

Notice is hereby given that an ordinary meeting of the Foxton Community Board will be held on:

Date: Monday 25 March 2019
Time: 6.00 pm
Meeting Room: Blue Room
Venue: Te Awahou Nieuwe Stroom
22 Harbour Street
Foxton

Foxton Community Board

OPEN AGENDA

MEMBERSHIP

Chairperson	Mr David Roache	
Deputy Chairperson	Ms Tricia Metcalf	
Members	Mr David Allan	
	Cr Neville Gimblett	
	Mr John Girling	
	Ms Jenny Lundie	
	Mr Kenyon Hunia	(Student Appointee)
Reporting Officer	Mr Mark Lester	(Group Manager – Corporate Services)
Meeting Secretary	Mrs Karen Corkill	

Contact Telephone: 06 366 0999
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Website: www.horowhenua.govt.nz

Full Agendas are available on Council's website
www.horowhenua.govt.nz

Full Agendas are also available to be collected from:
Horowhenua District Council Service Centre, 126 Oxford Street, Levin
Te Awahou Nieuwe Stroom, Foxton,
Shannon Service Centre/Library, Plimmer Terrace, Shannon
and Te Takeretanga o Kura-hau-pō, Bath Street, Levin

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1 Apologies

2 Public Participation

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.

See over the page for further information on Public Participation.

3 Late Items

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

4 Declaration of interest

Members are reminded of their obligation to declare any conflicts of interest in writing they might have in respect of the items on this Agenda.

5 Confirmation of Minutes

5.1 Meeting minutes Foxton Community Board, 28 January 2019

6 Announcements

Foxton (&) Beach Community Patrol

There will be a presentation from the Foxton (&) Beach Community Patrol.

Presentation on the Horowhenua Integrated Transport Strategy

Cynthia Ward, Council's Principal Policy Advisor, will give a presentation on the Horowhenua Integrated Transport Strategy (HITS)

Horowhenua District Council Update

There will be an update on matters of current Council focus.

Update from the FCB Chair

There will be the regular update from the Chair on matters that have been undertaken on behalf of the Board.

Foxton Beach Progressive Association Inc Update

As provided for in the MOU between the Board and the Association.

Public Participation (further information):

The ability to speak at Council and Community Board meetings provides the opportunity for members of the public to express their opinions/views to Elected Members as they relate to the agenda item to be considered by the meeting.

Speakers may (within the time allotted and through the Chairperson) ask Elected Members questions as they relate to the agenda item to be considered by the meeting, however that right does not naturally extend to question Council Officers or to take the opportunity to address the public audience be that in the gallery itself or via the livestreaming. Council Officers are available to offer advice too and answer questions from Elected Members when the meeting is formally considering the agenda item i.e. on completion of Public Participation.

Meeting protocols

1. All speakers shall address the Chair and Elected Members, not other members of the public be that in the gallery itself or via livestreaming.
2. A meeting is not a forum for complaints about Council staff or Council contractors. Those issues should be addressed direct to the CEO and not at a Council, Community Board or Committee meeting.
3. Elected members may address the speaker with questions or for clarification on an item, but when the topic is discussed Members shall address the Chair.
4. All persons present must show respect and courtesy to those who are speaking and not interrupt nor speak out of turn.
5. Any person asked more than once to be quiet will be asked to leave the meeting

Notice of Motion

File No.: 19/78

1. Purpose

In accordance with Standing Order 26, a Notice of Motion (NoM) has been received from Foxton Community Board (FCB) Deputy Chair, Tricia Metcalf, with the request that it be placed on the agenda for the 25 March 2019 FCB meeting.

The purpose of this report is to provide Ms Metcalf the opportunity to speak to this Notice of Motion.

2. Recommendation

- 2.1 That Report 19/78 Notice of Motion be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the following Notice of Motion is considered by the Foxton Community Board:

“That the Foxton Community Board asks the Councillors of the Horowhenua District Council to request Local Government New Zealand to lobby the Inland Revenue to provide tax relief to building owners for the compulsory earthquake strengthening of their buildings either by way of reinstating depreciation or some other tax relief for earthquake compliance costs.”

3. Issues for Consideration

The rationale (provided by the Deputy Chair) for the NoM:

- At present depreciation for buildings is rated at zero %, i.e. no tax claim is allowed for depreciation;
- Earthquake strengthening is capital expenditure in nature and not claimable as repairs and maintenance;
- Repairs and maintenance, even if significant, is allowed for fixing like with like. Earthquake strengthening is an improvement on what was there before and has to be capitalised;
- The thousands of dollars spent on getting a building up to the required earthquake standard is a black whole:
 - A building with a \$180,000 fix up is not adding value to the building from the pre-earthquake standards
 - But it certainly will drop the value for a prospective new buyer.
- To say buildings appreciate and do not depreciate is not true for commercial buildings that are required to comply with earthquake standards.

Attached to this report is Local Government New Zealand’s Remit Policy. If this NoM is supported by the Foxton Community Board and Council, the next step will be to seek support from other Councils as per point No. 3 in LGNZ’s Remit Policy. So Council does not have to approach five other Councils individually, the next opportunity to seek that support will be at the Zone 3 meeting to be held on 4 & 5 April 2019.

Given there is no Council meeting scheduled prior to the Zone 3 meeting, it is suggested that if the NoM is supported by the Community Board, it be included on the 27 March Finance, Audit & Risk Agenda (a Committee of full Council) for consideration.

Attachments

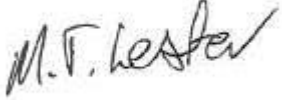
No.	Title	Page
A	Notice of Motion - Foxton Community Board Meeting 25 March 2019 - Patricia Metcalf - 18 March 2019	9
B	LGNZ Remit Policy	10

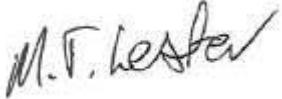
Confirmation of statutory compliance

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

- containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- 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.

Signatories

Author(s)	Mark Lester Group Manager - Corporate Services	
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Approved by	Mark Lester Group Manager - Corporate Services	
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Items for Foxton Community Board Meeting 25 March 2019

Patricia Metcalf



1.

Notice of Motion

"That the Foxton Community Board ask the Councillors of the Horowhenua District Council request LGNZ to lobby the Inland Revenue to provide tax relief to building owners for the compulsory earthquake strengthening of their buildings either by way of reinstating depreciation or some other tax relief for earthquake compliance costs."

Rationale:

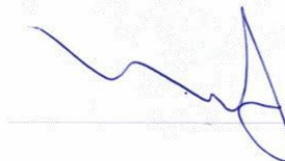
- At present Depreciation for buildings is rated at zero %, ie no tax claim is allowed for depreciation.
- Earthquake strengthening is capital expenditure in nature and not claimable as repairs and maintenance.
- Repairs and maintenance even if it is significant is allowed for fixing like with like. Earthquake strengthening is an improvement on what was there before has to be capitalised.
- The thousands of dollars spent on getting a building up to the required earthquake standard is a black whole.
 - A building with a \$180,000 fix up is not adding value to the building from the pre earthquake standards
 - But it certainly will drop the value for a prospective new buyer

To say building appreciate and do not deprecate is not true for commercial buildings that are required to comply with Earthquake standards

If six councils get together and say the same thing, LGNZ will lobby the government for this change.

Let Horowhenua take the lead to start the ball rolling

Date: 18 March 2019


Patricia Metcalf

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LOCAL GOVERNMENT NEW ZEALAND REMIT POLICY

The criteria for considering remits were reviewed in March 1999 and National Council adopted the following Remits Screening Policy:

1. Remits must be relevant to local government as a whole rather than exclusively relevant to a single zone or sector group (or an individual council.)
2. Remits should be of a major policy nature (constitutional and substantive policy) rather than matters that can be dealt with by administrative action.
3. Remits must have formal support from at least one zone or sector group meeting, or five Councils, prior to their being submitted, in order for the proposer to assess support, clarity of the proposal etc.
4. Remits defeated at the AGM in two successive years will not be permitted to go forward.
5. Remits will be assessed to determine whether the matters raised can be actioned by alternative, and equally valid, means to achieve the desired outcome.
6. Remits that deal with issues or matters currently being actioned by LGNZ may also be declined on the grounds that the matters raised are "in-hand." This does not include remits that deal with the same issue but from a different point of view.
7. Remits must be accompanied by background information and research to show that the matter warrants consideration by delegates. Such background should show:
 - the nature of the issue
 - the background to its being raised
 - the issue's relationship, if any, to the current Work Programme and its objectives
 - the level of work, if any, already undertaken on the issue by the proposer, and outcomes to date
 - the outcomes of any zone or sector meetings which have discussed the issue
 - suggested actions that could be taken by LGNZ should the remit be adopted.

Process

Under the remits process:

- a remits committee (comprising the President, Vice Presidents and chief executive) is to be formed to review and assess proposed remits against the criteria described in this policy
- to allow time for the remits committee to properly assess remits, all proposed remits and accompanying information are forwarded to LGNZ within two months prior to the AGM

- prior to their assessment meeting, the remits committee will receive a staff report on each remit. The reports will assess each remit against the criteria outlined in this policy
- proposers whose remits fail to meet the tests imposed by this policy will be informed prior to the AGM of the Committee's decision, alternative actions available, and the reasons behind the decision.

To ensure quality preparation for members' consideration at the AGM, the committee will not consider or take forward proposed remits that do not meet this policy, or are received after the due date.

General

Remits discussed at the AGM will be presented in the AGM Business Papers that will be with delegates not later than 2 weeks before the AGM, as required by the Rules.

Monitoring Report to 25 March 2019

File No.: 19/60

1. Purpose

To present to Foxton Community Board the updated monitoring report covering requested actions from previous meetings of the Community Board.

2. Recommendation

- 2.1 That Report 19/60 Monitoring Report to 25 March 2019 be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

Attachments

No.	Title	Page
A	Foxton Community Board Monitoring Report from July 2018	14

Confirmation of statutory compliance

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

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

Signatories

Author(s)	David Clapperton Chief Executive	
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Approved by	David Clapperton Chief Executive	
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Item No	Meeting Date	Item Description	Resolved/ Proposed Action	Responsible Officer	Action by	Status	Officer Comment
14/674	16 Nov 2016 30 July 2018 10 Sept 2018	<u>Target Reserve Strategic Plan</u>	Reactivation of the Target Reserve User Group requested	A Nelson 04.12.2018 18.03.2019		On-going	<p>Target Reserve is not being considered under Council's Property Strategy Plan to be deferred so that it can be considered in parallel with the potential development of Victoria Park as per objective 9.7.3 in the recently adopted Combined Foxton Reserves Management Plan.</p> <p>The RMP recognises that an integrated development of these two major green spaces in Foxton provide a high-profile opportunity to develop the community as a destination. Discussion paper to be presented to FCB in strategic workshop</p> <p>A meeting of the Target Reserve User Group is being organised for April. Following the initial meeting the intention will be to meet on a regular basis thereafter.</p>
16/16	26 June 2017 7 May 2018	<u>Chief Executive's Report – Kings Canal and Purcell Street Stormwater Catchment</u>	<i>THAT the Foxton Community Board urges Horizons Regional Council to change the ratio of how the Foxton Stormwater Rate is being charged out between the exacerbator and the Foxton Township</i>	D Clapperton			

Item No	Meeting Date	Item Description	Resolved/ Proposed Action	Responsible Officer	Action by	Status	Officer Comment
	30 July 18 28 January 2019		<p><i>with the exacerbator to pay a higher share and with the Foxton portion of the rate to be harmonised over the whole of the Horowhenua District.</i></p> <p><u>OR</u> The CE to propose to Horizons that the HDC share could be changed to 60% and have HRC pay the remainder which could be rated over the whole district.</p>			Completed	<p>Independent Consultant to be engaged</p> <p>An update on this in the January 2019 CE's report.</p> <p>The current proposal is for HDC to fund 60% of the cost and HRC to fund the remaining 40%. The final design and associated total project cost are yet to be finalised.</p>
	21 Nov 2016 3 April 2017 26 June 17 7 Aug 2017	<p><u>Increasing parking capacity in Thomas Place</u></p>	<p><i>THAT the Foxton Community Board requests an Officer's report on increasing the parking capacity in Thomas Place,</i></p>	J Wallace			<p>Design work has been completed. A schedule of prices is under negotiation with the contractor and a budget needs to be identified, with it proposed for the project to commence next financial year.</p>

Item No	Meeting Date	Item Description	Resolved/ Proposed Action	Responsible Officer	Action by	Status	Officer Comment
	11 Dec 17 28 Mar 18 18 Jun 18 30 July 18 March 2019		<i>Foxton Beach.</i>				The school has confirmed that Council can initiate providing an easement to access MoE land to accommodate increased parking capacity
17/39	26 March 2018 10 Sept 2018 28 January 2019	<u>Foxton Beach Reserves Investment Plan</u>	Reporting on current projects to be provided on a quarterly basis Works at Nash Parade/Holben Reserve to be included in future workshop, with FBPA to be invited to attend	S Hester		Ongoing	A workshop was held on 15 October 2018. Quarterly reports on the Plan will now commence in May 2019, to include the work that is proposed for the wetland at Holben Reserve including the drafting of a tender specification for the wetland design.
18/209	7 May 2018 10 Sept 2018 10 Dec 2018	<u>CE's Report – MAVtech</u>	A feasibility study on how the facility could be utilised in a sustainable manner going forward to be undertaken	D Clapperton			Workshop E and Cathy McCartney working with Trust to develop business case model for the future MAVtech timeline queried. Update requested for Oct FCB meeting Workshop on concept plan held. Next step is feasibility study.

Item No	Meeting Date	Item Description	Resolved/ Proposed Action	Responsible Officer	Action by	Status	Officer Comment
	30 July 2018 28 January 2019	<u>Forbes Road Subdivision – Freeholding A/c</u>	Report on further development of the Subdivision to be brought to the Board in the near future. Timeline queried for the receipt of the further Forbes Road Subdivision report			Completed	The feasibility study is underway and will be completed by the end of June 2019. Timeline of December 2018 advised by CE for the further report on the Forbes Road Subdivision. Initial background analysis and planning was completed late 2018 on a Master Plan to enable development at Foxton Beach. Work is currently being undertaken to understand the level of Seismic Risk (Liquefaction) and with Iwi to commission a Cultural Values Report prior to continuing with the next stage of the Master Plan to develop road and section layout options.
18/423	10 Sept 2018 29 Oct 2018	<u>Monitoring Report - Sand Dune Management</u>	As the fore-dunes were still an issue, this to remain on the Monitoring Report. A meeting requested between HRC, HDC and FCB <i>THAT the Foxton Community Board</i>	A Nelson			A public meeting is proposed for Sunday, 16 December 2018, 2.00 pm at the Foxton Beach School Hall. Subsequent to recent conversations between Cr Brannigan and the Consent Monitoring staff at HRC a further approach is being made to HRC to clarify their position on lowering the sand dunes. For information and to provide some context, attached is the HRC Change of Conditions for the Foxton Beach

Item No	Meeting Date	Item Description	Resolved/ Proposed Action	Responsible Officer	Action by	Status	Officer Comment
	10 Dec 2018		<p><i>proceeds with consulting with the Foxton Beach community on funding a sand dune Ecological Assessment and Resource Consent Application, from the Foxton Beach Freeholding Fund.</i></p> <p><i>THAT should the public consultation be favourable, a recommendation is made to Council to use the Foxton Beach Freeholding Account to fund the Ecological Report and Resource Consent Application, assuming the ecological report is satisfactory.</i></p>		04.12.2018		<p>Seawall Consent 102904/1</p> <p>Officers are in the process of writing to Horizons Regional Council to gain some further clarification in respect of potential foredune works</p> <p>Proposed public meeting deferred awaiting a response from HRC as to what work can be done under the existing consent.</p> <p>Greg Bevin, Consents Manager at Horizons Regional Council, has confirmed that the existing maintenance provisions relating to</p>

Item No	Meeting Date	Item Description	Resolved/ Proposed Action	Responsible Officer	Action by	Status	Officer Comment
	28 January 2019		<p><i>THAT the Foxton Community Board supports the Horowhenua District Council in applying for either a new consent or a variation of the current consent to allow the dune to be lowered and for the dune to be maintained in its lowered state.</i></p>				<p>Consent 102904/1 relate only to the maintenance and performance of the concrete seawall. Maintenance can be undertaken to ensure the seawall performs as designed. Lowering and removal of the sand dune is not considered by HRC to be covered under the maintenance provisions of the consent.</p> <p>Officers are happy to progress an initial ecological report in relation to the matter should funding be agreed from the Freeholding account.</p> <p>Officers submitted a proposal to HRC on 11 February 2019 to undertake sand dune lowering under the existing maintenance provisions of 102904/1. A response was received on 5 March 2019 from HRC requesting more information. Officers will be following up on this request asap. A timeline going forward will be dependent on HRC's response to the feedback received.</p>

Item No	Meeting Date	Item Description	Resolved/ Proposed Action	Responsible Officer	Action by	Status	Officer Comment
18/637	10 Dec 2018	<u>Chief Executive's Report – 3.1 NZ Community Board's Conference</u>	<i>THAT, subject to what is included in the Agenda, Board Members Lundie and Metcalf (with the Chair as a reserve) be the attendees at the NZ Community Boards Conference scheduled for 11-13 April 2019 in New Plymouth.</i>	M Lester	31 March 2019	Completed	Registrations tendered.
		<u>3.2 FCB Meeting Schedule 2019</u>	Quarterly strategic workshop format to be prepared for consideration.	M Lester	25 February 2019		The first strategic workshop is yet to be scheduled. Awaiting commencement of Marketing Specialist – Te Awahou Nieuwe Stroom
		<u>3.5 Signage – Foxton & Foxton Beach</u>	Follow up with Parks & Property to see if some signage could be expedited.	M Lester A Nelson	15.12.2018 15.01.2019		Foxton Beach Residents Association, the FDTA, and Foxton Community Board have requested some improvements to wayfinding and destination signage within Foxton Beach. The aspiration is to develop a suite of signage that defines Foxton Beach as a tourist destination and provides some continuity/corporate branding. The work requested cuts across a range of Council services particularly Roading and Parks and Property and as such requires an integrated and planned response to maximise short-term and longer-term

Item No	Meeting Date	Item Description	Resolved/ Proposed Action	Responsible Officer	Action by	Status	Officer Comment
	28 January 2019		Manawatū Estuary Trust requested to provide a list of what signs they would like and where				<p>outcomes that meets strategic and legal imperatives. Officers from Communications, Rooding, and P&P will engage with FBRA, FTDA, FCB early in the New Year to develop a design concept that delivers the appropriate outcomes. Currently no budget has been identified for the works.</p> <p>Still to be progressed.</p>
18/661	10 Dec 2018	<u>Recording of Foxton Community Board Meetings</u>	Guidelines to be prepared for the Board's consideration as to how recording could be tailored for FCB meetings	M Lester	25 March 2019		After discussion with the Board Chairperson, the suggested amendment to the Board's Standing Orders (in alignment with Council's) is included in the CE's Report on this agenda for consideration.

Chief Executive's Report to 25 March 2019

File No.: 19/63

1. Purpose

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

2. Recommendation

- 2.1 That Report 19/63 Chief Executive's Report to 25 March 2019 be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the filming and recording of Foxton Community Board meetings (including In Committee) is not permitted by Elected Members or members of the public unless resolved otherwise by the Board on a case by case basis.
- 2.4 That Standing Orders be amended to reflect the change.

3. Issues for Consideration

3.1 Foxton Beach Progressive Association – Chairperson's Report

A report from the Chair of the Foxton Beach Progressive Association is **attached**.

3.2 Recording of Foxton Community Board Meetings

The 10 December 2018 FCB Agenda contained a report which provided the opportunity for the Board to consider putting in place a mechanism to regulate the recording (both audio and visual), of its meetings by Elected Members and members of the public, in line with the change to Standing Orders adopted by Council. Because the FCB meetings are not live streamed nor audio recorded, whether or not such a mechanism was required was discussed and Mr Lester was requested to come back with some guidelines as to how recording could be tailored for FCB Meetings.

After further consideration and discussion with the Board Chair and Deputy Chair, it is again suggested that the Board follow Council's example and change Standing Orders to permit filming and recording by Elected Members or members of the public only when resolved by the Board on a case by case basis.

A copy of the 10 December 2018 report to the Board is attached for background information.

3.3 Foxton Pool Update

A March 2019 update on Foxton Pool is **attached** for information.

3.3 Manawatu Estuary Trust – Meeting Minutes – 5 February 2019

The 5 February 2019 Manawatu Estuary Trust Meeting Minutes are **attached** for information.

3.4 Foxton Beach Freeholding Account

Attached to this report is a copy of the updated Foxton Beach Freeholding Fund projected forecast.

Attachments



No.	Title	Page
A	Foxton Beach Progressive Association Inc: - Chairperson's Report to 25 March 2019 FCB meeting	25
B	Foxton Community Board Report Recording of Foxton Community Board Meetings 10 December 2018	26
C	Foxton Swimming Pool Season update March 2019	28
D	Manawatu Estuary Trust - Minutes 5 February 2019	30
E	Financial Reporting - Foxton Beach Freehold Account - 28 February 2019	33

Confirmation of statutory compliance

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

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

Signatories

Author(s)	David Clapperton Chief Executive	
Approved by	David Clapperton Chief Executive	

Foxton Beach Progressive Association Inc:

Chairperson's Report to Foxton Community Board Meeting 25/03/2019.

This report updates the Board on significant activities of the Association. We intend to offer these reports to each Board meeting. While this report covers matters since late 2018, subsequent reports will cover the two months between Board meetings. Our talking points will appear at the end of the report.

SIGNIFICANT ASSOCIATION BUSINESS SINCE LATE 2018:

1. A report about how FB Freeholding Fund could serve FB people in future was recently completed. This summarized results of consultation, and offered proposals. HDC has now decided to undertake a 10-year review of policy & strategy. The Association's suggestions will go forward to the community-led review. These propose:- funding priority for planned projects and purposes; criteria which ensures benefit and fairness to FB people; clearer accounts presentation; good information and review for FB people.
2. We have been working to initiate a 10+year Development Plan for FB. Members requested this in anticipation of expected growth and change affecting our community. Commencing soon, there can be participation by all relevant parties including the Board. The Council is strongly supportive.
3. Community Safety: With Community Patrols now underway since before last Christmas, we have been supporting Anthonie and his team's efforts to obtain funding and a dedicated vehicle. Our Ward councillors and CE, David Clapperton. have been enormously helpful. The Board is aware we want to make progress this year on investigating CCTV cameras for FB.
4. Investigation of Wellbeing & Health is uncovering several needs, including elder fitness facilities, local post-operative support, supportive listening, and better uptake and coverage of district nursing service at FB Community Centre.
5. We have or are progressing resolutions to Community Issues including:- some Dawick New Year Fair proceeds being expended locally; better signage; various project notifications and follow-ups; and reaching out to absentee bach-owners.
6. Submissions have been forwarded on:- upriver wastewater into Manawatu River; better funding & finance options for Councils; and H2040 neighbourhoods engagement. Our submission to the Annual Plan 2019/20 is next.

At the 25 March 11 2019 meeting we will address: The 10 Year Development Plan for Foxton Beach:

- Why and What?
- Value and use of this Plan.
- Likely Outcomes and Benefits.
- Who would participate?

Katherine Wilkinson – Chairperson, FBPAI, 13/3/2019.

Recording of Foxton Community Board Meetings

File No.: 18/661

1. Purpose

For the Foxton Community Board to consider putting in place a mechanism to regulate the recording (both audio and visual), of its meetings by Elected Members and members of the public.

2. Recommendation

- 2.1 That Report 18/661 Recording of Foxton Community Board Meetings be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the filming and recording of Foxton Community Board meetings (including In Committee) is not permitted by Elected Members or members of the public unless resolved otherwise by the Board on a case by case basis.
- 2.4 That Standing Orders be amended to reflect the change.

3. Issues for Consideration

- 3.1 Currently the Board's Standing Orders (11.4) allows for the recording of meetings by the public as long as the Chair is notified at the commencement of the meeting.
- 3.2 Council's Standing Orders also had that proviso. However, because of some recent issues, at its 10 October 2018 meeting Horowhenua District Council considered a Notice of Motion in relation to if, when and how its meetings could be recorded by Elected Members and members of the public.

It resolved:

That filming and recording of Council and all Committee meetings (including In Committee) and Council briefings is not permitted by Elected Members or members of the public unless resolved otherwise by the Council or the Committee on a case by case basis.

Council also resolved that its Standing Orders be amended to reflect the change.

- 3.3 The Board now has the opportunity to consider aligning its Standing Orders with those of Council, and providing a mechanism to regulate the recording of meetings going forward. Anyone wishing to record the meeting would need to submit a request to the Chair prior to, or at the commencement of, a meeting, which would then be considered by those around the table.
- 3.4 Any amendment to Standing Orders must be made by the Community Board through a vote of not less than 75% of the members present (see Standing Orders 3.2).

Attachments

There are no attachments for this report.

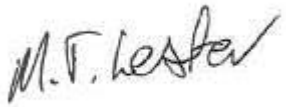
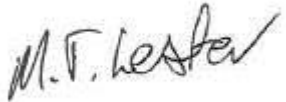
Confirmation of statutory compliance

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- 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.

Signatories

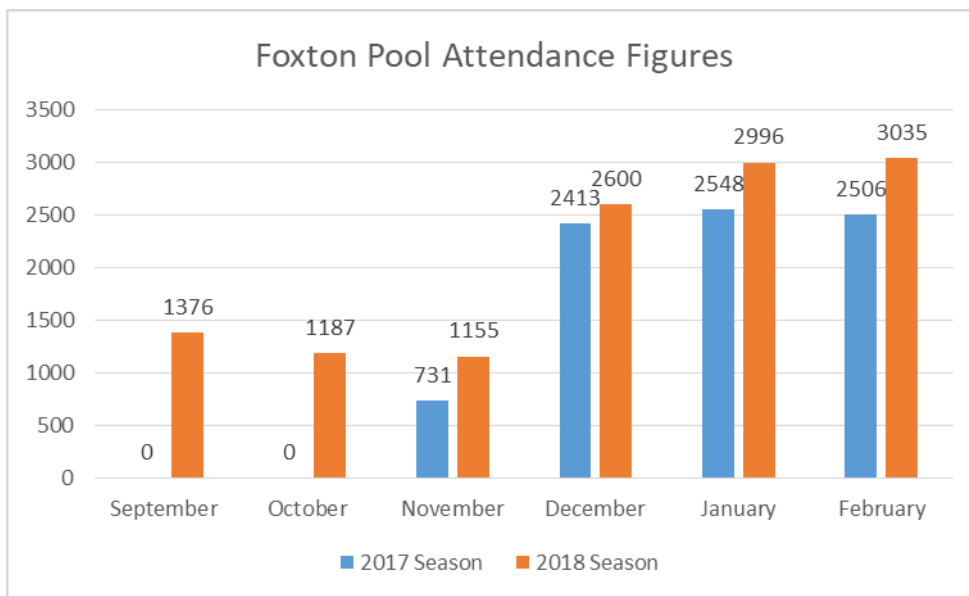
Author(s)	Mark Lester Group Manager - Corporate Services	
Approved by	Mark Lester Group Manager - Corporate Services	

Foxton Swimming Pool Season update March 2019

The following information provides an update on the Foxton Pool season at three quarters of the way through the 2019 opening season.

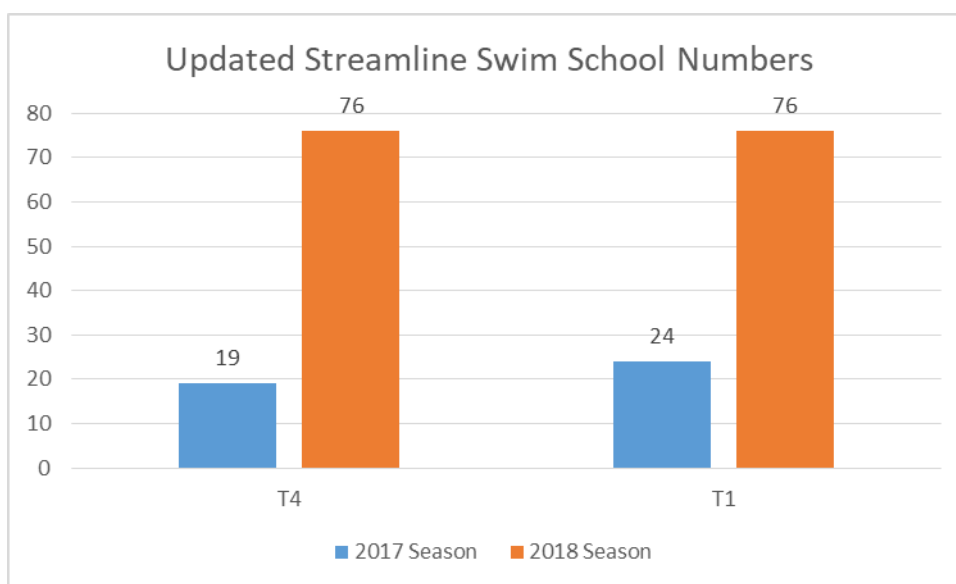
Attendance:

The attendance figures since opening are detailed in the graph below with the 2018 year also included for evaluation. The graph clearly illustrates an increase in attendance from previous years particularly through the summer months with a significant jump in February.



Streamline Swim School

Registration numbers for streamline swim school have been consistent for both terms at Foxton Pool. Both terms show a significant increase in registrations. It should be noted that the combined swim school registrations for Levin Aquatic Centre and Foxton Pool are the highest that they have been since 2012.



Aqua Classes

Aqua fitness classes continue to be popular in Foxton (Total combined numbers for January and February are 994). Classes have been consistently well attended by members of the public.

Activities and events

Since the last report there hasn't been too much in the way of events. School holidays finished at the end of January and the lets move together tri had to be cancelled due to inclement weather.

We will be looking to conclude the season with an event to mark the closure of the pool.

As reported in January Aquatics staff will spend some after the pool closes reviewing the events and activities offered throughout the eight months of operation and start planning early for opening of the 2019/20 Foxton pool season.

Brent Harvey
Community Facilities & Events Manager

MANAWATU ESTUARY TRUST
MINUTES OF TRUST BOARD MEETING
Held on 5 February 2019 at Holben Pavilion at 7pm

Present: Kelvin Lane, Derek Prior, Bob Hoskins, Arnim Littek, Terry Oliver-Ward, Tricia Metcalf, Christina Paton, Douglas Begg, Sean Hester (HDC), Abi Wightman (DOC)

Apologies

Kath Lane, John Story, Ross Brannigan, Phil Battley

Moved that apologies be accepted: Kelvin Lane; Seconded: Tricia Metcalf; Agreed

Minutes of last meeting

The minutes of the last meeting held after the AGM had been circulated. There were no matters arising.

Moved that the Minutes are a true and correct record: Tricia Metcalf; Seconded: Terry Oliver-Ward; Agreed

Correspondence

A list of the correspondence, both e-mail and hard copies had been circulated. The letter from the Heseltine Trust was read out.

Discussion:

- Kelvin updated the meeting on the Pahiatua and Foxton WWTP consents. He will attend any further meetings
- The e-mail from Craig Kidd (HDC) regarding people entering the Ramsar Site led to a discussion of what could be done. Christina Paton suggested we find out our legal rights to stop people entering the Bird Protection area. It decided that a letter be written to HDC and Horizons seeking clarification about what MET can legally do about people in the Ramsar site.
- Coastal Restoration Trust Conference: After discussion Kelvin moved that MET provide up to \$1000 towards a keen person attending the conference. Seconded: Terry Oliver-Ward: Agreed
- Christina suggested to Sean Hester that HDC should be sending someone to the conference.
- Liz Light's request for pictures of the estuary habitats: Kelvin suggested the MET CD might have something suitable. Terry Oliver-Ward offered to have a look and see if the pictures would be suitable for them to use.

Moved that the inward be received and the outward endorsed: Bob Hoskins; Seconded: Terry Oliver-Ward. Agreed

Financial Report

The financial report was tabled and Tricia Metcalf went through it in Kath Lane's absence. The Cheque Account balance as at 5.01.19 is \$77350.15. This included the donation from the Heseltine Trust of \$75825. The Savings Account 02 balance is \$3490.02; Term Deposit 03 Deposit balance is \$13310.25; Term Deposit 04 is \$13525.71.

Tricia Metcalf moved that the Treasure's Report be accepted and that a sum of \$25000 from the Cheque Account be put on Term Deposit for 3 months, and a further sum of \$50000 on a Term Deposit for 6 months; Seconded Bob Hoskins; Agreed

General Business

- 1. Heseltine Trust Donation:** Derek is to circulate a copy of the letter Kath Lane wrote to thank the Trust for the donation outlining how MET is proposing use the funds.

There was considerable discussion of the roof over the viewing platform proposal. The drawings and photos Kelvin had Allan Morgan draw up had been circulated to Trustees and a copy was tabled.

Sean Hester (HDC) explained that before further work can begin on planning for a roof over the platform, HDC would require proof of ownership. Currently the land is vested in HDC by DOC. The next step would be to look at what was needed to get building and resource consents which would involve HDC and Horizons. Abi Wightman (DOC), in reply to questions raised at an earlier meeting that Derek had e-mailed her, said that DOC supported the concept but didn't have any existing structures that might be suitable models. Derek reported that neighbours had already expressed their concern. Ross Brannigan has also received expressions of concern. Sean suggested that firstly MET get Allan Morgan to draw up more detailed plans, and once that was done that 2 MET representatives meet with Sean and some HDC Regulatory Staff to see what work was needed to proceed. Kelvin will approach Allan.

- 2. Farewell to the Birds:** Kelvin or Kath will liaise with Phil Battley on the best day and time.
- 3. 2019 Meeting Dates:** The first Tuesday of February, April, June, August, October. AGM in November will need to be confirmed nearer the time. Derek has already booked the Pavilion for these dates.
- 4. Signage around Ramsar Site:** Tricia Metcalf explained that the Community Board is looking at relevant signage and whether it was adequate, and Kath Lane will be part of the discussion.
- 5. Freyberg High School Visit to the Estuary:** Their visit in March will be on Friday 8, Monday 11, Tuesday 12, Thursday 14. Any MET members who can help please note these dates on your calendar. Let Derek know and he can forward more details when he gets them.
- 6. DOC Report (Abi Wightman):** The local Iwi are interested in being involved in the Spartina (an unwanted plant in the Ramsar Site) Survey. She will notify us of what will happen next. A new DOC staff member is going to look at the poplars on Pinewood Road to see what can be done about them. DOC are concerned about the number of people camping near the boat ramp. There have been public complaints and there will be new signs going up. Sea Week is from March 2-10.

7. **Dune Walk:** Arnim will take those interested around the parts of the dunes of particular interest because of the plants – both native and unwanted. Meet at Carpark opposite Top 10 at 8.00 on Saturday 9 February.
8. **Douglas Begg** advised us that 18 May is Restoration Day and the Theme will be “Caring for our Coast”. More information will come nearer the time.
9. **Kelvin** acknowledged Abi’s help in getting students interested in the Estuary Flora and Fauna.

Next Meeting: 2 April.

Meeting Closed at 8.35.

Foxton Beach Free Holding Account - Projected Forecast to 30/06/2021									
		Annual Report	Actual	Projected LTP 2018-2038					
		30/06/2018	Cash only 28/02/2019	30/06/2019	30/06/2020	30/06/2021	30/06/2022	30/06/2023	30/06/2024
		\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000
Income									
Interest (est) 4.3% pa		191	139	223	223	221	135	137	146
Land Lease Income from Pinewood Camp		34	20	30	30	30	30	30	30
Rents (full year charged in October)		65	38	65	98	98	95	95	95
Gain on Assets sales		0	-	-	-	-	-	-	-
Total Income		290	198	318	351	349	260	262	271
Less: funded items									
Grant - Foxton & Beach Bowling Club		-	(87)	(87)					
Loss on Assets sales			-	-	-	-	-	-	-
Development Contributions		(140)	-	-	-	-	-	-	-
Administration	Note 1	(69)	(51)	(100)	(164)	(170)	(170)	(170)	(170)
Maintenance	Note 2	(19)	-	(5)	(5)	(5)	(5)	(5)	(5)
Rates/Depreciation (if any)	Note 3	(55)	(6)	(14)	(14)	(14)	(14)	(14)	(14)
Total Expenditure		(283)	(144)	(206)	(183)	(189)	(189)	(189)	(189)
Surplus/(Deficit) 30th June		7	54	135	162	160	71	262	271
Balance at 1 July		4,780	5,320	5,320	5,572	5,519	3,379	3,423	3,660
A. Section Sales per year		718	-	-	-	-	-	-	-
B. Endowment Properties freeholding		457	215	215	60	60	60	60	60
Foxton Beach Reserves Projects per LTP 2015-2025 incl pump track		(318)		(95)	(92)	(90)	(87)	(85)	(82)
Forbes Road Sub division extension		-	-	-	(183)	(2,270)	-	-	-
Bond Street and Nash Parade Stormwater approved 30 Aug 17 \$432,000 +/-		(315)	(3)	(3)	-	-	-	-	-
Installation of 2 lamps Foxton Beach launching Wharf and Ramp area		(9)	-	-	-	-	-	-	-
Surplus/(Deficit) from Trading		7	54	135	162	160	71	262	271
Balance 30th June		5,320	5,586	5,572	5,519	3,379	3,423	3,660	3,910
A. Sales of sections are proceeds received less commission and GST for Forbes Road Subdivision									
B. Sales of Endowment Freeholding is net proceeds received									

Note 1	28/02/2019	Note 2	28/02/2019	Note 3	28/02/2019	30/06/2018
Administration		Maintenance		Rates/Grants(if any)		
HDC administration	(39)	Water	0	Rates	(6)	(55)
Legal expenses	(3)	General	(5)	Grants	(87)	-
Valuations	(1)		(5)		(93)	(55)
Consents & Surveys	0					
Consultancy	(8)			Not included in Cash Flow Surplus/(Deficit)		
Sale costs	0				28/02/2019	30/06/2018
Advertising	0			Depreciation	(10)	(34)
	(51)			Gain on Sale	17	128
				Loss on sale	-	(60)
					7	34

Elections Processes - 2019 Local Body Elections

File No.: 19/79

1. Purpose

To advise the Foxton Community Board on processes for the 2019 triennial elections.

2. Recommendation

- 2.1 That Report 19/79 Elections Processes - 2019 Local Body Elections be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

3. Background/Previous Council Decisions

- 3.1 The 2019 Triennial Elections will be held on 12 October 2019. To manage this process, the Council has again appointed Mr Warwick Lampp of *Electionz.com* as Electoral Officer. The Council is required to have an Electoral Officer at all times, with the Electoral Officer's accountabilities defined by statute. The role operates independently of any direction from the Council. The Electoral Officer is not accountable to the Chief Executive.
- 3.2 Whilst not a legislative requirement, Council has given consideration to its communication policy in the lead up to the elections.
- 3.4 **Appended** to this report for the Board's information is a copy of the timetable for the 2019 Triennial Elections.
- 3.5 The timetable identifies that the business end of the election takes prominence on Friday 19 July when nominations are called for. The delivery of voting papers over the period 20 – 25 September signals the start of the voting process. Voting Papers must be returned by noon on Saturday 12 October 2019.
- 3.6 At its 13 March 2019 meeting Council considered the following two issues:

Order of Names

Regulation 31 of the Local Electoral Regulations 2001 provides that the names on the voting paper may be in alphabetical order of surname, pseudo random order or random order.

- The alphabetical order is quite straight forward and has been used by this Council for at least the last 4 elections, and by-elections in the intervening years.
- In the case of pseudo random order, the candidates' names are drawn out of a hat immediately after the close of nominations, and are printed on all papers in the order as drawn.
- Where full random order is used, the printing process operates to select a new random order of names for each individual paper, i.e. every voting paper is different.
- There is no difference in cost whether the papers are printed with the names in alphabetical, pseudo random or random order.

Council voted for candidates' names to be in alphabetical order of surname.

Communications Prior to the Election

The Office of the Auditor General (OAG) has produced the *Good Practice Guide for Managing Public Communications by Local Authorities (2004)*.

The guidelines contain several principles relevant to communications in the pre-election period (see attachment b). They note that it is neither possible nor practicable to stop all

communications during the pre-election period, and that routine council business must continue. It can require careful judgement to draw the line between ordinary and appropriate communication, and communication that could be seen as creating an electoral advantage.

The principles discussed in the guidelines as relevant in a pre-election period are that:

- a local authority should not promote, nor be perceived to promote, the re-election prospects of members in a local authority-funded publication;
- a local authority should exercise care in the use of its resources for communications that are presented in such a way that they raise, or could have the effect of raising, a member's personal profile in the community; and
- a local authority's communications policy should recognise the risk that communications about members, in their capacities as spokespersons for the authority, during a pre-election period could result in the member achieving an electoral advantage at ratepayers' expense.

The guidelines also state that photographs or information that may raise the profile of a member in the electorate should not be used during the pre-election period.

The pre-election period is deemed to be the three months before the close of polling day (as it is for the purposes of calculating electoral expenses).

Council staff are also in the process of reviewing Council's Communication and Social Media policies to ensure they provide appropriate safeguards for Council during the election period, particularly in light of the growth in the use of social.

Attachments

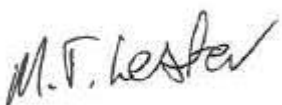
No.	Title	Page
A	Timetable 2019 Local Elections	38
B	OAG Guidelines for Managing Public Communications by Local Authorities	39

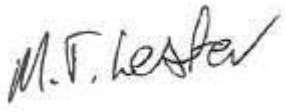
Confirmation of statutory compliance

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

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

Signatories

Author(s)	Mark Lester Group Manager - Corporate Services	
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Approved by	Mark Lester Group Manager - Corporate Services	
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2019 Local Government Election

Timetable

1 March – 30 April 2019	Ratepayer roll enrolment confirmation forms sent to existing ratepayers [Reg 16, LER].
1 March – 3 July 2019	Preparation of ratepayer roll [Reg 10, LER].
1 May – 31 May 2019	National Public Notice of ratepayer roll qualifications and procedures campaign.
25 June 2019	EEC enrolment update campaign commences.
17 July 2019	Public notice of election, calling for nominations.
19 July 2019	Nominations open / roll open for inspection [Sec 42, 52, 53, LEA].
16 August 2019	Nominations close (12 noon) / electoral roll closes [Sec 5, 55, LEA, Reg 21, LER].
21 August 2019	Public notice of candidate [Sec 65, LEA].
16 September 2019	Electoral officer certifies final electoral roll.
20 September 2019	EEC letter sent to unpublished roll electors.
20 – 25 September 2019	Delivery of voting documents [Sec 5, LEA, Reg 51, LER].
20 September – 12 October 2019	Progressive roll scrutiny [Sec 83, LEA], special voting period, progressive processing.
12 October 2019	Election day - voting closes 12 noon – counting commences. Provisional results available as soon as practicable after close of voting [Sec 85, LEA].
8 - 13 October 2019	Official count [Sec 84, LEA].
17 – 23 October 2019	Declaration/public notice of results [Sec 86, LEA].



**The Controller and
Auditor-General**
Tumuaki o te Mana Arotake

**Good Practice
for Managing
Public Communications
by
Local Authorities**

April 2004

Foreword

We first published our *Suggested Guidelines for Advertising and Publicity by Local Authorities* in 1996. We published a revised version of those *Guidelines* in 1999.

Since 1999, a number of factors have contributed to significant change in the environment in which local authorities are involved in “advertising and publicity”. Probably the two major factors are the advances in communications technology and the rate of adoption of the new technology, and (more recently) the enhanced requirements for communication in the Local Government Act 2002.

We saw as a consequence of that significant change the clear need to revisit the *Guidelines* to reassess their validity and determine what changes might be needed to preserve their usefulness. This publication reflects the fresh approach we have taken to the subject – still principles-based, but with an emphasis on the wider concept of “communication” rather than “advertising and publicity”.

As previously, this update represents what we believe is a code of good practice. The guidance it contains is no more authoritative than that. Further, the guidance is intended neither to be an operating manual nor to cover every conceivable situation.

Local authorities will have to determine what practical application they make of our good practice guidance in particular situations. To do so, and to reflect the more open approach to disclosing how local government manages itself, we recommend that the adoption and application of the guidance in this publication be incorporated in a formal communications policy.



K B Brady
Controller and Auditor-General

14 April 2004

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1 Introduction

The importance of Council communications

- 1.1 Communication with the public is a major part of any Council's activities. It can consume large amounts of ratepayers' money.
- 1.2 Some types of public communications are mandatory – for example, notifying Council meetings, or issuing a statutory plan for consultation. Others are discretionary – for example, a Council-funded newsletter, a media release explaining a recent decision, or a pamphlet about disposal of household waste.
- 1.3 Councils communicate with the public by many different means. For any communication, a Council has a broad range of choices – both as to the medium to be used (e.g. whether to pay for newspaper advertising or use the Council's web site) and the degree of sophistication involved.
- 1.4 Choice introduces judgment and subjectivity. The dilemma of the communicator is in reconciling the potentially conflicting criteria of:
 - making the communication attractive so that the audience will give it their attention, absorb it, understand it, and (if that is what is expected) act on it;
 - meeting acceptable standards of probity; and
 - presenting accurate, complete, and fairly expressed information.
- 1.5 The skill required of the communicator is to observe the relevant principles and apply the highest possible standards, and, importantly, to learn from experience.

Why this guide?

- 1.6 Communication of information at public expense or in an official capacity always carries the risk of criticism. The commonest complaints (except for statutory notifications) are that a communication is unnecessary, unbalanced, or politically biased. The best defence to any complaint is that the communication meets acceptable standards.
- 1.7 The Auditor-General is often asked to express a view on whether a particular communication is acceptable. Some requests come from the Council, before publication. Others come from members of the public afterwards, complaining about what has been done.

- 1.8 Until 1996, there was no authoritative guidance as to what standards were acceptable in Council communications. Our suggested guidelines – first published in that year, and now updated for the second time – have aimed to fill that vacuum. Just as we bring an independent perspective to our job as the auditor of local authorities, we try to describe good practice that reflects not only the theory and practice of communications but also the expectations of the public.
- 1.9 We derive our guidance from:
- our knowledge of the kinds of official communications that may cause concern in both the central and the local government sectors;
 - our experience, not only in giving help to communicators but also in dealing with complaints from the public; and
 - our consultations with a range of Council communications staff and advisers and with Local Government New Zealand.
- 1.10 The feedback we received from our consultations was that independent guidance is a valuable and necessary aid, not only for Council Members but also for communications staff and advisers. Guidance can:
- provide a general framework for the conduct of a Council's communications activities;
 - help with clarifying roles and responsibilities – especially as between Members and communications staff and advisers; and
 - set benchmarks for particular types of communications – especially as to what is acceptable in the political context and at critical times such as during a pre-election period.

The objects and scope of the guide

- 1.11 The statements of good practice in this guide are designed to meet three objectives in relation to a Council's communications practices:
- to ensure that Council communications resources are applied effectively and efficiently, and in a manner that produces good value for money;
 - to ensure that those who are permitted to use Council communications facilities do so for legitimate purposes; and
 - to promote appropriate standards of conduct by those who consume Council communications resources, or use Council facilities, or otherwise communicate on behalf of the Council.

- 1.12 This wide scope is consistent with our role as the auditor of local authorities, which includes examining the extent to which they, and their members and staff:
- carry out activities effectively and efficiently, consistent with Council's own policies;
 - comply with statutory obligations;
 - avoid wasteful use of resources; and
 - act with probity and financial prudence.¹
- 1.13 The guide itself is produced under the authority of section 21 of the Public Audit Act, as a report on matters arising out of the performance and exercise of those functions.

What is the status of the guide?

- 1.14 Our guidance is not binding on Councils. Each Council is free to adopt its own standards – which must of course be consistent with the relevant principles of the Local Government Act 2002 (LGA).²
- 1.15 We recommend that every Council consider adopting a formal communications policy framed to suit its particular needs. The policy should:
- embrace these guidelines – or a variation of them (stricter or otherwise) that the Council considers appropriate to its circumstances; and
 - clearly direct Members and communications staff and advisers³ on how the policy is to be applied in particular cases.
- 1.16 Although this guide is not binding on Councils, they and the public should be aware that it establishes the criteria that we will use in future in order to form a view on the appropriateness of a Council's public communications.

¹ Public Audit Act 2001, section 16.

² Section 14 of the LGA.

³ Including those engaged as consultants.

2 Scope – What are “Communications”?

2.1 Our guidance applies to any communication by a Council, or a Member or employee or office holder of a Council, or a Member of a Community Board, where:

- the Council meets the cost (wholly or in part); or
- the person making the communication does so in an official capacity on behalf of the Council or a Community Board.

2.2 We make no distinction between:

- mandatory and discretionary communications;
- communications in the Council’s own publications and the news media generally;
- Council-funded advertisements and other forms of publicity; or
- electronic (including web site or e-mail) and hard copy publication.

The underlying principles are the same in each case.

2.3 Common examples of communications by Councils include:

- statutory documents – such as draft, final, and summary versions of the Long Term Council Community Plan or an Annual Report under the LGA;
- information on a web site, or in a poster or pamphlet, about Council services available to the public, or the rights, entitlements, and responsibilities of people affected by a Council activity;
- newspapers and newsletters reporting Council news and activities;
- material explaining a particular proposal, decision, policy, or bylaw of the Council;
- marketing material promoting the Council, its communities, or a regional brand;
- Council-funded advertising about a particular event, proposal, or Council policy;
- educational material about issues affecting the community; and
- media releases initiating or responding to public comment about matters affecting the Council or its communities.

- 2.4 In a different category are communications by Members using Council resources or facilities. We address this type of communication in paragraphs 4.33-4.40 on pages 19-20.
- 2.5 The guide does not apply to:
- normal day-to-day correspondence between Members and their constituents on appropriate matters, *except* during a pre-election period when the content of the correspondence should not be inconsistent with Principle 12 on page 22; and
 - communications by Members using their own resources.

3 Communications – Whose Responsibility?

- 3.1 Corporate governance principles stress the different roles of the governing body and the management of an organisation. For local authorities, section 39 of the LGA reflects these principles.
- 3.2 Members (i.e. the governing body) and management of a Council share different elements of the communications function. In essence:
- Members are accountable to the community for the Council's decisions and actions. What the Council says in its communications is, therefore, ultimately the Members' responsibility.
 - The mechanics of communications are operational activities, which form part of the everyday business of the Council. Moreover, effective communication often requires professional input. Most Councils employ (or engage on contract) professional advice and assistance for some or all of their communications activities. The chief executive is responsible for the effective and efficient management of those people and their activities.
 - Communications is also an area of risk. Those who are authorised to communicate on behalf of a Council, and those who exercise editorial or quality control, need to have access to sources of professional advice when necessary (including legal and strategic communications advice). Obtaining that advice is also a management responsibility.
- 3.3 The communications function thus straddles the divide between governance and management in the Council organisation. Each Council should allocate the respective roles and responsibilities according to its own size and needs. For example, in a small Council the Mayor might be the primary spokesperson on all issues, whereas in a larger Council the role might be shared between the Mayor and a communications manager.
- 3.4 The governance/management divide also affects the crucial elements of policy development, quality control, and editorial supervision. We think these elements are best regarded as management functions, for which the chief executive is responsible.
- 3.5 The respective roles and responsibilities need to be well understood by all concerned and put into practice effectively.⁴ This is especially important when the Council employs professional communications staff – who could, for example, feel undermined by Members intervening in editorial decisions.

⁴ See section 39(e) of the LGA. The local governance statement required by section 40 of the LGA could be the appropriate place to record particulars of the division of roles and responsibilities.

- 3.6 A useful approach is to regard the roles of Members and management as complementary, and to encourage everyone to work together in partnership for the good of the Council and the community.

4 Principles and Practice

- 4.1 In this section we set out 13 principles that we believe should underpin a Council's policy and practice on communications. We supplement each of the principles with commentary.
- 4.2 We stress that the principles are intended as general statements, which are to be applied in a flexible and common sense manner. Likewise, the commentary cannot expect to foresee all possible situations that might arise.

Legitimacy and justification

Principle 1 –

A Council can lawfully, and should, spend money on communications to meet a community's (or a section of a community's) justifiable need for information about the Council's role⁵ and activities.

- 4.3 Communications are a necessary and legitimate Council expense. Councils are also justified in employing, or otherwise engaging, professional advice and assistance for their communications activities.
- 4.4 However, no communication should be undertaken without justification or regard for the cost.
- 4.5 The main elements of justification are:
- establishment of an identifiable need for information on the part of a particular audience;
 - the chosen method of communication should be one that is effective in reaching those who have the need; and
 - once the method has been identified, the communication should be made in the most cost-efficient manner.
- 4.6 Consideration should also be given to evaluating the effectiveness of the communication. What is known to have been an effective communication supports the justification for that communication and can be a benchmark to support future communications.

⁵ *The role of a local authority is to—*
(a) *give effect, in relation to its district or region, to the purpose of local government ...;*
and
(b) *perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.*
(LGA, section 11)

- 4.7 A communication will be lawful when it:
- is authorised by a Council resolution or under a delegation; and
 - complies with any specific legal requirements as to form, content⁶, timing, or method of publication⁷.
- 4.8 A Council can also exercise significant power over individuals and groups in the community. Consequently, a Council has an obligation to ensure those people know how they are being affected by the Council's actions, and what their rights and responsibilities are in relation to those actions.
- 4.9 Council communications are all the more important in the environment of the LGA. Consultation with the community is fundamental to the working of the Act, and effective communication is vital to effective consultation.

Principle 2 –

Communications should be consistent with the purpose of local government⁸ and in the collective interests of the communities the Council serves.

- 4.10 A Council is a corporate entity, with statutory role and purpose. The role and purpose include promoting the well-being of communities in its district or region. A Council may serve many communities, both in the geographical sense and in the sense of communities of interest. It should always act within the scope of its role and purpose, and in the collective interests of its communities.
- 4.11 Sometimes, a Council will need to communicate with only some of its communities about a particular issue, or with part of a community. But it should always be able to justify any communication as being in the collective interests of them all.

⁶ Including the avoidance of defamatory comment, or misleading or deceptive conduct under the Fair Trading Act 1986.

⁷ E.g. use of the special consultative procedure under the LGA.

⁸ *The purpose of local government is—*

(a) to enable democratic local decision-making and action by, and on behalf of, communities; and

(b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.

(LGA, section 10)

**Principle 3 –
Communications should comply with any applicable
Council policies and guidelines as to process (including
authorisation) and content.**

- 4.12 We encourage all Councils to adopt a policy on communications: see paragraph 1.15 on page 9.

Collective position

**Principle 4 –
Communications on Council policies and decisions should
reflect the collective position of the Council.**

- 4.13 Wherever possible, the Council should “speak with one voice”, and its communications should represent the corporate or collective position.
- 4.14 A communication by an authorised spokesperson appointed by the Council (whether that person is a Member or an employee) should identify that person in his or her official capacity (for example, as a Committee chairperson). The purpose of the communication should always be to meet the Council’s, not the spokesperson’s, communications objectives. The person responsible should be careful to ensure that what is being said is portrayed as the Council’s position, not the personal views of the spokesperson.
- 4.15 Some Councils allow the Mayor to produce a regular “column” in a Council-funded or other local publication, or to make regular broadcasts on local radio or television. The purpose of such communications should be to give voice to the Council’s corporate position on its activities, through the elected leader.
- 4.16 Communication of a Member’s personal perspective, views or opinions (including in a regular “column”, broadcast, etc) should be the exception rather than the rule, and should be subject to Principles 9 to 11 (see pages 19-21).

**Principle 5 –
Communications on Council business should always be
clearly attributed to the Council as the publisher.**

- 4.17 A communication might, for example, identify the Council by reference to the name of the Council or by use of its corporate logo. A communication designed to meet the Council’s statutory obligations (such as a draft annual plan) should not only say who authorised its publication (usually the chief executive officer) but also identify the statutory provision under which it is being published.

- 4.18 For commentary about the identification of sponsors, see paragraphs 5.3-5.7 on pages 25-26.

Standards of communication

Principle 6 –

Factual and explanatory information should be presented in a way that is accurate, complete, fairly expressed, and politically neutral.

- 4.19 **Accurate** means what it says. That which is held out to be true should be founded on ascertainable facts, and be carefully and precisely expressed consistently with those facts. No claim or statement should be made that cannot be substantiated.
- 4.20 A communication will be **complete** when it consists of all the information necessary for the audience to make a full and proper assessment of the subject matter.
- 4.21 Information will be **fairly expressed** when it is presented in an objective, unbiased, and equitable way. In particular:
- the audience should always be able to distinguish facts from analysis, comment, or opinion; and
 - when making a comparison, information should state fully and accurately the nature of what is being compared, and inform the audience of the comparison in a way that does not mislead or exaggerate.
- 4.22 Information will be **politically neutral** when it presents the Council's collective position, or, where there is no collective position, sets out the issues in a manner that does not refer to the positions taken by any individual Member or political party or group of Members.

Consultation and public debate

Principle 7 –

Communications about matters that are under consideration by the Council, or are otherwise a matter of public debate, should present the issues in an even-handed and non-partisan way.

- 4.23 Communications about matters that will be the subject of a future decision by the Council should be distinctly different from those that follow a decision.

- 4.24 In the “before” phase, all relevant facts and other considerations should be taken into account, and all significant points of view should be aired. The aim is to enable the Council to make itself aware of, and then to have regard to, the views of all its communities in relation to a particular decision⁹, while also meeting all its statutory obligations in respect of consultation¹⁰.
- 4.25 In particular, a “before” phase communication should:
- avoid the appearance and reality of bias or pre-determination – especially when summarising facts or arguments;
 - present the issues in an objective manner, avoiding subjective opinion or comment; and
 - mention both the advantages and the disadvantages of particular options.
- 4.26 Mention of individual Members’ or political parties’ positions should always be avoided.
- 4.27 In the “after” phase, the emphasis should be on what has been decided and its implications for the Council and its communities.
- 4.28 This principle applies whether the purpose of the communication is to satisfy LGA requirements, or otherwise.

Principle 8 –

If engaging in public debate with an interest group or a section of the community, a Council should use the news media (rather than a Council funded publication) and designated spokespersons (rather than professional communications advisers) unless there is a particular justification for not doing so.

- 4.29 A Council may be justified in responding to publicity that is unfair, unbalanced, or inaccurate. The object should be to put the record straight, including a measure of rebuttal.
- 4.30 But it is important to keep a balance and perspective. Council resources should not be used merely to engage in a public argument.
- 4.31 The preferred approach in such cases should be to make use of the news media, through release and publication of a written statement or making an authorised spokesperson available for interview. Use of Council-funded publications or professional advisers to engage in debate with interest groups could create the perception that Council resources are being used for the benefit of one section of the community against another, or in a way that results in an unequal public relations contest.

⁹ LGA, sections 14(1)(b) and 78.

¹⁰ LGA, sections 82-90.

- 4.32 An example of where a Council-funded publication to engage with an interest group could be justified is when the group has issued public statements encouraging citizens to commit acts of civil disobedience or to actively break the law.

Communications by Members

Principle 9 –

If the Council's Communications Policy permits them, communications by Members of their personal perspective, views or opinions (as opposed to communication of Council matters in an official capacity) should:

- be clearly identified as such; and
- be confined to matters that are relevant to the role of local authorities¹¹.

- 4.33 Members are collectively responsible for Council decisions. Communication of Council business to the community often falls to a designated spokesperson. See Principle 4 and paragraphs 4.13-4.15 on page 16.
- 4.34 But Members are also individually responsible to the communities that elected them. It is for the Council to decide whether and, if so, on what terms to make resources available to Members to communicate with constituents or the wider community in their capacity as individual Members.
- 4.35 An example of a communication that could involve a Member expressing personal views is a "Members' column" in a Council-funded newspaper or on a Council web site.
- 4.36 It is important that the Communications Policy, and the relevant part of the communications budget, also sets out clearly the limits in relation to such communications. The policy should say:
- What types of communications are permitted and in what circumstances, and the range of permitted subject matter.
 - Whether the material can or should be subject to editing and, if so, by whom.
 - What procedures apply in respect of authorisation, attribution, and editorial and quality control. These are for the Council to determine. However, whether or not material is edited, the Member must formally subscribe to what is being published.

¹¹ Under sections 10 and 11 of the LGA – see footnotes 5 (page 14) and 8 (page 15).

- 4.37 Note, however, that a Member's freedom to talk about Council business is subject to confidentiality requirements (such as under Standing Orders) and the Council's Code of Conduct – especially as regards Members' conduct towards each other and their disclosure of Council information.¹²
- 4.38 Here are our views on some other examples of a Member communicating personally:
- It is not appropriate for a Member to use a Council newsletter or web site to express views on a matter of central government responsibility (such as defence and foreign relations) that has no direct bearing on the Council's activities.
 - It may be appropriate (but only when the Council is undertaking no formal consultation process) for a Member to use Council facilities to consult with the public on an issue under consideration by the Council, or to explain his or her position on a contentious decision, but not to seek political support on an issue that the Council has not considered. References to, or the use of a logo or slogan of, a political party or grouping are unacceptable.
 - Members should not be permitted to use Council communications facilities for political or re-election purposes. (See Principles 12 and 13 on pages 22-24 for more information on communications in the pre-election period.)
 - Staff protocols on the use of the Internet, e-mail, and other communications facilities for personal purposes should also apply to Members. The minimal cost of allowing use of such facilities can easily be outweighed by the perception that public resources are being misused.

**Principle 10 –
Politically motivated criticism of another Member is unacceptable in any Council-funded communication by a Member.**

- 4.39 Neither the inherently adversarial nature of much Council politics nor the right of free speech can justify Council communications resources being used to enable one Member to engage in political debate with, or to criticise, another Member. Preventing such misuse should be an objective of the Council's policy on where editorial control and the power to authorise communications should lie.
- 4.40 Members are, of course, free to use their own resources for such purposes.

¹² LGA, Schedule 7, clause 15.

Members' personal profile

Principle 11 –

Care should be exercised in the use of Council resources for communications that are presented in such a way that they raise, or could have the effect of raising, a Member's personal profile in the community (or a section of the community). In permitting the use of its resources for such communications, the Council should consider equitable treatment among all Members.

- 4.41 Two related objectives underlie this principle:
- It is important that the public know who their Councillors are. Councils are justified in using, or in some circumstances permitting Members to use, Council facilities for communications that have the objective of raising a Member's personal profile.
 - Giving a "human face" to a piece of information can be an effective communications strategy to attract attention and make the information relevant and understandable to its audience.
- 4.42 It is acceptable for Councils to use photographs of Members, personal quotes/attributions, and other standard journalistic techniques provided they are consistent with these objectives. However, Councils need to bear in mind the inherent risks of favouritism and unequal treatment of members.
- 4.43 For example, a "photo opportunity" shot, in a Council-funded publication, of a Mayor or Committee Chairperson announcing a Council decision helps to draw the reader's attention to the decision, and thereby improve the effectiveness of its communication, but could also have an unintended and beneficial spin-off effect for the Member's personal or political profile in the community.
- 4.44 Allowing Members representing a particular Ward to issue their own newsletter to constituents could have a similar effect. There is nothing wrong with such an idea in principle. However, the principle of equitable treatment makes it important that the same communications opportunity is available to Members representing other Wards. Matters such as editorial and quality control and attribution should also rest with the Council's communications staff in accordance with Council policy.

Communications in a pre-election period¹³

Principle 12 –

A local authority must not promote, nor be perceived to promote, the re-election prospects of a sitting member. Therefore, the use of Council resources for re-election purposes is unacceptable and possibly unlawful.

- 4.45 Promoting the re-election prospects of a sitting Member, directly or indirectly, wittingly or unwittingly, is not part of the proper role of a local authority.
- 4.46 A Council would be directly promoting a Member's re-election prospects if it allowed the member to use Council communications facilities (such as stationery, postage, internet, e-mail, or telephones) explicitly for campaign purposes.
- 4.47 Other uses of Council communications facilities during a pre-election period may also be unacceptable. For example, allowing Members access to Council resources to communicate with constituents, even in their official capacities as members, could create a perception that the Council is helping sitting Members to promote their re-election prospects over other candidates.
- 4.48 For this reason, we recommend that mass communications facilities such as –
- Council-funded newsletters to constituents; and
 - Mayoral or Members' columns in Council publications –
- be suspended during a pre-election period.
- 4.49 Promoting the re-election prospects of a sitting Member could also raise issues under the Local Electoral Act 2001. For example:
- Local elections must be conducted in accordance with the principles set out in section 4 of the Local Electoral Act – see Appendix 1 on page 27. The principles apply to any decision made by a Council under that Act or any other Act, subject only to the limits of practicality. A breach of the principles can give rise to an "irregularity" which could result in an election result being overturned.¹⁴

¹³ By "pre-election period" we mean the three months before the close of polling day for the purposes of calculating "electoral expenses": see Local Electoral Act 2001, section 104. However, a Council may decide to apply restrictions over a longer period.

¹⁴ See *Aukuso v Hutt City Council* (District Court, Lower Hutt, MA 88/03, 17 December 2003).

- The publication, issue, or distribution of information, and the use of electronic communications (including web site and e-mail communication), by a candidate are “electoral activities” to which the rules concerning disclosure of electoral expenses apply.
- 4.50 “Electoral expenses”¹⁵ include:
- the reasonable market value of any materials applied in respect of any electoral activity that are given to the candidate or that are provided to the candidate free of charge or below reasonable market value; and
 - the cost of any printing or postage in respect of any electoral activity.
- 4.51 A Member’s use of Council resources for electoral purposes could therefore be an “electoral expense” which the Member would have to declare – unless it could be shown that the communication also related to Council business and was made in the candidate’s capacity as a Member.

Principle 13 –

A Council’s communications policy should also recognise the risk that communications by or about Members, in their capacities as spokespersons for Council, during a pre-election period could result in the Member achieving electoral advantage at ratepayers’ expense. The chief executive officer (or his or her delegate) should actively manage the risk in accordance with the relevant electoral law.

- 4.52 Curtailing all Council communications during a pre-election period is neither practicable nor (as far as mandatory communications, such as those required under the LGA, are concerned) possible. Routine Council business must continue. In particular:
- Some Councils publish their annual reports during the months leading up to an October election, which would include information (including photographs) about sitting Members.
 - Council leaders and spokespersons need to continue to communicate matters of Council business to the public.

¹⁵ Also defined in section 104.

- 4.53 However, care must be taken to avoid the perception, and the consequent risk of electoral irregularity, referred to in the commentary to principle 12. Two examples are:
- journalistic use of photographic material or information (see paragraph 4.42 on page 21) that may raise the profile of a Member in the electorate should be discontinued during the pre-election period; and
 - access to Council resources for Members to issue media releases, in their capacities as official spokespersons, should be limited to what is strictly necessary to communicate Council business.
- 4.54 Even if the Council's Communications Policy does not vest the power to authorise Council communications solely in management at normal times, it should do so exclusively during the pre-election period.

5 Other Commonly Arising Issues

Use of surveys and market research

- 5.1 Councils should target their communications resources to best effect. In appropriate cases, professional advice should be sought, and soundly obtained survey and market research information may be used.
- 5.2 Councils should meet acceptable standards in survey and market research information. To assist Councils to meet those standards:
 - we reproduce in Appendix 2 on page 28 the ten principles identified by Statistics New Zealand underpinning its *Protocols for Official Statistics*; and
 - they can find useful guidance in the Statistics New Zealand publication *A Guide to good survey design*¹⁶.

Joint ventures and sponsorship

- 5.3 Many Councils seek to be involved with their communities, and may engage in collaborative ventures with other public agencies and business and community groups.¹⁷ Communication (for example, to promote public education or changes in people's behaviour) may be a feature of such ventures.
- 5.4 There is no reason in principle why a Council should not join with another agency or group to publish information for the benefit of the community – provided the activity is consistent with the Council's role and purpose. The use of private or community sponsorship for a Council communication may be a feature of such co-operation.
- 5.5 Examples of joint communication could include:
 - a joint venture with the Police to issue information about individual and community safety in the Council's district; and
 - the use of business sponsorship for a Council advertisement of a community event.

¹⁶ ISBN 0-477-06492-2; revised July 1995. Copies can be ordered through the Statistics New Zealand web site at:
[www.stats.govt.nz/domino/external/web/prod_serv.nsf/htmldocs/A+Guide+to+Good+Survey+Design+\(2nd+edition\)](http://www.stats.govt.nz/domino/external/web/prod_serv.nsf/htmldocs/A+Guide+to+Good+Survey+Design+(2nd+edition))

¹⁷ Section 14(1)(e), LGA.

- 5.6 The Council's Communications Policy should, if the Council wishes to involve a partner, address:
- the types of communications for which joint ventures or sponsorship are appropriate; and
 - the controls and procedures designed to manage the associated risks – such as perception of Council “capture” by a business or community group, actual or potential conflict of interest, and community attitude to the nature of the problem.
- 5.7 As a minimum, the Communications Policy should:
- require all mandatory communications to be funded solely by Council;
 - require every communication joint venture or sponsorship proposal to be supported by a sound business case that is approved at an appropriate level within the Council organisation;
 - set out the criteria for selecting a communication joint venture partner or sponsor, in order to avoid conflict of interest and prevent a partner or sponsor from gaining (or being perceived to gain) inappropriate commercial or political advantage;
 - require both the Council and the joint venture partner or sponsor to adhere to the principles (including those in respect of editorial control) that it has adopted in the Communications Policy; and
 - contain clear guidance as to the placement of logos, slogans, and other sponsorship references.

Appendix 1

Principles of the Local Electoral Act 2001

4 Principles

- (1) The principles that this Act is designed to implement are the following:
 - (a) fair and effective representation for individuals and communities:
 - (b) all qualified persons have a reasonable and equal opportunity to—
 - (i) cast an informed vote:
 - (ii) nominate 1 or more candidates:
 - (iii) accept nomination as a candidate:
 - (c) public confidence in, and public understanding of, local electoral processes through—
 - (i) the provision of a regular election cycle:
 - (ii) the provision of elections that are managed independently from the elected body:
 - (iii) protection of the freedom of choice of voters and the secrecy of the vote:
 - (iv) the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes:
 - (v) the provision of impartial mechanisms for resolving disputed elections and polls.
- (2) Local authorities, electoral officers, and other electoral officials must, in making decisions under this Act or any other enactment, take into account those principles specified in subsection (1) that are applicable (if any), so far as is practicable in the circumstances.
- (3) This section does not override any other provision in this Act or any other enactment.

Appendix 2

Statistics New Zealand Principles Applicable to the Production of Official Statistics

- 1 The need for a survey must be justified and outweigh the costs and respondent load for collecting the data.
- 2 A clear set of survey objectives and associated quality standards should be developed, along with a plan for conducting the many stages of a survey to a timetable, budget and quality standards.
- 3 Legislative obligations governing the collection of data, confidentiality, privacy and its release must be followed.
- 4 Sound statistical methodology should underpin the design of a survey.
- 5 Standard frameworks, questions and classifications should be used to allow integration of the data with data from other sources and to minimise development costs.
- 6 Forms should be designed so that they are easy for respondents to complete accurately and are efficient to process.
- 7 The reporting load on respondents should be kept to the minimum practicable.
- 8 In analysing and reporting the results of a collection, objectivity and professionalism must be maintained and the data impartially presented in ways which are easy to understand.
- 9 The main results of a collection should be easily accessible and equal opportunity of access is enjoyed by all users.
- 10 Be open about methods used; documentation of methods and quality measures should be easily available to users to allow them to determine if the data is fit for their use.

A full copy of *Protocols for Official Statistics* can be obtained by contacting Statistics New Zealand through its web site www.stats.govt.nz.

Resource Consenting (Planning) Matters Considered Under Delegated Authority

File No.: 19/64

1. Purpose

To present, **for information**, details of decisions made under delegated authority in respect of Resource Consenting (Planning) Matters.

2. Recommendation

- 2.1 That Report 19/64 Resource Consenting (Planning) Matters Considered Under Delegated Authority be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

3. Issues for Consideration

The following decisions were made under delegated authority:

- (i) Subdivision and Land Use Consents Approved:

Subdivision Resource Consents Approved – 11/01/19 – 15/03/19

Date	File Ref	SUB – Applicant	Address
05/02/2019	502/2019/129	D J Evans	Motuiti Road, Foxton/Himatangi
22/02/2019	502/2019/127	R Beyer	1 Warren Street, Foxton Beach
15/02/2019	502/2019/120	Clarkson Electrical Limited	50 Russell Street, Foxton/Himatangi

Land Use Resource Consents Approved – 11/01/19 – 15/03/19

Date	File Ref	LUC - Applicant	Address
17/01/2019	501/2018/56	The Masonic Villages Trust	14 Cook Street, Foxton
24/01/2019	501/2018/64	Zealand Farms Limited	Wylie Road, Foxton/Himatangi
31/01/2019	501/2018/41	Hessels Poultry Farm Limited	State Highway 1, Foxton Himatangi
08/02/2019	501/2019/75	MenzShed Foxton Inc	37-47 State Highway 1, Foxton
11/03/2019	501/2019/81	R V Marshall	87 Seabury Avenue, Foxton Beach
12/03/2019	501/2019/82	MC & TA Francis	4 Snappers Lane, Foxton Beach

- (ii) Road Names Approved

None during the reporting period.

Attachments


There are no attachments for this report.

Confirmation of statutory compliance

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

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

Signatories

Author(s)	Megan Leyland Consents Manager	
Approved by	Ian McLachlan Group Manager - Customer & Regulatory Services	