contacts.

At tonight's meeting we will review the list of jobs put forward by the Board. Council remains committed to the engagement of a Taskforce Green group comprised of persons domiciled within the Kere Kere Ward.

h. 2010/2011 Draft Annual Plan

Council staff are shortly to commence work on this document which will ultimately be released for public consultation towards the end of March 2011.

It would be prudent for the Board to give early consideration to those items that it wishes included in the Draft Annual Plan for the 2011/2012 financial year in order that it can give timely advice to Council Officers. I would suggest that the Board schedule a briefing meeting to discuss these items further.

i. Board Appointments to Local Organisations

At its meeting of 12 November 2007 the Board appointed elected members as representatives of the following organisations:

- Foxton Area Community Medical Trust
- MavTec
- Foxton Tourist & Development Association
- Save Our River Trust
- Manawatu Estuary Trust

It is recommended that appointments to be organisations be made at today's meeting.

The Board may also wish to invite local organisations which desire Board representation or liaison to make contact either with the Board Chair or with the Chief Executive Officer. Such representation will be addressed as and when requests are received.

i. Public Forum

It has been suggested by several Board Members that we give consideration to the introduction of a public forum at the start of each Board meeting. This evening's meeting will give further consideration to the merit of introducing public forums, at least on a trial basis.

Were they to be introduced the normal manner of engagement for a public forum is as follows:

- a time of up to 30 minutes would be provided at the start of each meeting for persons wishing to speak on any subject
- the Chair would then open the meeting, call for apologies and then ask those persons wishing to address the Board through the public forum to identify themselves and the subject upon which they intend to speak
- the Chair would then invite persons to address the Board with a maximum speaking time of 5 minutes
- following presentation Board Members may ask questions or further clarification from the presenter

- Staff will not have any input to the public forum
- If the Board wish to pursue issues raised, they may ask staff to prepare an advisory report on the issue raised, or alternatively, may chose to take the matter no further.
- items that are addressed during a public forum would not include items elsewhere on the agenda.

j. Proposed Meeting Schedule

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

	Name and title of signatories	Signature
Prepared by	D G Ward Chief Executive Officer	
<u>Confirmation of statutory compliance</u>		
<p>In accordance with section 76 of the Local Government Act 2002, this report is approved as:</p> <ul style="list-style-type: none"> a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and, b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision. 		

4. Attachments

- a. Advance notice of the Community Board's conference being held in Rotorua in early May 2011.
- b. Map detailing boundaries for the Kere Kere Ward and for the Foxton Community Board
- c. 2011 proposed Meeting Schedule

HOROWHENUA DISTRICT COUNCIL - MEETING SCHEDULE 2011

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

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

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

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

Item-507 Foxton Beach Water Supply - Renewal of Edinburgh Street Bore - Alternative Proposal

File No 4349

**To: The Chairperson and Members
Foxton Community Board**

From: Community Assets Manager

Date: 15 November 2010

1. Purpose

The Edinburgh Street Water Supply bore has deteriorated significantly and the town is currently dependant upon a single bore. This was taken into account during planning for the LTCCP and the Annual Plan, but an alternative option is being proposed in this report for the consideration of the Community Board and Council.

2. Executive Summary

- a. The Bore adjacent to the treatment Plant in Edinburgh Street, Foxton Beach had a capacity in excess of 40 cubic metres per day when it was first operated in 2002. That capacity has now dropped to 15 cubic metres per day. If it suffers no further degradation we may be able to meet next summer's demand by maximising the use of the newer Flagstaff Street bore. If that one also begins to lose capacity we will need to restrict demand during the peak summer period.
 - b. Loss of capacity of the bore was recognised when the 2009 LTCCP was written and provision of \$110,000 was made for renewal of that asset. This estimate was based on an incomplete record of previous work and is significantly under the likely cost of a replacement bore.
 - c. For the 2010 Annual plan the error was rectified and a budget of \$308,700 was provided, based on the projected estimate of the cost of the Clyde Street bore. However that has also proved to be an underestimate with the likely total cost of the Clyde Street bore exceeding \$450,000. Clearly we will not be able to install a new bore within the budget.
 - d. An alternative approach is to link the two towns. It is a straightforward project to cut into the 200mm rising main leading south from the Ladies Mile bore in Foxton and tee off a 150mm pipeline heading westwards along Ladies Mile. It would terminate at the intersection of Seabury Avenue and Flagstaff Street in Foxton Beach linking into the rising main from the Flagstaff Street bore.
 - e. This pipeline would be 3.6 kilometres long, with two thirds of it in the rural area where there are few other services to work around. The estimated cost is therefore based on the lower end of our recorded contract rates. We expect the contract price to be in the order of \$240,000 and with engineering fees and contingencies the total cost will be in the range of \$280,000 to \$330,000. We would expect to complete the job with in the \$308,700 budget unless there are significant unforeseen difficulties.
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- f. There is no option that will enable us to provide a full backup supply for Foxtton Beach this summer.

3. Recommendation

- a. That Report 4349 on Foxtton Beach Water Supply - Renewal of Edinburgh Street Bore - Alternative Proposal 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 provision of a new bore for Foxtton Beach is deferred *sine die*.
- d. That a pipeline of 150mm internal diameter is provided between the raw water mains in Ladys Mile and Flagstaff Street, funded from the budget provided for the replacement of the Edinburgh Street Bore.

4. Context

Background

Water supply is an essential service and it is normal to provide 100% backup for any critical parts of the system. This means that in the event of mechanical, electrical or structural failure, the supply is not interrupted. For this reason we have operated the groundwater supplies with two bores, each of which is able to supply at least the average daily demand, and where possible the peak demand. The situation in Foxtton Beach has deteriorated to the point where the loss of the Flagstaff Street bore would mean that the water supply would be at only 75% of average demand. This would mean very stringent restrictions would be needed, and if it occurred over the summer period, the supply would regularly fail. This would place the community at risk in terms of health (disease) and safety (fire).

We were able to meet the demand last summer and there is no reason to believe that we will not be able to do so again this summer if all goes well.

The continued operation of the Foxtton Beach water supply with one bore severely compromised is not sustainable in the long term. We will be caught out sooner or later. This is why we planned through our AMP and LTCCP to renew the bore. Unfortunately officers underestimated the cost of a new bore when the LTCCP was drawn up. Although this was recognised when this year's budget was prepared, the correction was inadequate, and we are not in a position to install a new bore within the current budget. A figure of least \$450,000 will be required, based on what the Clyde Street bore for the Foxtton Water Supply has cost.

The alternative option provides backup by another process – pooling the resources of both towns. This can be done within the budget.

Legal or statutory requirements

Council has a statutory requirement to manage the water supplies.

Consenting issues

A new bore requires resource consent. While this can be a protracted process it is unlikely to be opposed.

Consultation process

No consultation has been carried out on the proposed alternative. It is not considered to be of significant public interest.

5. Analysis

Options considered

(Including financial and other implications (Ref. part 6) LGA 2002)

The options are to proceed with the new bore, and thereby to commit council to funding the budgetary shortfall next financial year, or to proceed with the alternative, or to do nothing.

Analysis of Preferred Option

Advantages of the alternative proposal.

1. The project can be completed reasonably quickly. The maximum time required is six months from a decision to proceed. For a new bore the minimum is 12 months. For the pipeline option we could if necessary fast track it and lay the pipe along the ground surface if an emergency situation arose this summer.
2. The pipeline option is considerably less costly.
3. The pipeline option provides an opportunity to rethink the treatment plant options for both towns. It might well be appropriate to size the new treatment plant for Foxton to provide capacity for both towns and to locate it somewhere near the Ladies Mile bore.
4. When further capacity is required future bores can be placed further north and east away from the river and thereby reduce the risk of saltwater intrusion to which the Foxton Beach bores in particular are exposed. It won't matter which town requires the new bore – it will provide capacity for both towns.

Disadvantage of the alternative proposal

The primary disadvantage is that of itself the proposal does not restore the total water resource capacity to what it was previously. We will have three bores that are still operating well – Clyde Street and Ladies Mile in Foxton and Flagstaff Street in Foxton Beach, and two that are of low capacity being Edinburgh Street and Harbour Street.

Eventually we will need to add at least one more high capacity bore into the system.

Cost

The estimated cost is in the range \$280k to 330k. The budget is \$308.7k.

Timeframe

The alternative could be completed within the current financial year, whereas the installation of a new bore would take until well into the next financial year. Neither will be available to help this summer, although the pipeline alternative does provide an option for an emergency connection if one is needed.

Impact on significance policy

Nil

Impact on LTCCP and relevant Policies

A new bore for both towns would need to be included in the LTCCP within the next three years.

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

If there are no problems with the Flagstaff street bore during the summer we will meet all of our targets. If it fails we will meet none of them. The alternative option will enable us to minimise the period during which the failure will affect the town.

Financial Impact:

- i Budget – the recommended alternative option meets budget; continuation with Annual plan project does not.
- ii Operating – no effect. All bores have similar operating characteristics.
- iii Maintenance – no effect.
- iv Borrowing - nil
- v Link to AMP's – the AMP would need to be modified to reflect the decision if the alternative is adopted.

6. Conclusions

Preferred options

The preferred option is to provide a pipeline connecting the water supplies for Foxton and Foxton Beach, rather than renewing the Edinburgh Street bore.

Need for further consultation

Nil

Communication strategy

Nil

Appropriate timetable

The works should be completed this financial year.

	Name and title of signatories	Signature
Prepared by	W Potts Community Assets 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.		

5. Attachments

- a. Comment on bore failure mechanism

Comment on Bore Failure Mechanism

There are two bores from which groundwater is extracted at Foxtan Beach, and three in Foxtan. They are all at a similar depth and the water quality analyses suggest that they are from the same aquifer.

They have a history of losing capacity within twenty years. For example the Harbour Street bore adjacent to the water treatment plant in Foxtan has lost most of its capacity. Attempts to recondition the bore have been of very limited success. It would seem that the mobile soil particles converge on the screens and settle in a wider annulus than can be cleared by conventional methods of purging. This bore has essentially been replaced by the new Clyde Street Bore, although we continue to operate the Harbour Street bore at a low flow rate.

The Bore adjacent to the treatment Plant in Edinburgh Street, Foxtan Beach had a capacity in excess of 40 cubic metres per day when it was first operated in 2002. That capacity has now dropped to 15 cubic metres per day. If it suffers no further degradation we may be able to meet next summer's demand by maximising the use of the newer Flagstaff Street bore. If that one also begins to lose capacity we will need to restrict demand during the peak summer period.

Loss of capacity of the bore was recognised when the 2009 LTCCP was written and provision of \$110,000 was made for renewal of that asset. This estimate was based on an incomplete record of previous work and is significantly under the likely cost of a replacement bore.

As it happened the Harbour Street bore, which had not been identified as being at risk, failed first and the funding was allocated to the replacement of that bore.

Item-508 September 2010 Storm Event in Foxton and Foxton Beach

File No 4351

**To: The Chairperson and Members
Foxton Community Board**

From: Community Assets Manager

Date: 15 November 2010

1. Purpose

To update members on the storm water issues for Foxton and Foxton Beach townships following the storm event on 5th and 6th September and heavy rainfall throughout August / September 2010.

2. Executive Summary

- a. "September rainfall was more than double normal (at least 200 per cent) in the Southwest of the North Island, from Turangi to Taranaki to the Kapiti Coast. Many locations in these areas experienced their wettest September on record."
Source *NIWA Climate Summary, September 2010*. www.niwa.co.nz

For a summary of affected properties in Foxton Community Board area refer to Attachment One.

A summary of affected properties is **Attachment A**.

- b. Kings Canal diverts storm water around Foxton and along Purcell Street into the Foxton Loop of the Manawatu River. This diversion drain is the main drainage channel in the Foxton East Drainage scheme.
- c. A number of residents from the Motuiti Road area attended the Foxton Community Board meeting held 4th October 2010. It was agreed that the Community Assets Manager will meet with the residents of Motuiti Road to discuss storm water issues in the area. The outcome of this meeting is **Attachment B**.

Motuiti Road and Hickford Road residents will have the survey of roadside drain inverts complete in November and this information will be used to inform further responses or actions to maintain these drains.

3. Recommendation

- a. That Report 4351 on Storm Water in Foxton and Foxton Beach be received.
- b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
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- c. That further work is undertaken on defining the levels of service and costs for the LTP 2012-22.

4. Context

Background

Storm water issues have been a concern in the Foxton Community Board area for many years. There is a lack of storm water infrastructure in the area and natural drainage has been modified, sometimes with poor outcomes. The land is very flat with little grade for natural drainage opportunities. Very high water tables contribute to the drainage flows and consume valuable drainage capacity thereby exacerbating further surface water ponding.

Legal or statutory requirements

Horizons are responsible for land drainage schemes and HDC are responsible for local storm water management. In reality these schemes are hydraulically interlinked and impact on each other.

Storm water management has been subject to a lot of case law and as such has definitions on the rights and responsibilities of property owners regarding overland flow paths, natural servitude and not concentrating flow from one property to another.

Emergency Works

In emergency situations, for expediency, some statutory requirements are relaxed. Specifically the need to obtain a resource consent for certain activities is suspended for 20 days, although the consent authority must be notified within 7 days.

In terms of s708A of the Local Government Act 1974, the minimum 24 hour (48 in the customer charter) notice required for entry on to private property is also waived, provided that the occupier and owner(s) are notified as soon as practicable thereafter.

The only definition of emergency in relevant legislation is in s330 of the Resource Management Act 1991. Paraphrased, as it applies to wastewater system operation, it reads:

“Where any network utility operation ... is, in the opinion of the ... network utility operator, affected or likely to be affected by ... any sudden event causing or likely to cause loss of life, injury, or serious damage to property, the provisions of ss 9, 12, 13-15 (need to obtain a consent) shall not apply to any activity undertaken by the ... network utility operator to remove the cause, or mitigate any ... adverse effect of the emergency.”

Consenting issues

There are no consenting issues for this report but if storm water works are proposed the cost of consenting is often high. This is due to working in a flow path such as stream bed or overland flow path are sensitive environments, therefore the cost of obtaining consents and of meeting consent conditions is high.

HDC has one active issue for consenting from the September rains and that applies to the Mangaore Stream where sediment from a slip has impacted on the water take for Shannon.

5. Issues

Climate Change

The duration of dry events is increasing and the intensity and duration of wet events is increasing.

“Climate change will affect many natural and man-made systems to some extent depending on the sensitivity of the system and its ability to adapt to climate change. Temperature rises in New Zealand are likely to be around 2/3 of the global average. There are likely to be fewer frost days in winter and more hot days in summer.

One of the greatest impacts of climate change is likely to be on water resources, with higher rainfall in the west and less in the east. Extreme climate events such as droughts could become more frequent in eastern areas, but floods could also increase.

Projections for other climate changes include:

- decreased frost risk
- increased frequency of high temperatures
- increased frequency of extreme daily rainfalls
- higher snow lines and possible reduced snow coverage
- possible increase in strong winds
- an increase in average sea level”.

Source; *Climate Change New Zealand* www.climatechange.govt.nz

September Rainfall in Context

The recent storm event in early September was noted in many daily newspapers and research monitoring reports:

“September rainfall was more than double normal (at least 200 per cent) in the Southwest of the North Island, from Turangi to Taranaki to the Kapiti Coast. Many locations in these areas experienced their wettest September on record.”

Source *NIWA Climate Summary, September 2010*. www.niwa.co.nz

The monthly rainfall experienced was severe with Levin recording 3rd highest rainfall since records began in 1895, Paraparaumu highest ever since 1945 and Palmerston North highest ever since 1928. Extreme 1-day rainfall totals were recorded at Levin 51mm on 30th as equal highest and at Paraparaumu 72mm on 30th as highest ever.

On September 6 heavy rain caused slips and flooding on SH56 and SH57 between Levin and Palmerston North, and the SH1/Kimberley Road junction. Many rural roads in the Manawatu, Wanganui and Horowhenua were closed by slips and flooding. The Levin water treatment plant had to be closed.

Not only was there significant rain on certain days but the rain was persistent with August having many rain days (16 to 23 days across the District) and in September there were 23 to 25 days of rain across the District.

Clearly the ground was saturated, there was a lot of surface water, water tables were very high (at times above ground level), and drainage systems capacity exceeded. Additionally, there are serious localised effects where lenses of impervious material will hold and shed water in huge volumes, sometimes with dramatic and undesirable effects.

Cost

Eventually, there will be a need to fund the storm water activity to an appropriate level. Present investment levels do not match level of service statements in Asset Management Plans. There will be a significant impact on rates to fully fund the storm water activity. There is a lot more work needed to identify the scope of work and levels of service the community are willing to invest in. This work will be scoped in the next 12 months in order to inform the LTP 2012-22. It is too early to identify costs until the level of service study is conducted in the LTP 2012-22.

Timeframe

Over the next 12 months we will scope the issues for further work with respect to storm water in the District. This will translate into several packages of work that are likely to start at the strategic level for Council through asset management plans and then at the catchment and sub-catchment level for detailed analysis.

Responsibility

Horizons are responsible for land drainage schemes. Kings Canal diverts storm water around Foxton and along Purcell Street into the Foxton Loop of the Manawatu River. This diversion drain is the main drainage channel in the Foxton East Drainage scheme. There have been operational issues with Kings Canal over recent years and these have been raised with Horizons and they are taking a more proactive role in the maintenance and operation of this important asset. The design criteria for stop banks is that there should be no flooding in a 1% annual event probability storm of any urban area.

Horowhenua District Council is responsible for the development within its boundary and ensuring that storm water assets associated with development meet the relevant engineering standards. Unfortunately, many developers see engineering standards as the maximum starting point and often negotiate lower standards with Council as part of encouraging development. In fact they are designed as the minimum engineering standard and should not be lowered to encourage development as this exacerbates the effects on downstream properties. Current design criteria are for protection to a 10% annual event probability. This is not a storm protection standard, it is designed to provide adequate assurance that the habitable floor should not be inundated. However this also relies on secondary flow paths being maintained, in the rural context this may be in the form of road side drains.

Storm Impacts

Foxton Beach is constrained by the river stop bank – it keeps the river out of the town but also holds storm water in the town when the river is high. Pumping is likely to be the only remedy for larger events and this is very expensive infrastructure. Additionally, the area around Holben Reserve and north to Dewe Terrace is subject to surface ponding on roads and private property. Many properties are subject to occasional inundation without water entering habitable floors. The Nash Parade pump station relieves the Holben Reserve ponds and has capacity to 20% annual event probability. This pump station can be choked by weed and is visited during storm events.

The Robbie Street pump Station is consented for large storm events only, that are over 5% probability. We are reviewing opportunities to use this pump more expeditiously. This pump removes from a series of ponds in the Soo subdivision and Forbes Road area. This pump was not operated in the recent storm events.

Foxton storm water system in the eastern section of town is under capacity in the area Herrington Street to Ladys Mile. The Herrington Street drain is presently under sized and needs upgrading, it is not allocated in the present LTCCP. Field and Spring Streets also have surface flooding but not of habitable floors.

The Awahou drain has adequate capacity for 7-10% annual event probabilities but is constrained when the Moutua floodway is operating, on these occasions Horizons provide pumping as required.

Motuiti Road and Hickford Road residents will have the survey of roadside drain inverts complete in November and this information will be used to inform further responses or actions to maintain these drains.

6. Conclusions

Preferred options

1. Identify the assets that require maintenance and ensure that they are fully maintained to optimise the performance of these assets.
2. Continue to develop the storm event tactical and operational responses such as assets that require contractor inputs prior to storm events and during events.
3. Monitor performance of road side drains.
4. Need for further consultation. There will be further consultation needed as part of the LTP 2012-22.

	Name and title of signatories	Signature
Prepared by	Wallace Potts Community Assets Manager	
<u>Confirmation of statutory compliance</u>		
In accordance with section 76 of the Local Government Act 2002, this report is approved as: <ol style="list-style-type: none">a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.		
Approved by	David Ward Chief Executive	

5. Attachments

- a. Foxton & Foxton Beach Flooding Issues
- b. Notes of Meeting with Residents of Motuiti Road and Hickford Road

Attachment A

Foxton & Foxton Beach Flooding Issues

The storm event of 5& 6 September 2010 affected many properties in the District. Foxton and Foxton Beach were widely affected and especially in the following locations:

Foxton

Location	Impact	Action
Purcell Street	Road closed – St Mary’s school closed. Kings Canal pumped by Horizons	Prompt notification to Horizons to commence pumping
Harbour Street	Road closed due to high water from Manawatu River – gates open	Nil
Motuiti Road	Surface flooding (no closure).	Survey and Assess November 2010.
Avenue & Norbiton Roads	Localized flooding – removing undersized culvert and installing manhole	\$15k this is underway now.
Coley St school	Issue related to Kings Canal backing up.	Horizons to undertake regular maintenance & inspections
Cook Street	Issue related to Kings Canal backing up.	Horizons to undertake regular maintenance & inspections
Clyde St	Sand bags around water bore due to high river.	Nil
Holben Reserve	Localized – flap closed due to high river.	Floating weed mat removed – inspect during storm event.
Sewer overflows	Overloaded due storm water inflow	Seal the appropriate manholes.

Foxton Beach

Location	Impact	Action
Wylie Road	Road closed for 2 days	Stock race lowered - complete
Bond, Nash & Signal Street	Localised, low lying area.	Curb & channel plus piping = \$300k. No provision in budget.
Hartley & Short St	Localised, low lying area. High river with closed back flows on drain outlet backs up water.	Localised pumping as needed. No stormwater assets – only soakage.
Taylor Street	Localised – one house affected (Dias). Upgrade to round about.	\$100k to complete Andrews area. Proposed for 11/12 from Foxton Freeholding account.
Sewer overflows	Overloaded due storm water inflow	Seal the appropriate manholes.

Main issues are due to the high river level and closed back flow flap valves. The river level is higher than the outlets to the systems (and very close to surrounding land levels) and then localized storm water can not drain away.

During this event with closed flap valves, the water will build up on low lying sections and enter gulley traps and surcharge the sewer network, with potential for sewage to overflow from the sewers and mix with storm water.

Attachment B

Notes of Meeting with Residents of Motuiti Road and Hickford Road

Time: 10am 12th October 2010
Location: 257 Motuiti Road, Foxton

Present: Wally Potts, Mike Pond and approximately 15 residents from the local area.

At the Foxton Community Board meeting held 4th October 2010, it was agreed that the Community Assets Manager will meet with the residents of Motuiti Road to discuss flooding issues in the area.

The meeting was held at the roadside of Michele Lack property situated at 257 Motuiti Road. Introductions were made but unfortunately a list of attendees was not recorded.

The residents outlined their concerns of flooding this year. There was wide acknowledgement that it has been a wet winter. A lot of discussion centred around land drainage issues and WP reminded the assembled group that land drainage was the responsibility of Horizons and that HDC had no desire to construct or operate land drainage schemes. HDC is responsible for maintaining road drainage and this drain is designed to keep the underside (sub-base) free of water that would destroy the road.

General discussion followed on the merits of residents pumping or otherwise concentrating and discharging water into the road drains. WP pointed out that this is not acceptable as it will create significant down stream effects that HDC would be unable to manage – such as: too much flow to Kings Canal that is the responsibility of Horizons, flooding from the road drains to adjacent properties, flooding across the road, and water backing up small local drains into private land.

There was a brief discussion on the legal aspects of stormwater management such as natural servitude and not concentrating flow from one property to another. Many made the point that there were very few problems when the land was all paddocks and the splitting into smaller land parcels has had an overall impact. It also appears to WP that the building platforms are not ideally situated ie. some are lower than the road and/or between the road and sand hills where water will naturally lie. Much of Motuiti Rd has a drain on one side only (South) and properties on this side appear to suffer more severe flooding than the north side, but this could be due to the houses being near to the road and below the road.

We then went over what HDC is prepared to do. WP committed to survey the drains and invert levels of the culvert crossings to the properties along Motuiti Rd and the first 200 metres into Hickford Rd, this will identify any issues regarding perched drains or drains that have been scooped out too much during cleaning. This will also identify what options may be available to HDC to optimize the operation of the existing drains and any opportunities for cutting further small road side drains.

The meeting then moved west to the intersection of Hickford / Motuiti Roads and discussed the opportunities for assessing culvert levels and extending a length of a dish drain at the northern end of Hickford Rd, this will be investigated by HDC and appears feasible.

The meeting then moved to 120 Motuiti Rd and looked at surface water sitting in paddocks. The resident requested that we cut a drain to the road from her paddock. This was declined as there is a significant volume of water involved over a large catchment, the drain is on the other side of the road, and the near road side is cluttered with high voltage power lines that would prevent ready installation of drains. Other residents then commented that these paddocks have been

pooling water for many years. WP informed the resident that there is nothing HDC could do for them.

End of meetings at 11.30am

Item-509 Council Resolutions Relating to Foxton Community Board

File No 4345

**To: The Chairperson and Members
Foxton Community Board**

From: Chief Executive Officer

Date: 15 November 2010

1. Purpose

- a. To inform the Board of resolutions that the Horowhenua District Council passed at its meetings on 6 October 2010 and 28 October 2010 relating to the Foxton Community Board.

2. Recommendation

- a. That Report 4345 be received.
b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

3. Issues for Consideration

- a. Ordinary Meeting 6 October 2010

Item 1980 - Foxton Recycling Station Relocation

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

AND FURTHER

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

- b. Meeting 28 October 2010

Item 1989 Adoption of Model Standing Orders

“THAT in accordance with Section 27, Schedule 7, Part 1 of the Local Government Act 2002, with effect from 28 October 2010 the Standing Orders for the Horowhenua District Council, its Committees and Subcommittees shall be NZS 9202:2003 Model Standing Orders for Meetings of Local Authorities and Community Boards as expanded (or as amended by the New Zealand Standards Association from time to time) with Amendments

made and adopted by the Horowhenua District Council at an Ordinary Meeting held on 31 October 2007.”

Item 1992 - Membership and Chairs of Existing Standing Committees (Part)

“THAT the Chairperson of the Foxton Community Board be invited to sit on the Hearings Committee on matters pertaining to the Community Board area.”

”THAT the appointment of a representative to the National Museum of Audio Visual Arts & Sciences Trust Board be referred to the Foxton Community Board meeting of 15 November 2010.”

	Name and title of signatories	Signature
Prepared by	D G Ward Chief Executive Officer	
<u>Confirmation of statutory compliance</u>		
In accordance with section 76 of the Local Government Act 2002, this report is approved as: a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and, b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.		

Item-510 Resource Consents Issued

File No 4347

**To: The Chairperson and Members
Foxton Community Board**

From: Environmental Services Manager

Date: 15 November 2010

1. Purpose

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

2. Recommendation

- a. That Report 4347 be received.
- b. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

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

Date	File Ref	Subdivider	Address
		None during this period.	

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

Date	File Ref	Applicant	Address
		None during this period.	

3. Issues for Consideration

- a. Below is a summary of all Resource Consents issued under delegated authority since January 2008 in the Foxton area:

	Jan/Feb 2008	March 2008	May 2008	June/July 2008	Aug/Sept 2008	Oct 2008	Nov/ Dec 2008	Total for 2008
Land Use	3	1	3	8	1	2	0	18
Sub-division	7	4	2	8	3	1	1	26

	Jan/Feb 2009	March/ April 2009	May/ June 2009	July/ August 2009	Sept 2009	Oct 2009	Total for 2009
Land Use	2	1	4	2	4	4	17
Subdivision	2	0	0	1	0	4	7

	Jan/Feb 2010	March 2010	April/May 2010	June/July 2010	Aug 2010	Sept 2010	Total for 2010
Land Use	6	2	6	6	6	6	32
Subdivision	1	1	1	3	0	2	8

	Name and title of signatories	Signature
Prepared by	T Thomas Environmental Services Manager	
<u>Confirmation of statutory compliance</u>		
<p>In accordance with section 76 of the Local Government Act 2002, this report is approved as:</p> <ol style="list-style-type: none"> a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and, b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision. 		

MOTION TO EXCLUDE THE PUBLIC

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

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.”

Receipt of Minutes Ordinary Meeting 4 October 2010 (Minute Item 500)

Item 511 - In Committee Foxton Community Board Monitoring Report to 15 November 2010

Item 512 - Property Issues

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

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

7(2f) Maintain the effective conduct of public affairs through-
(ii) The protection of such members, officers, employees, and persons from improper pressure or harassment.