

**MINUTES OF THE ORDINARY MEETING OF THE HOROWHENUA DISTRICT COUNCIL  
HELD IN THE COUNCIL CHAMBERS, 126-148 OXFORD STREET, LEVIN ON WEDNESDAY,  
4 AUGUST 2010 COMMENCING AT 4:15 PM**

**PRESENT**

His Worship the Mayor, Mr B J Duffy (Chair)  
Cr D A Allan  
Cr G G Good  
Cr L E McMeeken  
Cr A M Hunt  
Cr P K Keenan  
Cr N D H Murray  
Cr A D Rush

**IN ATTENDANCE**

Mr D G Ward (Chief Executive Officer)  
Mr D M Clapperton (Strategic & Corporate Services Manager)  
Mr T Thomas (Environmental Services Manager)  
Mr W Potts (Community Assets Manager)  
Mr D Law (Finance Manager)(from 4.50 pm)  
Mr D de Burgh (Solid Waste Engineer)  
Mrs K J Corkill (Meeting Secretary)

**ALSO IN ATTENDANCE**

Miss C Carlyle (Group Support Officer)  
Ms N Moen (Library Design Consultant)  
Mr B Elliott (Architect)  
Ms J Ransom (Head of Libraries)  
Reg Cr Burnell (Horizons Regional Council)

**MEDIA IN ATTENDANCE**

Mr P Franklin ("Chronicle")

**PUBLIC IN ATTENDANCE**

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

Prior to commencing the meeting, His Worship the Mayor took the opportunity to salute two of the District's young achievers, Julie and Erin Bolton, who were off to Milan next week to compete at the World Canoe Polo Championships. Mayor Duffy commented that he had known these young women all their lives and was very proud to see what they had achieved. The support and encouragement the girls had received from their parents and their coach, Rob Cox, was also acknowledged. Mayor Duffy wished the girls good luck and presented them with flowers and a Horowhenua scarf.

Mayor Duffy then formally opened the meeting.

## **APOLOGIES**

An apology has been received from Cr Judd and a late apology was recorded for Cr Shaw.

### **Resolved**

(Good / Rush)

*"THAT the apologies from Crs Judd and Shaw be received."*

## **ANNOUNCEMENTS**

### **Public Speaking Rights**

Item 1935    Proceedings Foxton Community Board 19 July 2010 - Page 10 3a. Taylor Street

Mr & Mrs Paton (cross referenced to Item 1953, page 139, Item 24)

Item 1939    Levin Community Centre

Mr Bryan Ten Have  
Mr Lew Rohloff, Grey Power  
Mrs Dianne Edyvane  
Ms Sharon Crosbie

Item 1940    Te Awahou Nieuwe Stroom Project

Mr Bryan Ten Have  
Mrs Dianne Brown, Levin Ratepayers Association  
Mr Ernie Crombie  
Mr George & Mrs Christina Paton  
Mr Lew Rohloff, Grey Power  
Mr Ted Devonshire  
Mr Tony Murdoch, Foxton Community Board  
Mr John Baird, Flaxstripper Museum  
Mr Bruce Barry, Save Our River Trust

Item 1941    Draft Foxton Landscape Plan

Mr Bryan Ten Have

Item 1944    District Plan Review: Open Space Study

Mr Ernie Crombie

### **Recording of Meeting**

Mr Bryan Ten Have notified the Chair that he would be recording the meeting (both audio and visual).

### **Late Items**

There were no late items on the Aenda.

## **Members' Conflict of Interest**

There were no conflicts of interest recorded.

## **Levin Community Centre Presentation**

There would be a presentation by Nicki Moen (Library Design Consultant) and Brian Elliott (Architect) to update Council on the design components for the Levin Community Centre.

## **Horizons Regional Council**

Regional Councillor Lindsay Burnell attending to update the Council on Regional Council issues.

His Worship the Mayor noted the significant number of people who had requested speaking rights on various matters and requested speakers to keep their comments pertinent to the item being addressed and in particular, to the recommendation(s) made.

To facilitate the presentation on the Levin Community Centre and accommodate the various speakers, this would be the next item addressed, following by Item 1940 Te Awahou Nieuwe Stroom Project - Update.

## **Item-1939 Levin Community Centre**

**File No**                **4263**

### **Purpose**

The purpose of this report is for Council to consider the Levin Community Centre development.

### **Resolved**

(McMeeken / Allan)

*"THAT Report 4263 be received."*

Mayor Duffy noted that this was a project that had been on Council's books for five years and there was a strong community desire to get this project up and running and see it succeed. Whilst the Officer's recommendation was very simplistic, he referred the meeting to page 42, 4. which summarised the role of the Project Steering Group which he hoped would assist with any issues in relation to the project moving forward.

Nicki Moen and Brian Elliot were welcomed to the table.

Ms Moen made a PowerPoint presentation (a copy of which is **attached** to the official minutes) which illustrated her vision for the proposed new Levin Community Centre which would provide a versatile and exciting space for the community, both now and in the future.

Mr Elliott expanded on Ms Moen's comments showing a Power Point of the possible location and layout for the Centre. Mr Elliott stressed the site's ideal location in relation to the town and the State Highway, its ease of access and flexibility.

Both speakers expressed their enthusiasm for the dynamic and exciting potential they saw for a space that would serve the whole community from the very young to the area's older citizens.

The Mayor thanked Ms and Mr Elliott for their attendance and presentations.

Mr Bryan Ten Have, in exercising his speaking rights, queried what the shortfall in funding for this project was, how the project would be funded and whether it would ultimately be funded by another targeted rate.

Mr Rohloff, speaking on behalf of Horowhenua Grey Power, expressed concern about a number of aspects in relation to the project, particularly with regard to funding in the current economic climate. He expressed his provisional opposition to the recommendation that the entire floor area of the Countdown building be utilised for the Centre and the sale potential of the Countdown building be tested. A copy of Mr Rohloff's notes are **attached** to the official minutes).

In response to a query in relation to the possibility of positive effects from the project, Mr Rohloff said he had not been able to see any evidence of positive effects in the information presented to date.

Mr Rohloff said he was also under the impression that the existing Library building was leased.

It was clarified that this was not in fact the case. Council actually owned the current Library building.

Mrs Dianne Edyvane, Chair of Friends of the Library, spoke in support of the project. Friends of the Library had so far raised \$30,000 towards the project and were wholeheartedly behind the concept which would provide a facility that could become the heart of the town. She urged Council to accept the recommendation.

Ms Sharon Crosbie, Chair of the Library Trust, also spoke in support of the project, suggesting this would become a central, widely used community facility. The current Levin Library was overcrowded and stressed to the max. She saw the current proposal as a practical, realistic vision for a community centre based on wide ranging consultation throughout the district. She believed the project was affordable and fiscally neutral and would provide both for current needs and for the future. This would be a wonderful asset and was inspirational for all those involved. She hoped that Councillors shared the Trust's enthusiasm.

In response to a query about use of the existing Library space, Mr Clapperton advised that the recommendation was to use the former Countdown building area. The Project Steering Group would be charged with considering a use for the current library area.

The following was covered in discussion:

- Youth had been consulted in the process and feedback received had been helpful;
- The group working on the project to date had a shared vision of a 21<sup>st</sup> century facility;
- This would be one of the most significant public projects for the next decade and would have results well into the future;
- Having a facility that went beyond being just a library to being a community centre would have a positive impact for the community;
- This facility would add value to the Mall and to Levin's commercial sector;
- It would be a community space and would not just be about books;
- In the future, people in the community would commend those involved in this project for their foresight;
- What type and level of revenue could be obtained from the current library space, either from sale or lease?

- With not everyone having access to the Internet, such a centre as outlined could have many benefits;
- There would be financial benefits accruing to the project with not having to relocate the current library during construction of the new facility.

Mr Clapperton advised that the make up of the Project Steering Group had not yet been identified, but it would most likely include Nicki Moen, Brian Elliott, Joann Ransom. He would also envisage that there would be Council representation as well as two members from the community with identified suitable skills.

(Rush / Allan)

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

*“THAT Council utilises the Countdown space for the new Levin Community Centre.”*

CARRIED

### **Item-1940 Te Awahou Nieuwe Stroom Project - Update**

**File No**            **4217**

#### **Purpose**

The purpose of this report is to update Council on the Te Awahou Nieuwe Stroom project in Foxton and to consider Council becoming a Settlor to the Te Awahou Nieuwe Stroom Trust Deed.

#### **Resolved**

(Good / Keenan)

*“THAT Report 4217 be received.”*

Mr Ten Have expressed his view that the proposed Trust Deed was very dangerous. He strongly advised against signing the document and said that those around the table would be held accountable as there had been a complete disregard for due diligence. His concern was based on the fact that under the Trust, Council would not own its own library. It would be owned by the Trust.

Mr Ten Have handed out a document to Councillors and members of the public. As this was identified as a confidential document from another local authority, it was deemed inappropriate and dispersed copies were gathered up and returned to Mr Ten Have.

In response to Mr Ten Have’s comments, His Worship the Mayor clarified that the Te Awahou-Nieuwe Stroom Trust was an entirely independent body and not part of Council. The Trust would work entirely independently to explore the viability of the project and the Trusts ability to fund and sustain the venture. The Trust would make decisions that it deemed appropriate and would stand and fall by those decisions.

Mrs Dianne Brown spoke on behalf of the Levin Ratepayers’ Association. She noted that whilst the project was exciting and visionary the Levin Ratepayers’ Association was concerned at the possibility of hidden costs, the lack of district wide consultation and the fact that if Council did not become a Settlor, the project would not proceed. A copy of Mrs Brown’s submission is **attached** to the official minutes.

The term “principal settlor” as used by Mrs Brown was queried, as it was noted that Council would be one of a number of Settlers.

Mr Ernie Crombie expressed the view that issues with the river should be addressed prior to anything else being attempted in Foxton as it was the river that attracted tourists. He also felt that Council should not sign the Trust Deed as a Settlor until a mandate was received from at least 70% of the district’s ratepayers. He believed if the project fell over there would be a cost to ratepayers to support it.

In response to a query, Mr Crombie said he did not recall hearing anything about the financial situation of the project at the public meeting held in November 2009.

Mr & Mrs Paton requested that the words “a national Dutch Museum” be reinstated in the Trust Deed as that was the original purpose of the project. They also suggested that if the project was to encompass the whole district, then consultation should be district-wide. The need for Standard Standing Orders was also suggested for the conduct of Trustee meetings. (A copy of Mr & Mrs Paton’s comments is **attached** to the official minutes).

Mr Rohloff, on behalf of the Horowhenua Grey Power, said his organisation was concerned about the risk to ratepayers should Council signed the Trust Deed and become a Settlor. He believed that Council should be involved without becoming a Settlor of the Trust.

Mr Ted Devonshire was welcomed to the table. Mr Devonshire spoke on behalf of Te Taitoa Māori o Te Awahou identifying the groups involved in support of this project. He said this project was, and would continue to be, an opportunity to bring local tangata whenua together, to move forward in a positive manner. He was keen for Council to support the project by becoming a Settlor. Many of his people were ratepayers and supported the project as they could see its many benefits, not only for iwi but for the whole community. It also provided an opportunity to enhance the river and to enable it to become a central focus of the town and the district. This project was the first in many years where all the local hapu had come together to work collaboratively.

In response to a query in relation to any possible risk, Mr Devonshire said after working through the process with the other Settlers he was confident about going ahead with the project.

His Worship the Mayor acknowledged the presence at the meeting of the Foxton Community Board’s Chair, Basil Vertongen, and Community Board member Ngaire Ellwood.

Mr Tony Murdoch tendered apologies from Mr Robin Hapi as he had been unable to attend tonight’s meeting.

Mr Murdoch, on behalf of the Foxton Community Board, spoke in support of the project. He felt it was an opportunity for the town and the district and it had heartened him to see the support the concept had received from people in Foxton and the wider district. This would work in conjunction with the funding already received from Horizons Regional Council to clean up the river and could become a catalyst for tourism in the area.

Mr John Baird from the Flax Stripper Museum spoke in favour of the recommendation. He could see the project having a beneficial impact on Foxton and the community for years to come. Any potential risk from being one of the Settlers to the Trust Deed had been considered and he was convinced the project would be a success.

In response to a query about the engineering expertise required to move the flax stripper, Mr Baird said they already had two engineers working at the Flax Stripper Museum and he did not see that as an issue.

Mr Jeremy Manx tendered apologies from Bruce Barry who had intended to speak on behalf of Save Our River Trust, but was unwell. Mr Manx was speaking in his stead.

Mr Manx said he was a Trustee of the Te Awahou-Nieuwe Stroom Trust. He was also on the Save Our River Trust which was making steady progress in restoring the flow in the River Loop. SORT saw this project as a vital part of the restoration of the river which would attract tourists. It could also be a catalyst for further development in Foxton. SORT commended the proposed recommendation to Council.

As a ratepayer of the district (five times over) he believed the project would stand on its own feet or would not go ahead. Everything in life had some element of risk and this project was nothing different. This was a proactive step to do something for the Foxton, and wider, community.

Mr Clapperton spoke to the report, declaring an interest as a Trustee of the Te Awahou-Nieuwe Stroom Trust. He introduced Mr Gerald Fitzgerald, a partner from KensingtonSwan, Solicitors, to the meeting who had been responsible for reviewing and providing amendments to the proposed draft Trust Deed, a copy of which had been circulated.

In response to some of the comments made by previous speakers, Mr Clapperton acknowledged that the Dutch Museum is not listed in the first section of the Trust Deed. This had also been raised by the Dutch Connection Trust. The number of Trustees should also be recorded as ten, not nine.

Mr Fitzgerald spoke on the changes made during the review of the Trust deed which had not altered the essential thrust and purpose of the Deed but had tidied and tightened it up to ensure the objectives and purposes of the Trust were clear, which was a fundamental issue for any trust deed.

The Trust Deed would determine how the Trustees would operate and it was important for Trustees in the future to have a document that provided clear guidance in relation to their roles and functions.

Mr Clapperton acknowledged the presence of two other Trustees, Charlie Pederson and Katrina Barber.

Cr Hunt commented on the concerns she had had with the original Trust Deed and she felt the amendments were a vast improvement on the original.

Cr Hunt queried:

- the use of the Common Seal and where that would be held;
- the quorum for meeting being three, which she felt was low;
- public notification of the AGM which could be important as there could be public funds involved;
- the possibility of any variation of the Trust Deed and should the process be clarified in the Deed;
- as the Trustees were indemnified, if there were any debts that exceed the assets, where would the liability lie?

Mr Fitzgerald responded:

- the Common Seal was usually held by the Secretary;
- there had to be a quorum that reflects the minimum number and three had been chosen;
- it would be up to the Trustees to decide whether or not to publically notify an AGM;

- it would be up to the individual Settlers as to how they would going to deal with a request for any variation in the Trust Deed;
- in relation to liability, as long as the Trust remained unincorporated, under Trust Law it is the trustees that incur the personal liability. Trustees had the right to be indemnified by the Trust Fund. If the fund happened to be insufficient to discharge that indemnity then Trustees would find themselves in the uncomfortable position of having to meet any shortfall. Upon incorporation of the Trust, unless Trustees were proved reckless or in contravention of the terms of the Trust, it would be the creditors who would shoulder the burden.

Cr Good requested clarification in terms of the Settlers having assets that become part of the whole body corporate, particularly with regard to the Library and the Library Trust, as there had been a suggestion made by a submitter that the Library Trust would lose control of its assets.

Mr Fitzgerald said that would not occur by virtue of entering into this Deed. The issue of control over assets which were transferred to the Trust would be a function of the document that effected that transfer, rather than this Trust Deed. At some stage, the relevant parties would need to turn their minds to the terms on which asset transfer would occur. Council becoming a Settlor did not put any of the assets at risk.

After further discussion on the perceived risks and merits of this project, it was:

### **Resolved**

(Allan / McMeeken)

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

*“THAT Council agrees to become a Settlor to the Te Awahou Trust Deed.”*

Upon a show of hands there were six in favour of the motion and one against. The motion was therefore CARRIED.

Cr Hunt recorded her vote against the motion.

The meeting adjourned for a meal break at 6.31 pm and reconvened at 7.05 pm.

### Horizons Regional Council

His Worship the Mayor welcomed Reg Cr Burnell to the table.

In his update on behalf of Horizons Regional Council, Reg Cr Burnell covered:

- Horizons had been working with SORT on the Foxton Loop and good things were happening in that area;
- Possum control was happening on about 10,000 ha, in conjunction with the Wellington Regional Council;
- The good work being done by Mayor Duffy in relation to the Manawatu River Accord, which should be signed within the next few days;
- Horizons looked forward to working with whatever group was formed to address the issues with Lake Horowhenua;

- The One Plan was nearing the end of the process and would be available by the end of the month. This was a controversial document which had taken a tremendous amount of time. He understood that would be a sixty day period for the receipt of submissions and objections.

Reg Cr Burnell concluded his comments by thanking the Horowhenua District Council for positively contributing to the good working relationship that now existed between the two Councils.

## **CONFIRMATION OF MINUTES**

Ordinary Meeting 7 July 2010 (Minute Items 1913-1932)

### **Resolved**

(Hunt / Rush)

*"THAT the minutes of the Ordinary Meeting held on 7 July 2010, as submitted, be confirmed as a true and correct record."*

## **MATTERS ARISING**

There were no matters arising.

## **PROCEEDINGS OF COMMITTEES**

### **Item-1935 Proceedings Foxton Community Board 19 July 2010**

**File No**            **4245**

### **Purpose**

To present to the Horowhenua District Council the minutes of the Foxton Community Board meeting held on 19 July 2010.

### **Resolved**

(Hunt / Allan)

*"THAT Report 4245 be received."*

*"THAT the Horowhenua District Council **receive** the minutes of the Foxton Community Board meeting held on 19 July 2010."*

Cr Hunt commented:

- Noise level testing had been done at Target Reserve by the Levin Pistol Club. This had gone exceptionally well, with all parties happy with the results.
- In relation to Taylor Street and the notation in the Monitoring Report, the Foxton Community Board had requested officers to prepare a feasibility study for next year's Annual Plan.

Mr & Mrs Paton joined the table to exercise their speaking rights in relation to Taylor Street, with cross reference to Item 1953 Chief Executive Officer's Report to 2 August 2010, page 1139, Item 24.

The time delay for any upgrade to Taylor Street was not accepted by Mr & Mrs Paton, given that this matter had been raised five years ago and nothing had been done. Funding for the upgrade could come from the Foxton Beach Freeholding Account as this was what the Fund was there for, not for building show homes which had no community endorsement. A letter of support for the upgrade of Taylor Street had been provided by the Chair of the Foxton Beach School Board of Trustees.

Mr Ward confirmed that this project had not been included in the current budget, but officers had been requested to provide a feasibility study which should be available for the 30 August 2010 Community Board meeting. He had received a letter from the Foxton Beach School Board of Trustees and a copy of this would be provided also.

#### **Item-1936 Hearing Committee 12 March 2010 Proceedings**

**File No**            **4261**

#### **Purpose**

To present to the Horowhenua District Council the minutes of the Hearing Committee meeting held on 12 March 2010.

#### **Resolved**

(Allan / McMeeken)

*“THAT Report 4261 be received.”*

*“THAT the Horowhenua District Council **receive** the minutes of the Hearing Committee meeting held on 12 March 2010.”*

#### **Item-1937 Joint Transport and Health Services Subcommittee Proceedings 28 May 2010**

**File No**            **4252**

#### **Purpose**

To present to the Horowhenua District Council the minutes of the Joint Transport and Health Services Subcommittee meeting held on 28 May 2010.

#### **Resolved**

(McMeeken / Rush)

*“THAT Report 4252 be received.”*

*“THAT the Horowhenua District Council **receive** the minutes of the Joint Transport and Health Services Subcommittee meeting held on 28 May 2010.”*

## REPORTS

### Item-1938 Monitoring Report Horowhenua District Council to 4 August 2010

**File No** 4247

#### **Purpose**

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

#### **Resolved**

(Keenan / Rush)

*“THAT Report 4247 be received.”*

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

Page 34 Item 1911 Review of Parking Fees: 2010/2011 Annual Plan

Discussions with the Levin Business Association would be done in conjunction with the Quarterly Report and the item would stay on the Monitoring Report until that had occurred.

Page 35 Item 1919 Proposed Granting of Freedom Charter Foxton - Update

This would go ahead in December, as originally proposed.

Cr McMeeken withdrew from the table, having declared an interest in the following Monitoring Report Item at a previous meeting.

Page 37 Item 1926 Speed Control at Schools

Cr Keenan said he had spoken to Minister Guy about the problems with endeavouring to change road rules and had suggested there be a law change so that local authorities could impose and enforce speed restrictions outside schools.

Cr Allan noted that the proposed reduction in speed outside Manawatu College had been removed.

Cr McMeeken rejoined the table.

Page 38 Item 1929 Shannon Water Wheel

This was also included in the Chief Executive Officer's Report.

### Item-1941 Draft Foxton Landscape Plan

**File No** 4259

#### **Purpose**

The purpose of this report is to present to Council a draft Foxton Townscape Plan.

## **Resolved**

(Allan / Murray)

*“THAT Report 4259 be received.”*

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

Mr Ten Have expressed concern that at the Foxton Community Board it had been mooted that this upgrade would be paid for by a targeted rate. Given that property prices were dropping he did not believe that ratepayers were in a position to take on another targeted rate.

Mr Clapperton responded that a targeted rate was not proposed for the Main Street development. If a targeted rate was considered, it would need to be done as part of a review of Council’s Revenue and Financing policy through the LTCCP process. Much of the upgrade would actually become part of other activities, such as roading, and would be funded accordingly. However, the way the project would be funded going forward had yet to be determined and there was no intention of looking at that until what was potentially going to be funded was identified. It was also not intended to adopt the final Foxton Development Plan until November/December, or early in the New Year, after further consultation.

Mr Clapperton noted that the proposed meeting with business was scheduled for 13 August 2010 (not 12 August 2010 as recorded in the Agenda).

In response to a query in relation to the earthquake risk for some of the older buildings and the fact that the FTDA would host the meeting with business and building owners, Mr Clapperton said this was appropriate as the owners of such properties were the people who would be affected. Issues in relation to the historic nature of the buildings would be part of the discussions held.

## **Resolved**

(Allan / Keenan)

*“THAT Council accepts the draft Foxton Townscape Plan for public consultation.”*

### **Item-1942 Local Events Marketing Grants - Review of Guidelines and Funding Criteria**

**File No**            **4242**

#### **Purpose**

The purpose of this report is to advise Council of a review undertaken of the criteria and policy guidelines of the Local Events Marketing Grants by the Local Events Marketing Grants Subcommittee assisted by Council Officers.

The minor amendments as suggested are submitted to Council for consideration and adoption.

## **Resolved**

(Hunt / Rush)

*“THAT Report 4242 on Local Events Marketing Grants - Review of guidelines and Funding Criteria be received.”*

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

After discussion it was agreed that the amended Local Events Marketing Grants Criteria and guidelines be approved with the removal of the \$5,000.00 cap (first bullet point under “Criteria”) and the inclusion of the words “...from within and outside the district...” in 2. of the application form.

It was also suggested that question 6 of the Criteria (“Where will any profits resulting from the event be directed to?”) be referred back to the Subcommittee for further consideration at its next meeting, as this could be a problematic question for applicants, with the Subcommittee to report back to Council on its deliberations.

### **Resolved**

(Allan / McMeeken)

*“THAT Council amends the Local Events Marketing Grants Criteria and guidelines as recommended by the Local Events Marketing Grants Subcommittee, together with the revised Application Form which reflects these minor changes, and the changes proposed by tonight’s meeting, with inclusion of the changes becoming operative after the determination of the current 2010/2011 round which closed on 31 July 2010*

#### AND FURTHER

*THAT the Local Events Marketing Grants Subcommittee give further consideration to Criteria, question 6. ‘Where will any profits resulting from the event be directed to?’ at its next meeting and report back to Council.”*

### **Item-1943 Proposal for Recycling Stations Relocation**

**File No**                **4226**

#### **Purpose**

To update Council on the impact kerbside recycling has had on the static recycling stations (Levin, Foxton, Foxton Beach, Waitarere Beach, Shannon, Tokomaru and Opiki).

To present information to allow Council to make an informed decision on the future location and the level of service of the static recycling stations.

### **Resolved**

(McMeeken / Good)

*“THAT Report 4226 on Proposed Relocation of Recycling Stations be received.”*

Mr Ward introduced Mr Wally Potts, Council’s Community Assets Manager, and Mr Duncan de Burgh, Council’s Solid Waste Engineer, to the meeting. These officers would speak to the report and respond to any questions from Councillors.

Mr Potts, in expressing Council’s delight at the way recycling had been taken up around the district, reiterated the matters raised in the report, particularly emphasising that relocating the Levin Recycling Station would free up 14 long term car parks, which would have a number of positive effects.

In response to a query about the impact of kerbside cycling and a 25% reduction at recycling stations being somewhat low, Mr de Burgh said he believed in some instances the volume at static stations was caused by people not wishing to place all their bottles in their recycling bins. Volumes were also calculated on bulk rather than weight.

Cr Good suggested moving the Levin Recycling Station would reduce the amount of commercial dumping of recyclables at the station. Council also had to address the issue of green waste.

Mr de Burgh further noted:

- there would be no additional costs arising from moving the Levin Recycling Station to Sheffield Street. There would be no charge for dropping off recyclables;
- the Levin Business Association had discussed the matter at its last meeting and supported the move. It could see the benefit of freeing up car parks and getting rid of an eye-sore.
- discussions had also been held with Grey Power. Whilst there had not been an opportunity for it to be widely discussed within that organisation, the general consensus was that because of kerbside recycling most older residents would not be using the recycling centre as often as in the past.

## **Resolved**

(McMeeken / Hunt)

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

*“THAT Officers negotiate the relocation and operation of the Levin Recycling Station from the Long Term Carpark, corner Salisbury and Bath Streets to a suitable site on Sheffield Street, Levin.”*

*“THAT Officers discuss the future of the Waitarere Beach recycling station in the first instance, with the Waitarere Ratepayers and Residents Association at their meeting on 16 August 2010.”*

*“THAT Officers discuss the future of the Foxton and Foxton Beach recycling stations with the Foxton Community Board at its meeting on 30 August 2010.”*

*“THAT the Tokomaru, Opiki and Shannon stations remain unchanged in location and levels of service.”*

## **Item-1944 District Plan Review: Open Space Study**

**File No**                **4253**

### **Purpose**

To consider the allocation of funding from Financial Contributions received by the Council for the District Plan Review.

## **Resolved**

(Keenan / McMeeken)

*“THAT Report 4253 on District Plan Review - Open Space Study be received.”*

Mr Ernie Crombie expressed his concern that funding for this study would be coming out of Development Contributions. He believed that money should be channelled back into infrastructure for the benefit of the community.

Mr Thomas, in speaking to this report, explained that there was a difference between Financial Contributions, collected under the provisions of the RMA and Development Contributions. Development Contributions were not the subject to this report. Development Contributions were held in a 'separate bucket' and would be allocated to the infrastructure for which they were collected.

Financial Contributions were monies collected from subdivisions approved in the 2005/06 financial year and the funding could be used for various services, including what was proposed here.

## **Resolved**

(Allan / McMeeken)

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

*"THAT the Financial Manager be authorised to allocate an additional sum of \$121,000 from unallocated Financial Contributions received to the District Plan Review project for the purpose of the proposed Open Space Study set out in the report."*

## **Item-1945 Amendment to HDC Skateboard Bylaw 2007**

**File No**            **4260**

### **Purpose**

To bring back to the table Report 4225 dated 7 July 2010, as resolved:

"Subject: Amendment to HDC Skateboard Bylaw 2007

Resolved: (Shaw/McMeeken)

"That Report 4225 be received."

Mr Thomas spoke to this report, saying it was self explanatory, with the aim being to extend the Bylaw to preclude skate boarding in the Cenotaph area.

The following was raised in discussion:

- To reflect the proposed name change for the area, Remembrance Park should be included in the recommendation rather than the Levin Public Gardens;
- There was the possibility that bicycles could be inappropriately ridden in the area and these should be covered by any bylaw change.

To allow investigation into the exclusion of bicycles from the area as well as skateboards, this matter was laid on the table, to come back to the August 2010 Council meeting."

## **Resolved**

(Murray / McMeeken)

*"THAT Report 4260 be received."*

## Resolved

(Murray / McMeeken)

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

*“THAT the amendment proposed to this Bylaw, and as detailed in Clause 5, Option 3 of Report 4225, be adopted as a minor amendment as defined by s156(2)(a) of the Local Government Act 2002.”*

*“THAT Schedule A to the Horowhenua District Council Skateboard Bylaw 2007 be amended by including in the schedule “Remembrance Park, Cenotaph area.”*

*“THAT the bylaw amendment take effect from 5 August 2010, being the day following resolution by Council.”*

*“THAT Council give public notice of this amendment following adoption.”*

*“THAT the matter of bicycles being inappropriately ridden in this area be considered during the review of bylaws scheduled to commence in 2011.”*

## Item-1946 Dog Control Policy and Practices 2009/10 Annual Report

**File No**            **4244**

### Purpose

To propose the adoption of the Horowhenua District Council Annual Report on Dog Control Policy and Practices for 2009/10, **attached** as Attachment A.

## Resolved

(Allan / McMeeken)

*“THAT Report 4244 be received.”*

It was agreed that the word “daily” remain in recommendation e. because it was a statutory requirement, but the words “one or more” be removed because it was ambiguous.

## Resolved

(Allan / McMeeken)

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

*“THAT Council adopts the Report on Dog Control Policy and Practices 2009/10, **attached** as Attachment A, as required by s10A of the Dog Control Act 1996.”*

*“THAT within one (1) month of adoption of the Report (recommendation ‘c’ above) a copy is forwarded to the Secretary of Local Government as required by s10A(4) of the Dog Control Act 1996.”*

*“THAT Council resolves to give public notice, as required by s10A(3) of the Dog Control Act 1996, of the adoption of the report by means of a notice published in a daily newspaper circulating in the District, and by any means that Council thinks desirable in the circumstances, for example the “Community Connection” newsletter.”*

**Item-1947 Horowhenua District Licensing Agency Annual Report for Year Ended 30 June 2010 to the Liquor Licensing Authority**

**File No** 4243

**Purpose**

To present to Council the Horowhenua District Licensing Agency's Annual Report for the year ended 30 June 2010 to the Liquor Licensing Authority for its information.

**Resolved**

(McMeeken / Murray)

*"THAT Report 4243 be received."*

Cr McMeeken requested information on the one Controlled Purchase Operation that had been undertaken with Local Policy and Health Services as noted on the bottom of page 100 of the Agenda.

NOTED

**Item-1948 Liquor Licensing Matters from 21 April 2010 to 20 July 2010**

**File No** 4254

**Purpose**

To update matters relating to liquor licensing for the period 21 April 2010 to 20 July 2010.

**Resolved**

(Keenan / McMeeken)

*"THAT Report 4254 be received."*

*"THAT the Licences and Managers' Certificates as scheduled in Part 3(a) of this report, which have been granted or renewed under delegation, be ratified."*

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

**Item-1949 SH56 Wilsons Road - Proposed Road Name**

**File No** 4257

**Purpose**

To select a name for a side road off SH56 near Wilsons Road (as shown on the attached plan).

**Resolved**

(McMeeken / Allan)

*"THAT Report 4257 be received."*

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

*“THAT the name of the new road resulting from the realignment of State Highway 56 near Wilsons Road be Syd Claridge Road.”*

**Item-1950 Lot 16 Buckley Road, Shannon - Proposed Road Name**

**File No**            **4256**

**Purpose**

To select a road name for the private road in the Wayne Bishop Builder Ltd subdivision as shown on the attached plan (Council reference SUB/2936/2010) off Buckley Road, Shannon.

**Resolved**

(McMeeken / Good)

*“THAT Report 4256 be received.”*

Mr Thomas advised that the applicant had requested that the recommended road name be amended to Glade Park Lane.

**Resolved**

(McMeeken / Good)

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

*“THAT the new road name for the private road in the Wayne Bishop Builder Ltd subdivision (Council reference SUB/2936/2010) be Glade Park Lane.”*

**Item-1951 Paetata Farm Ltd , 471 Waikawa Beach Road - Proposed Road Name**

**File No**            **4255**

**Purpose**

To select a road name for the public road in the Paetata Farm Ltd subdivision as shown on the attached plan (Council reference RS/1294/2006) off Emma Drive.

**Resolved**

(Allan / McMeeken)

*“THAT Report 4255 be received.”*

A requested amendment from the applicant that the road name be Kristin ‘Road’, rather than ‘Place’, was not agreed to.

**Resolved**

(Allan / McMeeken)

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

*“THAT the new road name for the public road in the Paetata Farm Ltd subdivision (Council reference RS/1294/2006) be Kristin Place.”*

#### **Item-1952 Manawatu River Leaders' Forum - Accord**

**File No**            **4258**

#### **Purpose**

The purpose of this report is to bring Councillors up to date with progress made by the Manawatu River Leaders' Forum and seek ratification of a "Leaders' Accord" agreed at the 12 July 2010 meeting.

#### **Resolved**

(Hunt / Murray)

*“THAT Report 4258 be received. “*

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

*“THAT the Horowhenua District Council ratifies the Manawatu River Leaders' Forum “Leaders' Accord,” as attached.”*

His Worship the Mayor advised that the Manawatu River Leaders' Forum "Leaders Accord" was due to be signed on Monday 9 August 2010. This was a high level document which had no monetary commitment. It acknowledged that something needed to be done to address River issues and that those involved would work collectively to find solutions for what was a 30 year project. He was pleased with Horowhenua's input to date. The whole region would be kept advised of progress through media releases and this would be the responsibility of the Regional Council.

#### **Item-1953 Chief Executive Officer's Report to 4 August 2010**

**File No**            **4249**

#### **Purpose**

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

#### **Resolved**

(Good / Rush)

*“THAT Report 4249 be received.”*

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

#### 3.b. Shannon Water Wheel

Mr Ward gave an update following a recent visit and the steps that would now be required to progress the project.

## **Item-1954 Documents Executed and Electronic Transactions Authorities Signed**

**File No**            **4251**

### **Purpose**

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

### **Resolved**

(Hunt / Allan)

*“THAT Report 4251 be received.”*

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

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

- i. Bond binding Helen Christine Page Hanify to Horowhenua District Council in the sum of Two Thousand Five Hundred Dollars (\$2,500.00) to comply with conditions on shifting a building onto Lot 6 DP 23056 with an area of 862m<sup>2</sup> comprised in Certificate of Title WN966/52 - 43 Kingi Street, Hokio Beach*
- ii. Electronic Transaction authority relating to sale of Lot 78 DP 400224 to Anthony Alexander Burrell, 33 Forbes Road, Foxton Beach*
- iii. Bond to bind Bruce James Eccles, Kirstin Woolford and Ian Alastair Greig to Horowhenua District Council in the sum of Fifteen Thousand Dollars (\$15,000.00) plus GST being balance of the Development Contribution due to Council in respect to subdivision at 144 Winchester Street, Levin being Lots 1, 2 and 3 DP 390968.*
- iv. New lease Foxton Golf Club on Part Section 477 Block 1 Mount Robinson Survey District as part of Target Reserve State Highway 1, Foxton North for a period of ten (10) years from 1 July 2010.*
- v. New lease Thompson House Cultural Centre on part of Lot 1 DP 45727 as part of Levin Gardens at 4 Kent Street, Levin for a period of then (10) years from 1 July 2010.*
- vi. Deed of Renewal and Rent Review Telecom Mobile Limited and Horowhenua District Council for the Foxton network site on Foxton water tower, Seaview Gardens Reserve, Foxton*
- vii. Electronic transaction Authority relating to purchase of accessway Palmer Road-Taylor Road, Foxton Beach and the cancellation of a superfluous easement.*

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

*Contract No. 9/28 : Foxton Wastewater Renewals.”*

In relation to the income derived from the new lease of the Foxton Golf Club, Mr Ward confirmed that the revenue would be expended as required by legislation.

## **Item-1955 Resource Consents Considered Under Delegated Authority**

**File No**            **4250**

### **Purpose**

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

## Resolved

(Good / Rush)

*“THAT Report 4250 be received.”*

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

*“THAT the Land Use and Subdivision Resource Consents be received as follows:*

### **All Subdivision Resource Consents Granted Under Delegated Authority 25/06/10 to 23/07/10**

<b>Granted Date</b>	<b>File Ref</b>	<b>Subdivider</b>	<b>Address</b>
29-Jun-10	2962	Malcolm & Wendy Squire	113-135 Williams Road, Tokomaru Rural
30-Jun-10	2966	Su Properties Limited	Lot 203 Barry Curtis Place, Levin
9-Jul-10	2967	Peter & Gillian Humphreys	95 Wallace Loop Road, Levin Rural
12-Jul-10	2949	Adrian & Robyn Mourie	90 North Manakau Road, Manakau Rural
19-Jul-10	2963	Waitarere Rise Limited	85 Waitarere Rise Avenue, Waitarere Beach Rural

### **All Land Use Resource Consents Granted Under Delegated Authority 25/06/10 to 23/07/10**

<b>Granted Date</b>	<b>File Ref</b>	<b>Applicant</b>	<b>Address</b>
25-Jun-10	2953	Donald & Colleen Tombs	30 Trafalgar Street, Levin
25-Jun-10	2946	Kieran King & Sarah Martin	191 Hokio Sand Road, Levin Rural
30-Jun-10	2930	Colin Porter & Angeline McLeod	14 Thynne Street, Foxton
7-Jul-10	2965	McDonalds Restaurants (NZ) Limited	267-273 Oxford Street, Levin
13-Jul-10	2958	James & Elizabeth MacKie	65 Waitarere-Hokio Road, Levin Rural
16-Jul-10	2975	MidCentral District Health Board	62-76 Liverpool Street, Levin
19-Jul-10	2969	Brian & Diana Lyall	577 Waikawa Beach Road, Waikawa Beach Rural
21-Jul-10	2977	Catherine Lawrie	48 Waihou Road, Levin Rural.”

## MOTION TO EXCLUDE THE PUBLIC

### Resolved

(Rush / Murray)

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

*This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982,*

*as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public."*

**Confirmation of Minutes Ordinary Meeting 7 July 2010 (Minute Items 1933-1934)**

**Item 1956 - Foxton Community Board In Committee Minutes 19 July 2010**

**Item 1957 - Hearing Committee In Committee Minutes 12 March 2010**

**Item 1958 - Property Matters**

**Item 1959 - In Committee Horowhenua District Council Monitoring Report to 4 August 2010**

**Reasons for Confidentiality**

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

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

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

- 7(2a) Protect the privacy of natural persons, including that of deceased natural persons.
- 7(2b) Protect information where the making available of the information-
  - (i) Would disclose a trade secret; or
  - (ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
- 7(2i) Enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
- 7(2j) Prevent the disclosure or use of official information for improper gain or improper advantage.

**MEETING CLOSURE**

There being no further business the meeting concluded at 8.55 pm.

CONFIRMED this            day of

.....  
**Chairperson**