



**HOROWHENUA
DISTRICT
COUNCIL**

AGENDA

ORDINARY MEETING

FOXTON COMMUNITY BOARD

22 MARCH 2010

NOTICE IS HEREBY GIVEN that a meeting of the Foxton Community Board of the Horowhenua District Council will be held in the Chambers, Foxton Service Centre, Main Street, Foxton, on Monday, 22 March 2010 commencing at 6.30 p.m.

Members of the Foxton Community Board are:

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

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

Business will be according to the attached Agenda.

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AGENDA

22 MARCH 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 Board 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

Horizons Regional Council
At 6.30pm Regional Councillor Lynne Bailey will be in attendance to update the Board on any issues relating to Horizons Regional Council and the Foxton Community Board area.
6. Confirmation of Minutes - Ordinary Meeting Ordinary Meeting 8 February 2010 (Minute items 449 - 453)
7. Matters Arising

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PROCEEDINGS OF COMMITTEES

Item-456 Proceedings Foxton Code of Conduct Subcommittee 3 March 2010

File No 4142

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

From: Chief Executive Officer

Date: 22 March 2010

1. Purpose

- a. To present to the Foxton Community Board the minutes of the Foxton Code of Conduct Subcommittee meeting held on 3 March 2010.

2. Recommendation

- a. That Report 4142 be received.
- b. That the Foxton Community Board **receive** the minutes of Foxton Code of Conduct Subcommittee meeting held on 3 March 2010.

3. Issues for Consideration

- a. The following items considered by the Foxton Code of Conduct Subcommittee meeting held on 3 March 2010 will require further consideration by the Foxton Community Board and will be included on a future Council agenda:
 - (i) There were no items that require further consideration at today's meeting.

Prepared

D G Ward
Chief Executive Officer

4. Attachments

- a. Minutes Foxton Code of Conduct Subcommittee meeting held on 3 March 2010.
-

MINUTES OF THE FOXTON CODE OF CONDUCT SUBCOMMITTEE MEETING HELD IN THE STUART ELLWOOD ROOM, FOXTON MEMORIAL HALL, MAIN STREET FOXTON, ON 3 MARCH 2010 AT 12.30 PM

PRESENT

Mr S J Cull
Mr N G Gimblett
Mrs S M Paddison

IN ATTENDANCE

Mr D G Ward (Chief Executive Officer)
Mr A Cameron (Council's Legal Advisor)
Mrs K J Corkill (Meeting Secretary)

ALSO IN ATTENDANCE

Mr B V Vertongen
Ms N J Ellwood
Cr A M Hunt

1. WELCOME AND INTRODUCTION

The Chief Executive Officer extended thanks to those who had agreed to act on the Subcommittee, also advising that the name of the Subcommittee had been chosen as it was appropriate for the role for which the group had been formed.

Mr Ward clarified the role and responsibility of the Subcommittee and the actions it was required to take under the Foxton Community Board's Code of Conduct:

- the role of the group was prescribed in the Code of Code and Standing Orders;
- ultimately the Subcommittee would prepare a report which would be presented to a meeting of the Community Board;
- it was up to the Subcommittee to determine if the Code of Conduct had been breached;
- if a breach was determined it would be the Foxton Community Board that would decide on the action that would follow in accordance with the Code of Conduct.

A media release from Council on the Code of Conduct proceedings would be e-mailed to Subcommittee members for their information prior to release tomorrow. The article would also be available on Council's website.

2. APOLOGIES

There were no apologies recorded.

3. ELECTION OF CHAIRPERSON

Mr Ward called for nominations for Chairperson, with Mr Stan Cull proposed by Mrs Paddison and supported by Mr Gimblett.

Resolved

(Paddison / Gimblett)

“THAT Mr Stan Cull be elected Chair of the Foxton Code of Conduct Subcommittee.”
CARRIED

Mr Cull assumed the Chair.

4. CONDUCT OF SUBCOMMITTEE BUSINESS

Mr Andrew Cameron, Council’s Legal Advisor, outlined what he considered was an appropriate and transparent process for the Subcommittee to follow:

- if the Subcommittee was of the view in doing its business it would need to interview a variety of people, it would need to determine who those persons were;
- it would need to consider the manner in which those interviews were to be conducted;
- whether Mr Vertongen had the right to be present during those interviews needed to be determined;
- in relation to a time frame for completion, in his opinion, reporting to the Board Meeting of 22 March 2010 might be too tight a timeframe;
- when the Subcommittee’s work had been completed it could report to the next available Community Board meeting, or would have the right to call a Special Meeting to report if that was considered appropriate.

With the Chair’s agreement, Mr Cameron further clarified:

- generally speaking the process to be followed was for the Subcommittee to determine;
- the key point was to ensure that whatever process was followed was fair, reasonable and transparent, particularly for Mr Vertongen, as well as all other parties involved;
- the Code of Conduct did not set out how to undertake the investigation;
- bearing in mind the need to be fair, reasonable and transparent, the Subcommittee had to decide in the context of this particular complaint how it could fairly undertake the enquiry;
- it was an enquiry not a trial;
- perhaps what physically occurred may not be the issue;
- Mr Vertongen may be prepared to acknowledge (or deny) what he physically did and that may be a useful starting point;
- if Mr Vertongen accepted that as a matter of fact, then Subcommittee would be charged with determining, on the evidence, whether what he did constituted a breach of the Code of Conduct.

In response to a query as to whether it should be first ascertained whether Mr Vertongen, at the time, was acting in his capacity as Chair of the Community Board or as a private person, Mr Cameron said that was a matter which Mr Vertongen himself may wish to raise.

Mr Cameron continued:

- perhaps the next stage of the exercise was for Mr Vertongen to be asked if he wished to provide a written explanation of what occurred;
- if Mr Vertongen says he did nothing wrong, or what was alleged to have occurred did not happen, then evidence could be sought from others who were present;
- during the whole process, written statements would be the most useful, and fairest, way of gathering information for all concerned;

- further clarification could then be sought by way of interview if required;
- written statements would also identify people who may be able to assist in the process;
- when the Subcommittee had gathered a range of written statements, those written statements could then be perused, considered and the next step decided;
- once written statements have been received, questions could then be posed for clarification should there be any conflicts between critical statements;
- on the basis of the statements received, a preliminary view may be arrived at;
- should people be interviewed, this would be on the basis of clarification rather than cross examination;
- throughout the process Mr Vertongen would be entitled to see all statements and he would also be entitled to comment on those statements should he wish to, either personally or through a representative;
- there could be issues of privacy that may arise and there could be a reluctance by some people to come forward in a public forum;
- there were tools and methods available to address privacy concerns and the Subcommittee would be entitled to make a decision in accordance with Standing Orders and LGOIMA to go into public excluded if required;
- with regard to time frame, it would be unfair to Mr Vertongen to commence the process on the understanding that it had to be completed by a certain time;
- the Subcommittee's responsibility was to promptly carry out the enquiry and report back to the Community Board, but to take sufficient time to ensure that a proper and thorough process was undertaken;
- to address time issues, perhaps those from who statements are requested could be asked to respond within 14-21 days, which would not be unreasonable.

In response to a concern expressed about the liability of Subcommittee members, particularly Mr Cull and Mrs Paddison who did not come under Council's umbrella (as Mr Gimblett did by virtue of being a Community Board member) should a civil suit be taken against Mr Vertongen, Mr Cameron advised:

- the Subcommittee was tasked to carry out an enquiry, mandated by Council by resolution;
- provided the members conducted the process in accordance with the principles of natural justice and the process was carried out fairly, there would be no problem;
- however, it was still important that any utterances made by Subcommittee members were not defamatory or of a personal nature;
- should a civil suit be taken against Mr Vertongen, then the minutes of meetings and other information received could be discoverable.

Mr Ward supported Mr Cameron's comments, stating:

- Subcommittee members were covered under privilege;
- they were official appointees of Council, appointed under due process;
- one of the purposes of today's meeting was to consider the process to be followed and to address any questions around exposure.

The following was raised in discussion:

- Mr Vertongen should be requested to provide a statement, as well as Cr Allan, as he had laid the complaint, and Cr Hunt as she was probably the person who had raised the issue in the first instance;
- information on the official status of the event would be helpful;

- it would be appropriate for the Subcommittee to pass a resolution asking that Mr Vertongen, Cr Allan and Cr Hunt be requested to provide written statements;
- a further resolution requesting Mr Ward as CEO to circulate to members a copy of published material with regard to the event and also to provide copies of relevant Foxton Community Board agendas and minutes;
- if those two resolutions are passed, then it would be appropriate to ask the two persons present whether they would be prepared to provide the Subcommittee a statement within a reasonable time frame (14 days) and that would be followed up by a written request to Cr Allan for a statement;
- a statement was to be requested from Cr Hunt as she was a witness and had brought the matter to the attention of the Patons and had been part of the process bringing about the Code of Conduct complaint;
- the written statements could draw out other people who could assist with information.

Resolved

(Paddison / Gimblett)

"THAT the Foxton Code of Conduct Subcommittee requests Basil Vertongen, David Allan and Anne Hunt to provide written statements on the Foxton Beach Seawall Opening event on 20 November 2009 to be provided within fourteen (14) days of receipt of a written request."

"THAT the Chief Executive Officer be requested to circulate a copy of all published material with regard to the Foxton Beach Seawall Opening Event, together with Foxton Community Board Agendas and Minutes that relate to the Code of Conduct complaint."

CARRIED

Following the passing of the resolutions, Mr Ward suggested it would now be appropriate to request the two persons present, Mr Vertongen and Cr Hunt, if they were prepared to provide written statements, preferably within 14 days.

In response, Mr Vertongen said he would like to read what he was accused of doing. He had seen newspaper articles and had received a lawyer's letter from the Paton's lawyer, but he could not respond until he knew exactly what he was accused of doing. He was not prepared to respond to newspaper articles, particularly as there had been at least four versions in the media of what had happened.

For the record, Mr Vertongen was requested if he would provide a copy of the letter he had received from the Patons' lawyer.

Mr Ward also noted that he had sent a letter to Mr Vertongen on the matter.

For clarity, Mrs Paddison read out the Notice of Motion that had come before the Foxton Community Board at its 8 February 2010 meeting:

1. *THAT the Chair breached the Foxton Community Board's Code of Conduct by his actions in burning the article involving Mr & Mrs Paton while acting in his capacity as Chair in officially opening the Foxton Beach Seawall.*
2. *THAT the Chief Executive be instructed to report to the Board on the process to be followed in the event that the first motion is carried by the Board."*

The Community Board, at its 8 February 2010 meeting, had considered the Notice of Motion, and had passed a further resolution that the matter needed to be investigated.

Mr Cameron suggested on the basis of Mr Vertongen's comments, it would be inappropriate to take the matter any further with him today but that the matter should be put to Mr Vertongen in writing in a manner to which he could sensibly respond. He may then need to be provided with the written statements received so he could also respond to them.

Mr Cull queried, when the motion was passed at the Community Board meeting, was there evidence given by Cr Allan who had raised the issue.

Mr Gimblett advised that Cr Allan had spoken to the motion and had advised why he had taken the step he had.

Mr Cameron further noted:

- in relation to the Paton's involvement and requesting information from them, he suggested taking one step at a time;
- having listened to what Mr Vertongen had to say, to be fair to him, the first step would be to gain written statements as to what physically occurred;
- a complaint has been laid and specific allegations made, can these be substantiated;
- if on the basis of the material received there does appear to be a case to answer, then Mr Vertongen will be given the opportunity to respond;
- Mr Vertongen will be entitled to call evidence in support of his position.

Cr Hunt queried if any information needed to be provided by way of sworn affidavit, as she had been advised against this step. She had been asked at the time, and had provided to the Paton's lawyer, a sworn affidavit as an eye witness as to what had occurred. She had also tried to raise the matter at the 8 December 2009 Community Board Meeting, without success. The minutes of 8 February 2010 also included the matter. She was prepared to provide a written statement and copies of any media articles relating to the incident.

It was confirmed that all that was required was a statement setting out the facts, not a sworn affidavit.

The next steps would be:

- for a letter to be sent to Mr Vertongen referring to the process which had proceeded out of the Notice of Motion at the Community Board meeting of 8 February 2010, omitting any reference to media articles;
- a written request be sent to Cr Allan to provide a written statement on the matter, with a response time within 14 days if possible;
- when the written statements were received from Cr Allan and Cr Hunt a further meeting of the Subcommittee would be called to formally receive those statements;
- there may also be other persons, following receipt of the written statements, that the Subcommittee may wish to request information from.
- Mr Vertongen would then be invited to formally respond to the issues raised.

MEETING CLOSURE

The meeting concluded at 1.10 pm.

CONFIRMED this day of

.....
Chairperson

REPORTS

Item-457 Foxton Community Board Monitoring Report to 22 March 2010

File No 4133

To: The Chairperson and Members
Foxton Community Board

From: Chief Executive Officer

Date: 22 March 2010

1. Purpose

- a. To provide an update on the Foxton Community Board Monitoring Report to 22 March 2010.

2. Recommendation

- a. That Report 4133 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	DG 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. Foxton Community Board Monitoring Report to 22 March 2010.
-

**MONITORING REPORT
FOXTON COMMUNITY BOARD**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
9 February 2009	Item 399 Part	Chief Executive Officer's Report	<i>"THAT the safety issues pertaining to the Busy Bee Dairy be followed up."</i>	M Pond			This is an ongoing issue for Council's roading staff.
9 Feb 2009	Item 401	Foxton Multi-Purpose Facility	<i>"THAT the FCB supports further investigation and discussion with the Foxton/Foxton Beach residents for the development of a multi-purpose facility including, but not exclusively, the Dutch Museum, Maori arts and craft gallery, library, visitor information centre, environmental education centre (including Manawatu Estuary)." "THAT should the Foxton Community Board support the concept of a multi-purpose facility the Foxton Public Amenities Project Steering Group be reconstituted to discuss the concept, with key stakeholders invited to participate in discussions."</i>	D M Clapperton		Ongoing	Community presentation occurred 17 November 2009 in Foxton.

**MONITORING REPORT
FOXTON COMMUNITY BOARD**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
7 Sep 2009	Item 430	Proposed Carpark - Stuart Donnelly Reserve	<i>"THAT the Board supports the construction by Coley Street School of a carpark at Stuart Donnelly Reserve."</i>	D Tate	To remain on report until physical work completed	Completed	The School have notified the Council that the funding source previously allocated for this project no longer exists, therefore the project will not be undertaken.
30 Nov 2009	Item 444	Council Resolutions relating to Foxton Community Board	<i>"THAT Council officers be requested to investigate the retention of the existing Council Service Centre façade and a report be brought back to the next Foxton Community Board Meeting in early 2010."</i>	D G Ward D M Clapperton			See report on today's agenda.
30 Nov 2009	Item 445	Chief Executive Officer's Report to 30 November 2009	<i>"THAT a workshop be held with Community Board Members, the Chief Executive Officer and relevant Council staff to look at the process that had taken place over the past two years in relation to the Recycling Centre Upgrades."</i>	D G Ward	30 June 2010		A review of the operation of these facilities will be undertaken following 6 months of operation of kerbside recycling

**MONITORING REPORT
FOXTON COMMUNITY BOARD**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
30 Nov 2009	Item 447	Forbes Road Show Home	<p><i>"THAT the Foxton Community Board recommends to Council that a community playground be erected on Section 44 of the Forbes Road Subdivision at a maximum cost of \$20,000.00, with the playground to be completed by the end of January 2010."</i></p> <p><i>"THAT the Foxton Community Board recommends to Council that a show home be erected in the Forbes Road subdivision on either section 103 or 107."</i></p>	G O'Connor	30 April 2010		<p>As there no budget for this item in the current financial year, staff will incorporate the request in the Draft 2010/2011 Annual Plan should that be the wish of the Board. The playground will be funded from the Foxton Beach Freeholding Account.</p> <p>A building consent application is being prepared for lodging early April 2010</p>
8 Feb 2010	Item 450	Notice of Motion	<p><i>"THAT the Deputy Chair and two (2) members of the public who have the requisite skills/expertise be appointed to investigate whether the Foxton Community</i></p>	D Ward			<p>Minutes of the first meeting of the Foxton code of Conduct Subcommittee held on 3 March 2010 are attached to today's</p>

**MONITORING REPORT
FOXTON COMMUNITY BOARD**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<i>Board's Code of Conduct has been breached." "THAT the member to which the complaint relates be notified in writing of the complaint and explain when and how he will get the opportunity to put his version of events."</i>				agenda.
8 Feb 2010	Item 451	Council Resolutions relating to Foxton Community Board	<i>"THAT Report 4109 be received."</i>	D Ward		Completed	
8 Feb 2010	Item 452	Chief Executive Officer's Report to 8 February 2010	Page 17 3a. <u>Foxton Youth Council Committee</u> <i>"THAT the Chief Executive Officer facilitate a meeting of the Foxton Youth Council's Committee and the Horowhenua Youth Voice with a view to establishing a youth programme for the benefit of the Horowhenua District with a report to come back on the outcome."</i>	D Ward			A meeting between representatives of the Foxton Youth Council Committee and Horowhenua Youth Voice is scheduled to be held on Thursday 18 March 2010.

**MONITORING REPORT
FOXTON COMMUNITY BOARD**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<p>Page 15 3a. <u>Projects</u> The projects listed were the priorities identified in October 2008, the projects that the Board supported through year 2 of the LTCCP, and set the scene for the programmes that would be supported for the balance of the electoral year.</p> <p>Cr Hunt requested a report on the impact of <u>recycling</u> crates when it came to holiday home users. Was the bin option supported or was there a continuing need to provide a recycling station.</p> <p><i>"THAT Messrs Vertongen, Roache and Murdoch meet with relevant Council staff to progress the Pinewood Motor Camp development."</i></p>				<p>Reference to this request will be made in the report to the Community Board on kerbside recycling matters.</p> <p>A meeting is scheduled to be held on 18 March 2010. A verbal report from that meeting will be given this evening.</p>

**MONITORING REPORT
FOXTON COMMUNITY BOARD**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<p><u>Holben Reserve</u> <i>"THAT the Board undertakes a review of the proposed landscape plan for Holben Reserve with a view to incorporating any changes and required investment into Council's next LTCCP."</i></p> <p>3.d. <u>Foxton Hall Entrance Ways</u> Mr Roache queried why a resource consent was required for the Hall entrance ways rather than a building consent.</p>				<p>The Foxton Community Board will need to make a submission to the Draft 2010/2011 Annual Plan for funding to undertake this work.</p> <p>For clarity a resource consent is not required but a building consent will be required.</p>
8 Feb 2010	Item 453	Resource Consents Issued	<p><i>"THAT Report 4111 be received."</i> <i>"THAT the list of land use and subdivision resource consents be received."</i></p>			Completed	

**MONITORING REPORT
FOXTON COMMUNITY BOARD**

Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
8 Feb 2010		Foxton Swimming Pool	<i>"THAT a report be brought to the March 2010 Foxton Community Board meeting on the operation of the Foxton Swimming Pool, such report to include Council's policy for the use of the Pool and why the Swimming and Surf Clubs were not utilising the facility."</i>	D Tate			See report on today's agenda.

Item-458 Foxton Amenities - Retention of Foxton Service Centre Facade

File No 4138

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

From: Strategic & Corporate Services Manager

Date: 22 March 2010

1. Executive Summary

a. Purpose of the report

To clarify the Foxton Community Board's decision in respect of the retention of the façade of the Foxton Service Centre in conjunction with the Te Awahou Nieuwe Stroom Project.

2. Recommendation

a. That Report 4138 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 reconfirms its earlier decision in respect of the retention of the existing façade of the present Foxton Service Centre in any new building for the Te Awahou Nieuwe Stroom Project.

3. Context

a. Background

The Joint Working Party of the Foxton Community Board and Horowhenua Library Trust, following its establishment in May 2003, undertook a review of the options available to it in the determination of a combined Service Centre/Library concept.

Whilst no actual resolution was made at that time, there was a consensus that the overall character of the Foxton Service Centre be retained in any future building. Discussion in the period May to August 2003 centred upon a number of options - redevelopment of the existing building, purchase of adjoining land for expansion and the general arrangement for a shared library/service centre function.

No further meetings of the Joint Trust/Community Board were held beyond August 2005, with this issue being revisited in April 2006 as part of the LTCCP funding for a new library in Foxton in 2008/09.

A Project Steering Group was established to develop the new library/public amenity facility.

The Foxton Amenities Project Steering Group in a number of recommendations to the Foxton Community Board on its deliberations, made the following recommendation:

“That the existing façade and Council meeting room be retained in the new facility.”

	Name and title of signatories	Signature
Prepared by	D C Cole Special Projects 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.		
Approved by	D M Clapperton Strategic & Corporate Services Manager	

Item-459 Foxton River Loop Reserve Gravel Track Closure

File No 4141

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

From: Parks Assets Officer

Date: 22 March 2010

1. Executive Summary

a. Purpose of the report

For the Board to decide whether or not to recommend to Council the closure of the Gravel Track on River Loop Reserve.

b. Key issues

The Board at their 30 November 2009 meeting requested "*that Officers be requested to report back to the Board on the possibility of stopping the metalled roadway at River Loop Reserve*".

The Board have concerns regarding vehicle movements on the gravel track next to the new playground, hence the possibility of closing the track.

It is not know what the future use of the gravel track may be as part of the planned Te Awahou and River Loop development plans.

2. Recommendation

a. That Report 4141 on Foxton River Loop Reserve Gravel Track Closure 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 recommend to Council Option B - the installation of signage and that the gravel track is not closed, and pedestrian signage is installed onto the track.

3. Context

a. Background

Usage

The Board's previous resolution requesting that a report be bought back on the closure of the gravel track on River Loop Reserve was based on the potential risks of the use of the gravel track by vehicles and the proximity of the newly constructed playground.

It is suggested that the risks associated with the gravel track and the playground have reduced, since the peak utilisation of the playground has declined. It is recognised that while risks have been reduced through effective design of the playground in relation to the track, there is still an apparent risk associated with the gravel track in its current state.

Future Use and Development of the Site

At this point in time, the future use of the gravel track as part of the Te Awahou Development and the ongoing development of River Loop Reserve have not been finalised.

It is suggested that it may be short sighted closing the gravel track before the development is finalised.

Estimated Costs

The cost of closing part of the gravel track in near the playground, installing bollards, road signage and seeding the old track is estimated at \$6,500.

There is no available budget for this work, and this project would need to be included as part of Councils Draft Annual Plan.

Other Options

Another option for the board to consider is the installation of pedestrian signage onto the gravel track.

This option would identify the risk to users of the gravel track, but would also be affordable. The estimated cost of the installation of signage would be \$600.

b. LTCCP

This decision does not adversely affect Community Outcomes of the LTCCP.

g. Options

The Board have a number of options to consider:

Option A: Continue to recommend the closure of the gravel track

The Board recommend to Council that funding of \$6,500 is included in the Draft Annual Plan for the closure of the gravel track.

Option B : Installation of Signage

The Board recommend to Council that pedestrian signage is installed onto the gravel track.

Option C : The Board recommend an alternate option

4. Conclusions

a. The preferred option(s)

Option B - Installation of Signage

That the Board recommend to Council that pedestrian signage is installed on to the gravel track.

This recommendation is made on the understanding that until the Te Awahou Project and River Loop Development plan are complete the future use and/or need of the gravel track are not known.

Further to this, funding will need to be sourced to undertake the work. Existing operational budgets cannot supplement this work..

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

Item-460 Foxton Pools - General Report

File No 4140

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

From: Parks Assets Officer

Date: 22 March 2010

1. Executive Summary

i. Purpose of the report

To provide commentary to the Board on Foxton Pools relating to:

- Brief summary of the season to date.
- Council's policy for the use of the Pool.
- Why the Swim Club and Surf Club are not using the facility.

ii. Key issues

The Board at their 8 February 2010 meeting requested "*that a report be brought to the March 2010 Foxton Community Board meeting on the operation of the Foxton Swimming Pool, such report to include Councils policy for the use of the pool and why the swimming and surf clubs were not utilising the facility*".

Foxton Pools has had good utilisation over the coming season and is close to achieving its budgeted income for the year to date.

Officers have discussed with the Foxton Swim club and the Foxton Beach Surf Lifesaving Club their use of the Pool.

2. Recommendation

- i. That Report 4140 Foxton Pools – General Report be received.
 - ii. That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
-

3. Context

i. Background

Usage

For the season to date, the facility has had mixed utilisation in the community. Despite proactively marketing the facilities within the Foxton area, the wider District and Region, the facility is not yet recognised as a local recreation destination nor is it being utilised to a reasonable extent.

While utilisation figures year on year appear down, it is suggested that actual utilisation has increased, based on more reliable data capture occurring in the current year. Year to date the facility has had over 12,000 people admissions.

The facilities income while below budgeted year to date targets of \$18,442, is steady at an actual YTD income of \$16, 831.

Council Staff have also experienced difficulties with patrons in recent months. These difficulties have included patrons not acknowledging and/or listening to basic Pool Safe rules and patrons being discourteous and disrespectful to other pool patrons and to staff, particularly out of town visitors.

Council Policy

Council does not hold a policy for the use of the pool. Management protocols and operational procedures exist for the facility, based on National Standards and National Accreditation Schemes such as Pool Safe, which are documented in Horowhenua Aquatics Operating Procedures Manuals.

Foxton Swim Club Use

The Foxton Swim Club have been utilising the Foxton Pool. The club utilise both the Levin and Foxton Pools.

Councils Chief Executive Officer and Aquatics Management will continue to work the club on the utilisation of its assets and establishing shared terms of agreement.

Foxton Beach Surf Lifesaving Club

The club have utilised Foxton Pool once during the season. It should be noted that the club have not used the Levin Aquatic Centre either.

Aquatics Management spoke with the Foxton Beach Surf Lifesaving Club, stating that they don't really train in a pool during summer months, as it's all done in the sea.

ii. LTCCP

This decision does not adversely affect outcomes Community Outcomes of the LTCCP.

4. Conclusions

The season of Foxtton Pools year to date has been largely successful, but there are a number of operational matters including a review of ongoing hours that will be discussed during the off season.

Officers will continue to work with stakeholders of the Foxtton Pools facility, including the Foxtton Swim Club and Surf Lifesaving Club to encourage utilisation into the future.

	Name and title of signatories	Signature
Prepared by	D J Tate Parks Assets 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.		
Approved by	B H Austin Manager - Community Assets	

Item-461 Council Resolutions relating to Foxton Community Board

File No 4134

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

From: Chief Executive Officer

Date: 22 March 2010

1. Purpose

- a. To inform the Board of resolutions that the Horowhenua District Council passed at its meetings on 3 February 2010 and 3 March 2010.

2. Recommendation

- a. That Report 4134 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. Meeting 3 February 2010

Item-1837 Horowhenua District Plan Change 20: Rural Subdivision
Item-1838 Horowhenua District Plan Change 21 : Greenbelt Residential
and Urban Growth

"THAT the Council pursuant to Clause 10 of the First Schedule to the Resource Management Act adopt the recommendation of the Independent Commissioners and approve the Plan Change of the Operative Horowhenua District Council District Plan, including the errata tabled at this meeting, as set out in the recommendation without further amendment."

"THAT the required notification of the decision be undertaken."

b. Meeting 3 March 2010

Item-1854 Education Horowhenua

"THAT the Horowhenua District Council:

- endorses the establishment of Education Horowhenua.*
 - agrees to provide in-kind infrastructure support to the group.*
 - agrees to formally invite representatives to join Education Horowhenua.*
 - notes that Education Horowhenua will seek funding from a range of sources to fund a part time coordinator.*
 - agree to take responsibility for employment/contracting this role if additional funding is found.*
 - notes the attached Education Strategy and proposed work programme for 2010.*
-

- notes the timelines for implementation.”

Item-1855 Horowhenua Youth Strategy 2010

“THAT the Horowhenua District Council adopts the Horowhenua Youth Strategy and Implementation Plan 2010-2013.”

“THAT the Horowhenua Youth Strategy and Implementation Plan 2010-2013 replaces the Horowhenua Youth Strategy adopted 5 July 2006.”

Item-1858 Chief Executive Officer's Report to 3 March 2010

"THAT a Report be brought be brought back to Council clarifying the legal position in relation to sand dune encroachment on private properties."

It was **NOTED** that this report should be directed to the Foxton Community Board in the first instance as many of the properties of concern were located at Foxton Beach.

	Name and title of signatories	Signature
Prepared by	DG 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-462 Chief Executive Officer's Report to 22 March 2010

File No 4135

To: The Chairperson and Members
Foxton Community Board

From: Chief Executive Officer

Date: 22 March 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 4135 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. Draft 2010/2011 Annual Plan

Community Board members will be aware that Council has conducted a number of workshops and is now moving to special meetings to adopt the Draft 2010/2011 Annual Plan no later than 14 April 2010. A series of public meetings are being held to discuss the draft plan. A meeting is scheduled to be held at Foxton on Tuesday, 28 April 2010 at Foxton Memorial Hall commencing at 7.00pm.

- b. Youth Meeting

I am scheduled to meet with representatives of the Foxton Youth Committee between the date of writing this report and today's meeting. I will give a verbal report to this evening's meeting on the outcome to that discussion.

- c. Members' Interest Register

Board Members will note the addition to the header page on today's agenda (Note 4) reminding of obligations to declare conflicts of interest.

It is our practice to request updates of the Members Interest Register at the start of each financial year. Would Board Members please contact Council's Finance Manager, Doug Law to view current entries relating to them in the Members Interest Register and to update details where necessary.

d. Rural and Provincial Meeting – 18 and 19 February 2010

Mayor Duffy and the Chief Executive attended this sector meeting in Wellington. At today's meeting we will verbally report to Council on keynote presentations including:

- Vehicle dimension and Mass Rule Implementation
- ETS regulations and Council forestry
- Land use options for marginal land
- The Law Commission's Liquor Act Review
- Climate Change

e. Zone 3 Report

Mayor Duffy and Chief Executive attended a meeting of Zone 3 held in Dannevirke on 1 and 2 March 2010. Key items discussed at that meeting which I will further address at tonight's Board meeting included:

- Local Government current key issues, particularly referenced to the Auckland Bill
- proposed legislative changes
- the need to improve voter enrolment
- Mayors Taskforce for Jobs update,
- addresses from the Auditor-General and the Ombudsman.

f. Maintenance Works

Attached to this report is a schedule prepared by staff detailing those maintenance works proposed to be undertaken (or current works in progress) in the Foxton and Foxton Beach areas.

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

4. Attachments

- a. Schedule of maintenance works

ATTACHMENT A

Foxton Board Proposed Maintenance and Current Works in Progress

March 2010

Roading Reseals

All of the reseals have now been completed.

Footpaths

There are no footpath renewals planned for the Foxton area.

Parks and Property

Foxton Hall Entrance Ways - Work is planned to upgrade the entrance of Foxton Hall from Main Street . This work involves creating a more direct and open access into the Hall, rather than the current split arrangement.

As part of this work, Officers will work with the Foxton RSA to determine a process for the uplifting and moving of the dedication plaque at the Halls entrance.

The Community Assets department is now awaiting Consent to undertake the work.

Headstone Height Restrictions - Staff are now considering public responses to proposed changes to headstone height restrictions prior to reporting conclusions back to Council.

Water Supply

The electrical work is virtually complete and the pipe connection is awaiting the completion of the wellhead. An application for a consent is being prepared.

Wastewater

Sewer network stormwater infiltration survey work is being conducted for a number of district systems, including Foxton & Foxton Beach. The work commenced at the beginning of October and has now been completed. We will be following up the results over the next few months.

Investigation work continues on the long term options for disposal of Foxton Wastewater effluent.

Prior to Christmas, a 'red alert' was publicly notified for bathing in the Foxton Loop. This was due to ecoli levels in the Loop exceeding the trigger points specified by our Foxton Wastewater consent conditions. Although the results clearly showed this was not due to the wastewater discharge, this notification was not optional.

We are currently undertaking weekly readings as required by the consent. Foxton River Loop wastewater readings continue to be well below consented levels.

Item-463 Resource Consents Issued

File No 4136

To: The Chairperson and Members
Foxton Community Board

From: Regulatory Services Manager

Date: 22 March 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 4136 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 list of land use and subdivision resource consents be received.

**Foxton Subdivision Resource Consents Granted Under Delegated Authority
20/01/10 to 11/03/10**

Date	File Ref	Subdivider	Address
25-Feb-10	SUB/2883	William Coleman	29 Wylie Road, Foxton Beach Rural

**Foxton Land Use Resource Consents Granted Under Delegated Authority
20/01/10 to 11/03/10**

Date	File Ref	Applicant	Address
17-Feb-10	LUC/2871	Russell & Christine Newton & Paul Dodd	131A Palmer Road, Foxton Rural
19-Feb-10	LUC/2897	Landcorp Farming Limited	Whirokino Road, Foxton Rural

3. Issues for Consideration

- a. Below is a summary of all Resource Consents issued under delegated authority since January 2007 in the Foxton area:

	Jan 2007	Feb 2007	March 2007	June 2007	July 2007	Sept 2007	Oct 2007	Nov 2007	Dec 2007	Total for 2007
Land Use	4	5	Nil	11	11	7	6	3	1	48
Sub-division	2	2	Nil	5	5	6	1	0	3	24

	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	Total for 2010
Land Use	6	6
Subdivision	1	1

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

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.”

Confirmation of Minutes Ordinary Meeting 8 February 2010 (Minute Items 454-455) Item 464 - In Committee Foxton Community Board Monitoring Report 22 March 2010

Reason for Confidentiality

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

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

Subject to sections 6, 8 and 17 of the Local Government Official Information Act 1987, the withholding of the information is necessary to:

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

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