

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

Date: Monday 3 April 2023
Time: 6.00pm
Meeting Room: Te Awahou Nieuwe Stroom
Venue: 92 Main Street
Foxton

Te Awahou Foxton Community Board OPEN AGENDA

MEMBERSHIP

Chairperson	John Girling	
Deputy Chairperson	Trevor Chambers	
Members	Nola Fox	David Roache
	Brett Russell	David Allan

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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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Karakia

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.

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 Te Awahou Foxton Community Board, 20 February 2023

Recommendations

That the meeting minutes of Te Awahou Foxton Community Board, 20 February 2023 be accepted as a true and correct record.

6.1 Chairperson's Report - March 2023

File No.: 23/208

1. Purpose

To receive the Chairperson's report highlighting matters of interest to the Te Awahou Foxton Community Board

2. Recommendation

- 2.1 That Report 23/208 Chairperson's Report - March 2023 be received.

3. Matters of Interest

Long Term Plan

- 3.1 The time for revisions to the LTP are rapidly approaching. Members, please keep your thinking caps on for anything we need to WRITE about. Remember written records are important.

Business Breakfasts

- 3.2 One of our goals for March was to commence work on bringing the many and disparate community groups in Foxton together, to work together for the benefit of Foxton and Foxton Beach. Working together will increase understanding, avoid conflict and duplication of effort. We aim to be an inclusive and progressive Community. Sadly, no arrangements have yet been made with the Horowhenua Company regarding business breakfasts, although emails have been exchanged.

Foxton East Drainage Scheme

- 3.3 TAFCB is awaiting further information from HRC regarding the Foxton East Drainage Scheme replacement/amendment and details on how our risk is being addressed.

NZ Police

- 3.4 I had an interesting conversation with Sergeant A J Dyason, the Iwi Liaison Office of NZ Police and have invited him and our local sergeant Bernie O'Brien to address the Board at our May meeting to discuss what they are doing and any ways in which we can assist them to assist our Communities.

Community Information Meeting

- 3.5 A Community information meeting was organized by Anita Goode, Salvation Army, Community Ministries held in the Salvation Army Citadel at 10 Avenue Road on Tuesday 21st March. A gathering of in excess of 30 people was addressed by Sgt. Bernie O'Brien of NZ Police, Lyall Brenton of the Foxton Beach Community Centre and Health Shuttle, Dean Ward of Raukawa Whanau Ora Ltd, Hayley Puketapu of the NZ Cancer Society and myself on behalf of the TAFCB, Personal Money Coaches, Save Our River Trust, The Foxton Flax Stripper Museum and Te Awahou Masonic Lodge. The meeting was well received, and further meetings will be held inviting more members of the community and more community organisations.

Attachments

There are no attachments for this report.

Signatories

Author(s)	John Girling Chairperson, Te Awahou Foxton Community Board	
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6.2 Community Board Member Update - Nola Fox

File No.: 23/209

1. Purpose

To report back on liaison activity with:

- MAVtech
- Foxton Beach Community Centre
- Foxton Beach Progressive Assn Inc.

2. Recommendation

2.1 That Report 23/209 Community Board Member Update - Nola Fox be received.

3. Liaison Activity

MAVtech

3.1 The next meeting of the MAVtech committee will be after this Community Board meeting, having foregone a March meeting due to being so busy. They have just finished a highly successful exhibition in Te Takeretanga o Kura-hau-pō and currently have a great exhibition showing down at Te Awahou Nieuwe Stroom.

They are also about to be interviewed by TVNZ, continuing to raise their profile of this incredible community asset whilst they continue to work on documenting their vision and strategy.

Foxton Beach Community Centre

3.2 Thank you to the Foxton Beach Community Centre Board meeting for the warm welcome I received. It was inspiring to here just how much the centre is growing to meet the changing needs of its beach community as well as starting to service more than Health Shuttles to the wider Foxton and Kere Kere Ward Community.

They have just received consents for the new health shuttle vehicle garage and work should start on that soon. They have their rooms being used by a wide range of groups, including Health Nurses delivering the new Covid vaccine in April – as well as still free covid tests and masks available to public.

A growing need around the delivery of health shuttle services is the lack of physical mobility of users being able to get in and out of their current vehicle fleet. As a result they have been working collaboratively with a vehicle sponsor and will be making a submission to the May Community Board members for funding from the Foxton Beach Freeholding Account to replace a less useable van for a vehicle with full wheelchair roll-on capability. This will allow even non-wheelchair bound users to have quick dignified entry and exit of the vehicle.


Foxton Beach Progressive Assn Inc

3.3 Have not met in 2023 yet.

Attachments

There are no attachments for this report.

Signatories

Author(s)	Nola Fox Te Awahou Foxton Community Board Member	
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6.3 Equestrians in Horowhenua Presentation

File No.: 23/216

1. Purpose

To introduce representatives of the New Zealand Equestrian Advocacy Network Inc.

2. Recommendation

- 2.1 That Report 23/216 Equestrians in Horowhenua Presentation be received.
- 2.2 That the representatives of New Zealand Equestrian Advocacy Network Inc. be thanked for their presentation.

3. Background/Previous Council Decisions


During the previous Board meeting held on Monday 20 February 2023, Board members requested that an invitation be sent to members of the equestrian community to speak at a future board meeting.

Following this decision the New Zealand Equestrian Advocacy Network Inc. have been asked to speak at this meeting, and have provided information attached below.

Attachments

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Signatories

Author(s)	John Girling Chairperson, Te Awahou Foxton Community Board	
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Equestrians in Horowhenua



Lillee

Date: 26 March 2023
Author: Josien Reinalda
New Zealand Equestrian Advocacy Network Inc.

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INTRODUCTION

There are about 1000 equestrians in Horowhenua who together spend about \$15.2 million each year on their sport.

Equestrians usually live on a lifestyle block and pay substantial rates.

So why is it that we feel marginalised? And what can be done to improve the situation?

It would appear that we are largely ignored and often actively obstructed in enjoying our sport.

We are being left out of district, regional and national planning, design and construction of new infrastructure, and any long term planning for our needs.

The New Zealand Equestrian Advocacy Network (NZEAN) is set up to help with this.

In 2022 we had our "Ride for our Future" to present a petition to a representative of the government.

The result was a ministerial letter from Michael Wood to Waka Kotahi stating that no further erosion of horse riding areas is allowed to happen.

Local groups are trying to engage with local authorities.

Kapiti Coast District Council has been receptive and this has resulted in several successful projects inclusive of equestrians, in particular their network of cycleway, walkway and bridleways. Other horse friendly achievements are:

- Multi-use pathway along the expressway.
- Camping at the Otaki racecourse.
- Installation of horse stiles and mounting blocks.

Although since 2011 submissions to Horowhenua District Council have been made to provide more facilities for equestrians, not much has been achieved. How can we rectify this?

Opportunities for equestrians have been taken away, some examples in and close to Foxton:

- Closing off Cousins avenue reserve.
- The shared pathway on Palmer road in the middle of the berm where horses used to ride.
- The barrier across the stock route, preventing carriage drivers from using it.
- The "no horses on berm" sign in Spring street.
- Sealing Wall road, with deep drains and narrow berms on either side. Not suitable for horse riding anymore.
- Waitarere South forest access has been blocked.

In April 2016 HDC adopted the Parks and Reserves General Policy, which for some reason has a blanket ban on horses in parks and reserves.

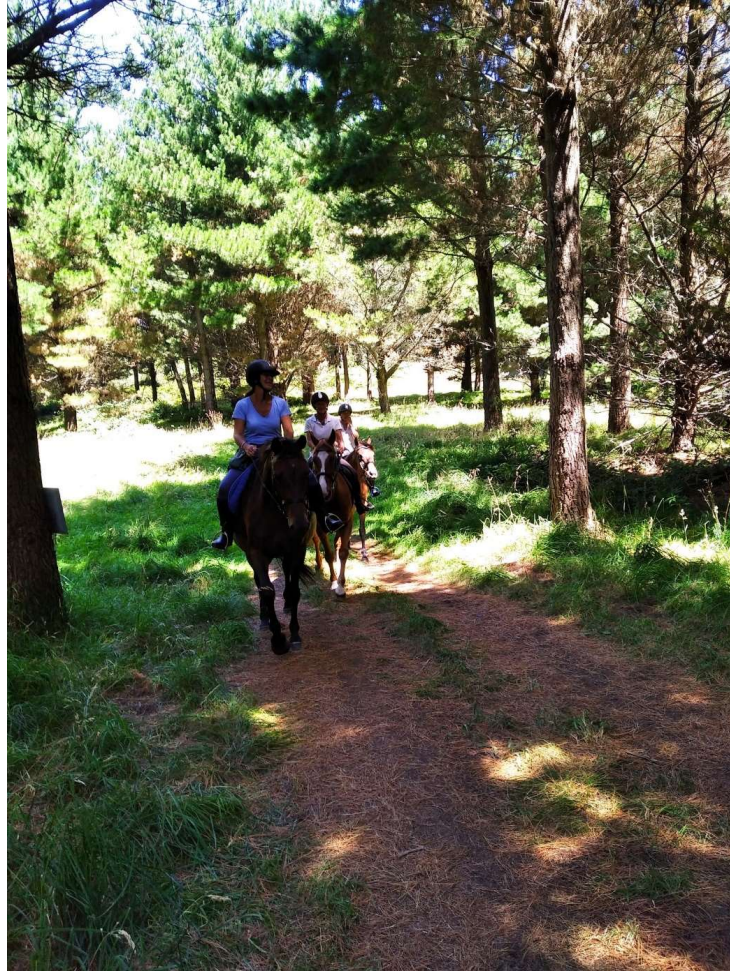
Repeated submissions resulted in September 2021 in a report "Horse Riding Options on Parks and Reserves in the Horowhenua district". We are still awaiting progress.

The access to the forest at Target reserve by equestrians, which has been granted about a year ago, is a positive step in the right direction. For this we are grateful.

However, this year the publication of the Target reserve management plan is due. So far equestrians have not been consulted yet.

This document aims to share information about equestrians, the issues we face, and what we would like to achieve.

We ask for support from the Foxton Community Board for our requests.



Horse riders in Target reserve forestry

SUMMARY

The majority of equestrians in Foxton are girls and women of all ages and diverse abilities. There are about 1000 equestrians living in Horowhenua with an estimated total annual spending of \$15.2 million, excluding land purchases and rates.

The equestrian grounds at the Foxton racecourse attract several thousands of people to Foxton each year, who spend money on grocery stores, petrol stations, motels, restaurants etc.

Equestrians in Horowhenua are:

- As vulnerable road users not catered for, they are excluded from any pathways.
- As sports people losing more and more opportunities to enjoy their sport in a safe way.

The issues we face:

- According to HDC's Parks and Reserves General Policy we are excluded from the use of parks and reserves, unless there is a specific agreement with the council.
- An unworkable bylaw forces equestrians on the roads, which is unsafe. It also requires us to pick up horse manure everywhere, which in practice is undoable.
- Parks and reserves which would be suitable for equestrian sports, and previously have been used as such, have been made inaccessible.
- We are not included in any "shared" pathways.

The NZ government strategy "Women and girls in sport and active recreation" strives to achieve equity for all women and girls as well as seeking to understand and address the multiple barriers women and girls can face.

We request equitable provisions and facilities to enjoy our sport.

What we would like:

- That Horowhenua representatives of the New Zealand Equestrian Advocacy Network Inc. be consulted regarding matters that potentially impact equestrians.
- For the chapter regarding horses in the Parks and Reserves General Policy to be rewritten, so that the exclusion of horses is an exception, instead of a blanket ban.
- That the chapter about horses in the bylaw be amended, so that horses are allowed to use the berms and the requirement to remove manure to be scrapped or limited to footpaths.
- To be included in the development of new pathways.
- To regain access to reserves, areas and paths previously used by, and suitable for equestrians.
- For the council to retain Target reserve and give priority to equestrian use.

Equestrians are usually easy to cater for, they do not need engineered special surfaces. In many cases just access and a bit of space is enough.

WHO ARE EQUESTRIANS?

Equestrians are:

- Any age group, from “tiny tots” to nonagenarian.
- Of diverse abilities.
- Largely not organised.
- Predominantly girls and women.
- As vulnerable on the road as walkers and cyclists.
- Sports people like mountain bikers, and we pursue other sports as well.
- Most are lifestyle block owners and substantial rate payers.

In Sports NZ Active NZ Survey participants were asked about the activities they did the last 7 days. The tables are split into Young people (0-17) and Adults (18+). The figures shown here are from the 2018 and 2019 surveys. (The 2019 survey does not include all figures)

Horse riding ranks in the top half of activities for both young people and adults. It ranked 35 on the list of 76 sports for young people participation and number 29 on a list of 79 for adults.

An excerpt from one of the tables:

	Young people participation (2017, 2018, 2019)	Adult participation (2017, 2018)
Horse riding	466	611
Table tennis	466	885
Canoeing or kayaking	342	628
Volleyball	406	227
Golf	236	1879
Tennis	821	885
Mountain biking	877	2384
Cricket		373
Shooting		452

From the young people 85% did not participate in any competitions, 39% only participated informally and not through a club.

Our young equestrians spend on average 3 hours a week on horse riding.

From the adults 78% did not participate in any competitions, and 78% only participated informally and not through a club.

62% rode one to three times per week, 35% rode four to seven times a week and 3% rode eight or more times a week.

The survey shows that equestrians are predominantly girls and women.

The New Zealand Government has published their strategy “Women and girls in sport and active recreation” in 2018. It states: “our government is committed to championing equality for women and girls in Aotearoa New Zealand”.

How can Horowhenua District Council help?

Gender (Sport NZ survey 2018 figures over 2017 and 2018)

GENDER	Horse riders	Horse riders	Mountain bikers	Mountain bikers	Shooting
	Young	Adult	Young	Adult	Adult
Q9. ARE YOU...?					
Male	12%	17%	71%	71%	87%
Female	87%	82%	29%	29%	13%
Gender diverse	0%	1%	0%	0%	0%
Sum	100%	100%	100%	100%	100%

CONTRIBUTION TO ECONOMY

Research in 2012 by the University of Waikato estimated that on average \$12,500 was spent on a horse on a yearly base. (The University of Waikato) In today's figures, taking inflation into account, this would be \$15,838. (Reserve Bank of New Zealand). This is excluding the spending on land purchases and rates.

Based on the Sport New Zealand survey in 2019 more than 2.4% of all young people and more than 3% of all adults participated in equestrian sports.

According to the 2018 census the population of Horowhenua was 33,261 people. 24.1% were from 0 to 19 years old and the 75.8% were adults.

This give a rough estimate of 957 equestrians * \$15,838 = \$15.2 million annual spending on equestrian sport.

But the potential market is larger than just Horowhenua.

Equestrians travel for their sport.

Carriage drivers come from as far as Gisborne and Warkworth to compete in Foxton.

Show jumpers from Wellington frequent the Foxton equestrian grounds.

Competitive trail riders come from as far as the Wellington, Wairarapa and Taihape areas to Foxton to compete.

And if we look at the whole of Manawatu there are estimated to be 7146 equestrians with an estimated spending of \$113.2 million annually. Wouldn't it be great to attract this to Foxton?

Equestrians provide income for:

- Saddlers and saddle fitter
- Equine dentists
- Physiotherapist
- Horse trainers
- Farriers
- Vets
- Contractors for the lifestyle blocks
- Mechanics
- Petrol stations
- Garages
- Grooms
- Feed and forage sellers

Waikato University also states: "This research suggests that the use of land for equestrian pursuits makes a far greater economical contribution than traditional farming practises could. Therefore the restriction in size of farming units is not justified, and in fact could have a negative effect on the economic development of the region."

(The Kapiti estimate is that equestrians contribute more than \$13million to their economy and employ more than 100 FTE's, based on an estimate of 1000 sport horses (excluding race horses). (Riding High in Kapiti))

Foxton race course grounds

The Foxton race course grounds are very popular because of the good ground condition. When other events are cancelled because the grounds are too wet, events in Foxton can still go ahead and historically several events were relocated to Foxton. (With the exception of last winter)

A regular user is the Moutoa pony club with 25 members.

Other recent users of the grounds were:

CD Show Jumping	450 horses
Wellington Show Jumping	400 horses
Manawatu PC North Island Show Hunter Champs	300 horses
Carriage Driving	30 horses
Scurry Fun	30 horses
Pony Club Gymkhanas	100 horses
Horowhenua Dressage	50 horses
NZ Pleasure Equestrian	60 horses
Saddle Up Manawatu	20 horses
Wellington Area Trail Riding	40 horses
CD Equine Society Practice Days	100 horses
Horowhenua Pony Club camp	25 horses
Pony Club Games	40 horses

It is estimated that for every horse there are is a rider and 2-3 support people, who spend money on grocery stores, petrol stations, motels, restaurants etc. (Central Districts Equine Society).

SHARED PATH VERSUS MULTI USE PATH DEFINITIONS

Waka Kotahi:

“A shared path is a path that is intended to be used by both pedestrians, cyclists, mobility devices and wheeled recreational devices.

A shared path may become a 'multi-use path' if it includes additional users, for example horse riders.”

SOME CHALLENGES WE FACE IN HOROWHENUA

Equestrians are losing opportunities for enjoying their sport and stay safe.

Some examples in and close to Foxton:

- Closing off Cousins Avenue reserve.
- The shared pathway on Palmer road in the berm where horses used to ride.
- The barrier across the stock route, preventing carriage drivers from using it.
- The “no horses on berm” sign in Spring street.
- Sealing of Wall road, with deep drains and narrow berms on the sides. Not suitable for horse riding anymore.
- Fencing off berms for grazing.
- Waitarere South forest is a key area for Horowhenua horse riders. This has been closed off with a high fence similar to Cousins Avenue Reserve.



Wall Road



Fenced off berm Foxton-Shannon road



Spring street



Barrier on stock route

Where mountain bikers appear, equestrians frequently are pushed out.

This is an issue all over the world and we have an example right here in Foxton Beach, namely the Cousins Avenue Reserve.

There used to be a low barrier at the end of the road, where horses could step over. Now there is a high fence, with an "entrance" that cannot be navigated by horses, mobility scooters or even some bicycles. Was this the intention?





To shut out motorbikes, equestrians are shut out too.

Motocross bikes and horse riders favour the same trails, soft footing and a variety of terrain. Horse riders dread coming across motocross bikes, they often scare the horses.

We lost the opportunity to organise horse treks in Waitarere North forest and the forest owners have threatened to ban horses from the South forest too, because they think that motocross bikes follow horses into the forest. In reality they find their own way in, like they do in the Foxton Beach dunes.

The McKenzie trail in Foxton Beach would make a perfect bridle path though the dunes. Now it is mainly used by motor bikes.

There are barriers available that keep motocross bikes out and allow horse riders to pass, but they have not been installed.



Waitare South Forest old situation. We went to the left to go into the forest.



Waitare South Forest new situation, no entrance possible.

HDC Parks and Reserves General Policy

The Parks and Reserves General Policy of April 2016 has a blanket ban on horses.

The purpose of this document is “to provide clear and consistent direction and guidance for how Council’s parks and reserves across the District should be used, managed and developed in the future.”

Sadly the chapter about horses is an opinion piece, it is biased against horses, and based on false premises.

This is what is offers equestrians:

<p>Objectives</p> <p>4.20.1 To restrict horses and large animals on all parks and reserves unless specified in a formal agreement with Council.</p> <p>Policies</p> <p>4.20.2 Prohibit horses and large animals from parks and reserves.</p> <p>4.20.3 Provide clear and prominent signage of animal restrictions on parks and reserves where necessary.</p>
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The reasoning is:

- “Animals such as horses on reserves have the potential to make other reserve users uncomfortable particularly if they have small children. Horses and other large animals may display behaviour that may be threatening to other reserve users particularly where the animal is uncontrolled and not contained by a rein or leash. For these reasons the use and enjoyment of the reserve may be compromised by the presence of horses and other large animals.”
- “Where sports such as rugby or soccer are played and there is ground contact and the potential for open wound injuries, the presence of animal waste is a serious health risk. For this reason, large animals such as horses should be prohibited from all parks and reserves, unless specifically provided for in an agreement with Council”.
- “Areas of open space may also be used for sporting events and large animals such as horses can damage grassed areas or special turf which is designed specifically for sporting purposes.”

The facts are:

- The news recently reported that there were 25,000 dog attacks in New Zealand last year. Despite an intense search, no evidence of an attack by horses on a random stranger has been found.
People often come up to us asking if they can pet the horse.
And when the Foxton horse drawn tram was operating, children loved to communicate with the horses. Those horses were big impressive Clydesdales.
- Horses are prey, they will run away, not attack like dogs.
- Animal waste from horses does not pose a health risk to humans as long as you do not eat it. (National Library of Medicine. 2013) (Equine Land Conservation Resource. 2013) (Bayequest. 2013)
Dog poo does, and dogs are allowed nearly everywhere.
- It is easy to keep horses off special turf. The fences are already in place.

Kapiti Coast District Council acknowledges horses in its Ten Priorities of the Open Space Strategy:

“2. Enhancing connections across our open space network, including improving cycleway, walkway and bridleway (CWB) routes and ecological corridors”.

Kapiti Coast District Council has a network of 81 km of cycleway, walkway and bridleways and states: “The CWB network also offers horse riding, which is a unique component not considered by many other councils.”.



Girl with the clydesdales from the Foxton Horse drawn tram.

HDC Animal nuisance and the keeping of pigs, poultry and bees bylaw 2014.

HDC bylaw states:

“11 Horses

11.1 The riding or leading of a horse on any footpath or berm that causes damage in a residential area is not permitted.

11.2 Horse manure must be removed from any public place by the person in charge of the horse.”

Ad 11.1:

Although we appreciate that we can use the road, the berm is often the safest place for a horse.

Ad 11.2:

This is not possible in most cases.

- Horse riders cannot carry shovels and large plastic bags around when they are riding.
- A lot of horse riders are not able to remount the horse from the ground.

Horse manure dries out and disintegrates quickly, it does not block any drains like leaves do and it is not a health hazard.

We are not included in the shared pathways programme.

Equestrians are not included in the shared pathways programme. The HDC report “Horse Riding Options on Parks and Reserves in the Horowhenua district” mentions: “it was not considered a priority by roading to incorporate such access into the shared pathways programme at the Deliberations of 25 May 2021.

Reasons given included: “such work would be unsubsidised, high cost, space hungry, and likely to exacerbate conflict with other users (cyclists and walkers).”

None of these arguments were substantiated in the report or elsewhere.

The same report also mentioned that there was no support from HDC for continuing the multi-use pathway along the expressway from Kapiti. “Similarly, Officers involved in the O2NL discussions are not advocating for horse-riding access on a shared pathway adjacent to the network.”

We regret that HDC did not take this opportunity, like Kapiti Coast District Council successfully did.

We refute that including equestrians is “high cost, space hungry and likely to exacerbate conflict with other users (cyclists and walkers).”

- Including equestrians is not high cost, they are easily catered for. No special engineering or expensive surface is required. All they need is a strip of land with reasonable footing. This can be sand, grass on sand, woodchips etc.
In a lot of cases it is a matter of just removing the “horses not allowed” sign, in other cases a simple post as a sign for a bridle way can be added.
- It is not space hungry, instead of putting a shared pathway in the middle of a space, move it to the side a bit to leave space for equestrians.
- Kapiti Coast District Council has no incidents recorded that involve equestrians on their cycleway, walkway and bridleway paths. The incidents usually involve dogs and cyclists.

WHAT EQUESTRIANS WOULD LIKE

TO BE CONSULTED AND INCLUDED

The Horowhenua representatives of the New Zealand Equestrian Advocacy Network Incorporated to be consulted regarding matters that potentially impact equestrians.

A lack of knowledge can not be an excuse for excluding equestrians, NZEAN is happy to help find solutions.

REWRITE THE CHAPTER ABOUT HORSES IN THE PARKS AND RESERVES GENERAL POLICY 2016

Regarding the Parks and Reserves General Policy:

- Chapter 4.20 of the Parks and Reserves General Policy should be rewritten based on facts.
- Equestrians should be included as legitimate users of parks and reserves.
- Tracks and walkways should include provisions for equestrians.

CHANGE OF THE HDC BYLAW

We would like to see HDC's Animal nuisance and the keeping of pigs, poultry and bees bylaw 2014 clause 11 rewritten or removed.

The practical solution is to allow horses on the berms, where any manure will break down naturally and enrich the soil with humus.

The berm is usually the safest place in the road corridor for a horse.

INCLUSION IN ANY NEW DEVELOPMENT OF PATHS

Inclusion in the Shared Pathways strategy which is to be reviewed annually, and the development of all new paths. There should be valid and documented reasons if equestrians are excluded. This should be an exception and not be allowed to be the norm.

High on the wish list around Foxton are:

- A safe path from Foxton to Foxton Beach.
- Opening up of Piriharakeke walkway to the Manawatu river

Examples of including equestrians:





OPENING UP EXISTING PATHS AND RESERVES TO EQUESTRIANS AROUND FOXTON

Often equestrians get excluded because other potential users like motorbikes and vehicles need to be excluded.

There are however horse friendly options that could be used.

Area	Solution
Stock route.	This is fine for horse riders, offer a key to carriage drivers.
Shared pathway along Palmer Road	Rename this to multi-use path and allow riders and carriage drivers to use it.
Cousins Avenue Reserve and McKenzie trail	Install horse friendly barrier.
Waitarere South Forest	Install horse friendly barrier.

Examples of horse friendly barriers:



Horse friendly gate



horse styles

With some alterations, the following barriers could work too: Make the step not higher than 35cm and make the entrance 1.5m wide.



Cousins avenue reserve



Waitarere South forest

SUPPORT AND PROMOTE THE USE AND DEVELOPMENT OF THE FOXTON EQUESTRIAN GROUNDS AT THE RACECOURSE FOR EQUESTRIAN USE

Foxton has excellent equestrian grounds at the racecourse, with probably the best surface in the lower North island. But these grounds are underutilised, they are mainly used for horse shows and pony club rallies in weekends.

HDC owns part of these grounds as part of Target Reserve. This reserve stretches from the racecourse to behind Round Bush.

The forest part is locked and requires a key for access.

Rides in the forest are very popular and participants enquire frequently about how to get access, they are also interested in the use of an arena in Foxton.

In addition, there are several enquiries about the availability of an arena in Foxton on the equestrian Facebook pages.

The racecourse grounds contain a full size all-weather arena, which is currently not used.

The Foxton equestrian grounds and Target reserve could become an equestrian drawcard by:

- Developing an “community arena” where equestrians, perhaps for a small fee, can socialize and enjoy their sport in a safe place.
- Add permanent eventing jumps and carriage driving obstacles to practise in the area beyond the golf club.
- Give easier access to the forest part.
- Develop camping facilities for equestrians.

Obstacle:

At the moment the use of the grounds, outside planned events, is not safe because of the use of the shooting range behind it. Members of the pistol club can start shooting any time. This is not compatible with equestrian use.

CONCLUSION

Equestrians, being mainly pony girls and horse women, are easy to cater for.
Just access and some space is often enough.

We spend a lot of time and money on our sport, which brings prosperity to the district.

We request equitable provisions and facilities to enjoy our sport.

We would appreciate the Foxton Community Board's help, to continue enjoying our sport, for ourselves, our children and grandchildren.



Sophie

APPENDICES

A. LETTER OF INTENT TO GOVERNMENT

To the Members of Parliament

We, the members of the New Zealand Equestrian Advocacy Network, (NZEAN) want to bring attention to the fact that for horse-riders, the 'kiwi' way of life is being eroded because of lack of recognition of the importance of our safe access to the roading network, recreational pathways, beaches, and Department of Conservation trails. Our access to these places has not been protected. We are increasingly finding examples of being 'shut out' of places we have traditionally ridden and driven our horses, mules, and donkeys.

We note with consternation that local and central government planners and path designers are not required to consult with equestrians as a group to determine our recreational needs yet institutional bias towards cyclists and walkers sees these groups having both governmental funding and overt support as legitimate road, beach, and recreational pathway users. Equestrians are also legitimate road, beach and recreational pathway users who have a long history in New Zealand and are a diverse and far-reaching group.

We are dismayed that our cultural history and economic input into NZ is ignored, and misunderstood. We are not a small group. In a 2012 economic impact analysis of the sport horse industry in New Zealand* it was estimated that there were 80,000 recreational, and sport horses in New Zealand, plus another 40,000 in the racing industry. At this time, the recreational and sport horse industry contributed over \$1 billion to the New Zealand economy annually, this was greater than 0.5% of GDP. At the time of this report, sport horses supported 12,000 fte jobs and horse owners spent on average \$12,500 p/a on each horse. While more recent figures have not been obtained, the percentage is more likely to have increased rather than decreased since this time. Equestrians support many industries, including stock food suppliers, the horse tack industry, farriers, and vets.

While no longer used for daily tasks such as mail delivery, milk rounds or ploughing, horses are still used on large stations, are invaluable for mental and physical therapy through Riding for the Disabled and other projects, teach innumerable skills and are no less valid a recreational pursuit than walking and cycling. Horses need to be provided with a wide variety of experiences to develop the skills necessary to provide such services.

We believe it is high time that we are once again properly recognized as such so that we will no longer find ourselves shut out of traditional riding areas or excluded from road safety campaigns.

We wish to inform you we are organizing ourselves with the intent to achieve the following:

1. Petition the NZ Government to require that by legislation, local and central government planners and roadway/pathway designers consult with and meet equestrian recreational groups' needs.
2. Lobby all MPs to set up funding to establish national recognition for our group.
3. Require the NZ Government to begin a specific road safety education campaign to remind all New Zealand Road users how to safely share with equestrians.
4. Provide ongoing support for the development of multi-use, recreational pathways so that equestrians can share these off-road areas with walkers, cyclists, and all other recreational users on an equal basis.

5. Ensure all new government transport infrastructure and recreational links provide safe connections for horses.
6. Work with the government to provide a continuous bridle path the full length of New Zealand. We look forward to working closely with you on achieving these goals.

Please respond to us at NZEANstaff@gmail.com to indicate your support.
Yours sincerely. Members of NZEAN

* [Economic Impact Report on the New Zealand Sport Horse Industry](#) by Alex Matheson Michèle E.M.
Akoorie July, 2012

B. MORE STATISTICS ABOUT EQUESTRIANS

The location for horse riding was:

	Young people
Total (Unweighted)	
Net: At school or in the school grounds	2%
Net: At home	44%
Net: Outdoor facilities (e.g. playground, park, field, AstroTurf or outdoor pool)	41%
Net: Indoor facilities (e.g. gym, community hall, church, marae or indoor pool)	5%
Net: Other outdoor locations (e.g. beach, lake, bush, footpath)	35%
Net Somewhere else	13%

Age groups

Q2. WHICH OF THESE AGE GROUPS DO YOU BELONG TO? -----	Young people
Base: All respondents aged 5 to 17	
NET 5-7	14%
NET 8-11	27%
NET 12-14	39%
NET 15-17	19%
Sum	100%

Q3. WHICH OF THESE AGE GROUPS DO YOU BELONG TO?	Adults
Base: All respondents aged 18 or over	
Nets: 18-24	21%
Nets: 25-34	18%
Nets: 35-49	32%
Nets: 50-64	23%
Nets: 65-74	6%
Nets: 75+	1%
Sum	100%

Source: Sport NZ

C. HDC HORSES IN THE NUISANCE BYLAW 2014

11. HORSES

- 11.1 The riding or leading of a horse on any footpath or berm that causes damage in a residential area is not permitted.
- 11.2 Horse manure must be removed from any public place by the person in charge of the horse.

Horowhenua District Council. 2014. *Animal Nuisance and the keeping of pigs, poultry and bees bylaw 2014*. <https://www.horowhenua.govt.nz/Council/Local-Bylaws-Policies/Animal-Nuisance-and-the-Keeping-of-Pigs-Poultry-and-Bees-Bylaw-2014#:~:text=Purpose%20of%20the%20Bylaw,animals%20in%20urban%20areas%3B%20and>

D. HORSE AND LARGE ANIMALS IN THE HDC PARKS AND RESERVES GENERAL POLICY DOCUMENT.

4.20 HORSES AND LARGE ANIMALS

Issues/Opportunities

Parks and reserves in the Horowhenua District offer areas of open space which are attractive to people wishing to exercise not only dogs but larger animals such as horses. An issue with this is that larger animals can pose a threat to natural values of reserves as well as threaten the health and safety of other reserve users.

Animals such as horses on reserves have the potential to make other reserve users uncomfortable particularly if they have small children. Horses and other large animals may display behaviour that may be threatening to other reserve users particularly where the animal is uncontrolled and not contained by a rein or leash. For these reasons the use and enjoyment of the reserve may be compromised by the presence of horses and other large animals.

Some of Council's large reserves such as Weraroa Domain and the Railway Reserves, are wide areas of open space that may be seen as ideal spaces to exercise horses and other animals. Where sports such as rugby or soccer are played and there is ground contact and the potential for open wound injuries, the presence of animal waste is a serious health risk. For this reason, large animals such as horses should be prohibited from all parks and reserves, unless specifically provided for in an agreement with Council.

Areas of open space may also be used for sporting events and large animals such as horses can damage grassed areas or special turf which is designed specifically for sporting purposes. While reserve land is open to the public, it is important that reserve users do not undertake activities on reserves that could undermine or threaten the purpose and function of the reserve.

Objectives

- 4.20.1 To restrict horses and large animals on all parks and reserves unless specified in a formal agreement with Council.

Policies

- 4.20.2 Prohibit horses and large animals from parks and reserves.
- 4.20.3 Provide clear and prominent signage of animal restrictions on parks and reserves where necessary.

Actions

- Erect signs on reserves to communicate the animal restrictions where appropriate.

Explanation

Council parks and reserves provide areas of open space for recreational use and enjoyment. Horses and large animals can threaten the recreational and natural value of the reserve as they can be a safety risk to other reserve users and they can produce waste which can be a health and safety risk to people (especially those playing sports involving ground contact) and the natural environment. It is therefore important that parks and reserves clearly display signs that prohibit large animals and that this is effectively policed for the enjoyment and use of the reserve by the community.

Horowhenua District Council. 2016. *Parks and Reserves General Policy*.
<https://www.horowhenua.govt.nz/files/assets/public/rmps/hdc-rmp-final-parks-and-reserves-general-policy-document-2016.pdf>

E. CERTIFICATE OF INCORPORATION NEW ZEALAND EQUESTRIAN ADVOCACY NETWORK INCORPORATED



Certificate of Incorporation

NEW ZEALAND EQUESTRIAN ADVOCACY NETWORK INCORPORATED

50144552

NZBN: 9429051119812

This is to certify that NEW ZEALAND EQUESTRIAN ADVOCACY NETWORK INCORPORATED was incorporated under the Incorporated Societies Act 1908 on the 14th day of February 2023

A handwritten signature in black ink, appearing to be "S. J. ...".

Registrar of Incorporated Societies
14th day of February 2023



To check the validity of this certificate visit
<https://app.businessregisters.govt.nz/sber-businesses/verify/9429051119812/IncorporatedSociety-59297518.html>

Certificate generated on 14 February 2023 02:02 PM NZDT

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[poop/#:~:text=Horses%20do%20not%20carry%20any,health%20risk%2C%20typically%20abd%20dominal%20discomfort](https://elcr.org/the-scoop-on-poop/#:~:text=Horses%20do%20not%20carry%20any,health%20risk%2C%20typically%20abd%20dominal%20discomfort).

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[documents/bylaws/hdc-animal-nuisance-and-the-keeping-of-pigs-poultry-and-bees-bylaw-2014-d14125136.pdf](https://www.horowhenua.govt.nz/files/assets/public/council-documents/bylaws/hdc-animal-nuisance-and-the-keeping-of-pigs-poultry-and-bees-bylaw-2014-d14125136.pdf)

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National Library of Medicine. 2013. *Environmental Contamination by Dog's Faeces: A Public Health Problem?*

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3564131/#:~:text=Dog%20faeces%20may%20contain%20several,2%2C3%2C4%5D>.

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[transport/cycling/cycling-standards-and-guidance/cycling-network-guidance/designing-a-cycle-facility/between-intersections/shared-paths/](https://www.nzta.govt.nz/walking-cycling-and-public-transport/cycling/cycling-standards-and-guidance/cycling-network-guidance/designing-a-cycle-facility/between-intersections/shared-paths/)



File No.: 23/220

7.1 Update on coastal management matters for Foxton Beach

1. Purpose

This report is to outline a process for the development of two key strategic documents that relate to the Foxton Beach coast, and to recommend how this will be achieved in conjunction with a number of key stakeholders. It is also to put forward a proposal for physical works at the southern area of Foxton Beach, which would increase resilience in this dune system.

2. Executive Summary

Horowhenua District Council (HDC) has been fully involved in the Manawatu Estuary Management Team for a number of years. This group, which includes all three agencies who have responsibilities within this Manawatu Estuary area (being HDC, Horizons Regional Council and Department of Conservation), are now seeking for two key documents to be updated: 1) the Manawatu Estuary Management Plan (RAMSAR document), and the HDC Coastal Reserves Management Plan. It has been agreed that both of these documents are drafted in parallel in an iterative manner in consultation with this MEMT group. This report seeks to inform the TAFCB of this process.

Additionally, a proposal is also being put forward for the Board's consideration that entails increasing resilience in the dunes at the southern area of Foxton Beach. This report seeks to gain TAFCB approval to continue with planning that project in the next three months under existing budgets, subject to all regulatory requirements from both the District and Regional Councils being met before physical works commence.

3. Recommendation

- 3.1 That Report 23/220 Update on coastal management matters for Foxton Beach be received.
- 3.2 That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.

4. Background / Previous Council Decisions

- 4.1 Horowhenua District Council has either full or shared responsibility for two key Foxton Beach coastal plan documents. These are:

- a) HDC's Foxton Beach Coastal Reserves Management Plan 2009
- b) The Manawatu Estuary Plan (RAMSAR document) 2015

Additionally, HDC is part of the Manawatu Estuary Management Team, a group that comprises:

- the three agencies that have an interest in this coast (HDC, Horizons Regional Council and Department of Conservation);
- local Iwi representatives;
- a number of ecological and community organisations based in either Foxton, Foxton Beach or the wider Horowhenua area;

- other interested stakeholders.

This group was formed in 2006, and was established to initially coordinate efforts to protect and enhance the RAMSAR site. One of the first tasks for this team was the preparation of a management plan as recommended by the Ramsar Convention. The Ramsar Convention on Wetlands is an intergovernmental treaty for the conservation and wise use of wetlands and their resources.

DOC is New Zealand's lead agency for this Convention and manages most of New Zealand's Ramsar wetlands of international importance.

Parties to the Convention:

- designate wetlands for inclusion on the List of Wetlands of International Importance;
- promote the significance of these wetlands and monitor and advise of any changes to their ecological character;
- promote the wise use of all wetlands, especially through national policy on wetland conservation management;
- promote conservation of wetlands and waterfowl by establishing nature reserves on wetlands to compensate for any loss of wetland resources of listed sites, encourage research, increase waterfowl populations and promote training in wetlands research and management;
- promote international cooperation in wetlands conservation, including the sharing of resources and expertise.

4.2 In terms of the roles and responsibilities that are applicable to both plans, these are summarised as follows:

- The **Manawatu Estuary Plan (RAMSAR plan)**: Although the Department of Conservation is the lead agency for the RAMSAR convention as it relates to NZ sites, development of this plan will be tasked with all three agencies, working in an iterative approach with the MEMT group, which includes treaty partners (local iwi and hapu);
- The **HDC Coastal Reserves Management Plan**: this is an HDC document so our Council will be taking the lead on the revision and development of this plan. As per above, a similar iterative approach will be taken to develop this plan with the other two agencies, local iwi and the MEMT group.

An important point for the Board to take away is that both plans will be drafted in parallel, and the consultation requirements for both plans will be integrated for efficient delivery, and to achieve a holistic outcome for both strategic documents.

4.3 It is worth noting for the Board the timeframe requirements for completion of both of these documents. The RAMSAR plan is due to be completed and submitted by 2025. The HDC Coastal Reserves Management Plan is from 2009, and although does not have any statutory timeframes driving the timing for its update, it is undeniably overdue for revision. The following aspects have led to a collective decision to develop both documents in parallel:

- both documents have a geographical crossover, and;
- that this coastal space in its entirety is subject to strong views, input and level of ownership by the Foxton Beach community.

4.4 The southern part of Foxton Beach contains an area of dunes which is of high interest to the Foxton Beach community. It is an area colloquially known the "Dune Garden", (see map 1 attached on Appendix A), and contains a number of species of native dune plants, some of which are very rare and only found in Foxton Beach. For a number of years now, a group of volunteers (the majority being members of MEMT) have undertaken dune restoration works

within this Dune Garden area, and have made significant strides in terms of weed control, and enhancement of this environment for the dune system.

This area is within the geographical area for both strategic plans, being within the northern part of the RAMSAR boundary, and also within the Foxton Beach vicinity which encompasses the HDC Coastal Reserves Management Plan area. The importance of this dune garden area, both from an ecological perspective and in terms of the community-driven aspirations for this part of the coast is why HDC Officers are putting forward a proposal for strengthening that dune environment, the details of which are outlined in Section 5.

5. Discussion

This report seeks to achieve two outcomes:

- 1) Update the Te Awahou Foxton Community Board on the process for the reviewing and updating of two key strategic documents that have a focus on the Foxton Beach coastal environment;
- 2) Put forward a proposal for discussion with the Te Awahou Foxton Community Board for a physical works project to enhance dune stability in the vicinity of the dune garden space.

In terms of point 1), HDC, along with the other agencies HRC and DOC, has been involved in the MEMT group, a passionate and diverse group of key stakeholders who have strong aspirations for both the Manawatu Estuary, as well as the wider Foxton Beach coastal area. Discussions within the MEMT group, and with the agencies have reached a point whereby the MEMT are very clear that they wish for the agencies to work with them to revise these two important strategic documents. On that basis, this report seeks to outline the process to the TAFCB, so that the Board is fully informed about this work.

In terms of point 2) this proposal seeks to undertake low impact environmental works in the Foredune area around the dune system surrounding what is known colloquially as the 'Dune Garden', involving

- Driving wooden staves into the base of the dune at approximately 2 metre intervals;
- Utilising existing driftwood/logs washed up on Foxton Beach and placing this at the base of the dune to promote stability and dune build-up;
- Placement of sand from the beach (under beach grooming)
- Planting of spinifex plants to further promote dune stability through that plant's dune-binding characteristics

The design for this foredune proposal would then also be well placed to increase stability as well as allowing natural processes to further enhance these dune works. This would be in the form of wave-driven logs becoming naturally snagged at the base of these dunes. This will assist in dune build up, and as a secondary outcome would provide a deterrent for vehicles riding over these dunes which will be able to regenerate naturally.

Please note that HDC officers are engaging with the Regional Council regulatory team to ensure that all requirements under the One Plan are met.

6. Options

There is only one option put forward in this report, namely that the Te Awahou Foxton Community Board note the action that Officers will progress Council's involvement and leadership for this coastal space, through a process that includes:

- Shared responsibility for development of the Manawatu Estuary Plan (RAMSAR Convention along with Horizons Regional Council and the lead agency for RAMSAR sites in NZ – the Department of Conservation, and working in an iterative manner alongside local iwi representatives, and the wider MEMT group to have this plan completed by the deadline of June 2025;
- Full responsibility for revision of the HDC Coastal Reserves Management Plan, however again in an iterative manner with all partners and stakeholders mentioned above. Although there is no official deadline for completion of the HDC coastal document, due to the significant crossovers in both geography and strategic issues for this part of the Horowhenua coast, and the expected high level of community engagement, it is planned to complete this in parallel with the RAMSAR document.

6.1 Cost

Costs for both proposals (work on strategic documents / physical works at 'Dune Garden' area) will be from existing budgets that have already been secured. All work will also be undertaken to meet current HDC procurement policies.

6.1.1 Rate Impact

There will be no rates impacts arising.

6.2 Community Wellbeing

It is intended to develop both of these strategic documents in close collaboration with the MEMT, a diverse group of local and district stakeholders, who provide a very good mix of community, ecological and mana whenua views. This level of community involvement will contribute to documents that provide a strong foundation for management of this coastline into the future.

In terms of the physical works proposal for around the Dune Garden, these works would increase resilience of the dune system, and assist in managing current issues regarding wheeled vehicles (four wheeled drives, quads and motorbikes) accessing the dune areas. The project, if progressed, would improve well-being for the Foxton community through greater resilience for this part of the coast, as well as improved safety for the public.

6.3 Consenting Issues

There are no Consents required or consenting issues arising from the development of the two strategic plans. In terms of the physical works proposal for the Dune Garden area, Officers are currently working through the consenting requirements from both an HDC regulatory perspective, as well as Horizons Regional Council from a One Plan perspective.

6.4 LTP Integration

There is no immediate LTP programme related to the one option provided in this report. However, it is expected that actions that are formulated within the plans will be brought through for discussion during future LTP processes.

7. Consultation

Considerable consultation on the three agencies approach to development of both of these plans has already occurred, through:

- Regular six monthly meetings of the MEMT, the latest being 10 March 2023, and;
- A workshop held on 10 February 2023 between MEMT members and HDC representatives.

A future planning workshop has also been organised with MEMT and the three agencies for 21 April 2023, to progress the work on updating the two strategic documents.

8. Legal Considerations

There are no Legal Requirements or Statutory Obligations affecting the option put forward in this report.

9. Financial Considerations

There is no financial impact given both proposals are being planned from existing HDC budgets, or externally sourced funds.

10. Iwi Considerations

Development of both of the strategic documents discussed in this report have a high level of interest for HDC's treaty partners. Iwi members are represented in the MEMT, attend the six monthly meetings for that management group, and were engaged participants in the latest workshop of 10 February 2023. It is intended to continue engagement with Iwi as partners regularly through the process to complete both plans.

11. Climate Change Considerations

In terms of development of these two plans, there is no climate change impact to note. The plans themselves however will likely reflect the strong imperative from the community to build in resilience into this coastal space, thereby contributing to the town's adaption to a changing environment, particularly from a coastal perspective.

Likewise, the physical works proposal, should it progress, would build resilience into this section of the coast, and seek to achieve climate change adaption using the assistance of natural processes to do so.

12. Environmental Considerations

As noted in point 11 above, the development of these plans, and the physical works project, would have a strong ecological focus given the importance of building resilience on this coast for current and future generations.

13. Health & Safety Considerations

There is no Health & Safety impact.

14. Other Considerations

There are no other considerations.

15. Next Steps

The next steps will involve working closely and collaboratively with all parties, being the other two agencies, our iwi partners, and the key stakeholders including MEMT with the aim of completing both documents over the next 18 months. This will ensure that the timeframe to complete the RAMSAR document is met, as well as a key strategic document regarding coastal management being completed in parallel.

16. Supporting Information

Strategic Fit/Strategic Outcome

Development of these two plans aligns with a number of Community Outcomes in the LTP:

Outstanding Environment:

- We contribute to improving our natural environment for current and future generations to enjoy
- We protect the important natural features in our district

Fit for Purpose infrastructure:

- Our community facilities and infrastructure are resilient, helping us to respond to climate change and natural hazards

Strong Communities:

- We take an inclusive approach and encourage our people to participate in local decision-making

Partnership with Tangata Whenua:

- We build mutually respectful partnerships with Tangata Whenua
- We recognise the role of Mana Whenua as kaitiaki of their rohe

Decision Making

This decision is not significant.

Consistency with Existing Policy

Once both strategic plans have been updated, consistency will be achieved with both of these documents fitting within Council’s overall Policy framework, as well as the Open Space Strategy.

Funding

It can be confirmed that funding has been secured for this work from existing Council budgets.

Risk Area	Risk Identified	Consequence	Likelihood	Risk Assessment (Low to Extreme)	Managed how
Strategic					
Financial					
Service Delivery	The diversity of views, and the solutions proposed about how the coast is managed impacts on timeframes to complete the two strategic documents	Current use of this coastal space has highlighted a number of issues needing resolving. Failure to complete these documents will impact negatively on collective resolution of these issues.	Low	Low	<ul style="list-style-type: none"> • Iterative approach to development of these two documents, working closely and collaboratively with all partners and stakeholders • A series of workshops, as well as the regular six monthly MENT meetings to progress development of both plans

Legal					
Reputational	The loss of RAMSAR status for the Manawatu Estuary should the document not be reviewed and updated to the required standard.	The possible loss of RAMSAR status would be a huge blow to Foxton Beach's reputation given the international prestige of having this in the Horowhenua.	Low	Low	<ul style="list-style-type: none"> An engaged and committed group of stakeholders, agencies and partners will be a strong mitigation against failure to deliver that specific plan





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 advantages and disadvantages, 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.

17. Appendices

No.	Title	Page
A	Appendix One TAFCB Meeting Report Coastal Matters related to Foxton Beach 3 April 2023	48

Author(s)	Sean Hester Parks & Property Lead North	
Approved by	Arthur Nelson Parks and Property Manager	
	Brent Harvey Group Manager - Community Experience & Services	
	Monique Davidson Chief Executive Officer	

Appendix One:

Map of proposed dune improvement project, Foxton Beach



Picture 1: Map of Southern area of Foxton Beach

Proposal is for low impact environmental works including:

- Driving timber staves (no concrete) into base of the dune (the existing site);
- Utilising existing driftwood/logs washed up on Foxton Beach and placing this at the base of the dune to promote stability and dune build-up;
- Placement of sand from the beach (under beach grooming)
- Planting of spinifex plants to further promote dune stability through that plant's dune-binding characteristics

The design for this foredune proposal would also then be well placed to have natural processes provide further dune build-up - in the form of wave-driven logs becoming naturally snagged at the base of these dunes, increasing stability and allowing natural processes to further enhance these dune works.

File No.: 23/207

7.2 Update on Foxton Beach Freeholding Account

1. Purpose

To provide the Board with an update on the Foxton Beach Freeholding account, confirm the Board's proposals and undertakings and provide an update with the progress the on the policy review.

2. Executive Summary

- 2.1 In the previous meeting of the Community Board on 3 April 2023, it was confirmed that The Foxton Beach Freeholding Account needs to be further reviewed. It was also agreed that the project required further engagement with iwi and hapū prior to consulting with the community on changes to the Foxton Beach Freeholding Account Policy and Strategy Review.
- 2.2 While a draft policy has been developed, the engagement with iwi may result in further changes to the proposed review of the policy and strategy. The new policy and strategy will be reported back to Council prior to further consultation. Engaging and collaborating with our iwi and hapū partners has been recognised as the first priority before the review can progress further.
- 2.3 This report notes that discussions with hapū and iwi representatives are available to begin discussions.
- 2.4 The detailed project plan has been started but due to competing demands with the Long Term Plan Amendment and availability of our hapū representative, the project plan has not been completed.
- 2.5 At this stage it is expected that Council will present at the Community Board meeting on 15 May 2023, the work programme and status of conversations with iwi and hapū that have occurred so far.
- 2.6 The aim will also be for the approach and/or the approach and revised policy to be presented alongside iwi and hapū as part of the Council meeting on 19 July.
- 2.7 Following the collaboration with iwi, and the Community Board and Council meeting, community consultation will occur and will include hearings and deliberations.
- 2.8 Council officers were also asked to provide some further advice on the policy in regards to the fund limit for providing funding. A copy of the legal advice received is included in Appendix 1. It notes that it is reasonable to assume that the lower limit for the fund should be based on the "cash" fund rather than also including the value of the assets that are associated with the fund. The fund is forecast to be \$4.7m at the end of June 2023.
- 2.9 Parallel to the work above some requests for funding were proposed to be included in the consultation for the long term plan amendment and were presented to Council on 15 March. These proposals included consulting on \$230,000.00 for the promenade development and \$500,000.00 for the Foxton Aquatic development to be funded from the Foxton Beach Freeholding Account within the LTPA. Council approved consulting on \$500,000 for the Foxton Aquatic development only.

3. Recommendation

- 3.1 That Report 23/207 Update on Foxton Beach Freeholding Account be received.
- 3.2 That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That the Board engages with Iwi in relation to the Foxton Beach Freeholding account, acknowledging its obligation under the Act, and also noting the importance to Iwi of the land that underpins, or has contributed to, the fund in the past.
- 3.4 That the Board requests officers to report back on progress at each meeting through the actions monitoring report.
- 3.5 That the Board notes the legal advice included in appendix 1.

4. Background / Previous Council Decisions

- 4.1 The Foxton Beach Freeholding Account Strategy and Policy (“the Policy”) was last reviewed in 2009. As part of Long Term Plan 2021-41 discussions, a request was made to review the strategy and policy, as well as the delegations to the Foxton Community Board.
- 4.2 Subsequently a draft review was completed by the Board, and presented to Council for adoption as a draft for consultation. At its meeting on 14 September 2022 Council resolved:

Resolution Number CO/2022/59

MOVED by Cr Allan, seconded Cr Brannigan:

- 2.4 *That Council Agrees to the Board request for officers to commence consultations on the review of the Foxton Beach Freeholding Account Strategy and Policy.*

CARRIED

- 4.3 An initial workshop with the Board and members of community, including hapū representatives was held on 19 December 2022. At that workshop, it became clear that engagement with Iwi and hapū had not occurred in the development of the reviewed policy and strategy. It was the view of the Board that it would be appropriate to take a step back in the consultation process, and engage with Iwi and hapū and then seek to develop a review of the policy and strategy that incorporates the views and aspirations of Iwi and hapū.
- 4.4 Concurrently there have been there have been requests for support from the fund for a number of items.
- 4.5 At its meeting on 22 August 2022 the Board resolved:

Resolution Number FCB/2022/3

MOVED by Cr Allan, seconded Mr Roache:

That Report 22/411 Update on Foxton Beach promenade development be received.

That the Foxton Community Board endorse the use of the Foxton Beach Freeholding Account to fund this work, with a report to be submitted by Council officers to the Council meeting of 14 September 2022 seeking that approval.

That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.

CARRIED

- 4.6 While the report to Council did not eventuate, the Board still wishes to progress the promenade project and request \$230,000 from the Foxton Beach Freeholding account to progress the Promenade project.
- 4.7 Additionally, during consideration by Council on approving funding for the Foxton Pool Redevelopment, the Chair of the then Foxton Community Board indicated that the Board would be prepared to support the redevelopment by contributing \$500,000 from the Foxton Beach Freeholding Account. This report seeks the Board's confirmation of this course of action.

5. Discussion

- 5.1 The Foxton Beach Freeholding Account is due for review.
- 5.2 While work has gone into the review of the policy and strategy, upon reflection and representation from the iwi and hapū, we cannot be satisfied that we have adequately met our obligations as a treaty partner.
- 5.3 The significance of the land to iwi and hapū, which underpins the fund, indicates that better engagement is required. The view of the Board following its recent workshop was that it would be appropriate to take a step back and re-engage.
- 5.4 Officers have begun work on a project plan and will begin collaborating with iwi and hapū on the review and around the engagement and will report back to the Board on progress.
- 5.5 At the last meeting, Te Awahou Foxton Community Board sought additional advice from Officers on the current policy, and to seek some specific legal advice that would assist with both the review of the policy and impending funding allocation decisions. This legal advice has been previously provided to TAFCB members, but is now formally provided and made available for public reading. Council have determined that this is no longer required to be withheld under legal privilege.

6. Options

- 6.1 The Foxton Beach Freeholding account policy and strategy must be reviewed as it is past its review date.
- 6.2 The Board could maintain the status quo and proceed to consult on the existing draft. This would ignore the Board's obligation under the Local Government Act 2002 in relation to Te Tiriti. Council of course who are the ultimate decision makers on the Fund's Policy will also need to ensure its requirements under the Maori Contribution to Decision Making Policy are fulfilled.
- 6.3 It is recommended that the Board do seek to engage with iwi in relation to the Foxton Beach Freeholding account, acknowledging its obligation under the Act, and also noting the importance to iwi of the land that underpins, or has contributed to, the fund in the past.

6.4 Cost

There are no rating impacts; the Foxton Beach Freeholding account is self-funding.

6.5 Community Wellbeing

There are no negative impacts on community wellbeing arising.

6.6 Consenting Issues

There are no consenting issues arising from this report.

6.7 LTP Integration

The request for funding from the Foxton Beach Free Holding account will be included in the Long Term Plan Amendment consultation document to seek the views on a potential funding allocation to the Foxton Aquatic Centre.

Council's decisions not to support the promenade project for funding is something that the Community Board will need to give consideration to.

7. Consultation

Consultation will occur alongside the Long Term Plan Amendment in relation to a potential funding allocation. Consultation in relation to the upcoming review of the Freeholding Account policy is likely to require further time.

8. Legal Considerations

The use of funds from the Foxton Beach Freeholding account must be in accordance with the Reserves and Other Lands Disposal Act 1956 and 1968.

9. Financial Considerations

There is no financial impact on Council at this stage of the process.

10. Iwi Considerations

The review of the Foxton Beach Freeholding account policy and strategy requires engagement with Iwi. To date this has not happened. This report seeks to open the way for engagement to begin.

11. Climate Change Considerations

There is no climate impact to consider.

12. Environmental Considerations

There are no specific environmental considerations.

13. Health & Safety Considerations

There is no health and safety impact.

14. Next Steps

14.1 The next steps are to begin engagement with Iwi on the review of the Foxton Beach Freeholding account, and for the items seeking funding to be included in the Long Term Plan Amendment consultation document.

14.2 Officers will report back at next meeting on progress.

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 advantages and disadvantages, 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.

15. Appendices

No.	Title	Page
A1	Legal Advise regarding Foxton Beach Freeholding Account	54

Author(s)	Grayson Rowse Principal Advisor - Democracy	
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Approved by	Monique Davidson Chief Executive Officer	
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NAVIGATING YOUR SUCCESS

14 March 2023

By Email: ashleych@horowhenua.govt.nz

Horowhenua District Council
Private Bag 4002
LEVIN 5540

ATTENTION: Ashley Huria

ADVICE - FOXTON BEACH FREEHOLDING ACCOUNT

We refer to your email dated 8 March 2023 seeking our advice in relation to a number of queries regarding the Foxton Beach Freeholding Account Policy (the **Policy**). We address each of your queries below.

Are there any implications or impediments to Council receiving and considering applications and granting funds from the account while a review of the Policy is underway?

1. No. A general principle of administrative law is that when making a decision, the decision-maker should apply the applicable policy that is in force at the time that an application is submitted.¹ This is because where a decision-maker adopts a policy to guide its decision-making, an applicant is generally entitled to expect that the policy will in fact be applied. The fact that a policy is under review should not affect the way in which Council considers applications in the meantime, because it should still be applying the policy that is in force. Even if a new policy were adopted partway through deciding an application, it would be inappropriate to retrospectively apply the new policy when deciding an extant application for funds.
2. As to whether there are any impediments to receiving applications pending completion of the policy review, for the reasons stated above we do not consider that there are. In particular, we note that there is no statutory requirement, administrative law principle or policy provision that would prevent the Council from receiving and considering applications in accordance with the current Policy while a review is ongoing. In light of this, if Council did wish to impose a moratorium on receiving applications for grants until a review of the Policy, this would need to be the subject of a Council resolution, to which the provisions of Part 6 of the Local Government Act 2002 (**LGA02**) would apply.

¹ See for example, the discussion in *New Zealand Association for Migration and Investments Inc v Attorney-General* [2006] NZAR 45 at [137] – [159].

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Does the value of the fund include the cash reserves only or does it include the value of the non-cash assets (e.g. lease hold endowment properties)?

3. The fund includes the cash reserves only. The fund was created to fulfil Council's obligations under section 13(14) of the Reserves and Other Lands Disposal Act 1968 (the Act), which provides:
 - (14) The council shall from time to time spend the net proceeds from the sale or lease of any of the endowment land on the provision of services and public amenities for the benefit of the inhabitants of Foxton Beach Township, or on the improvement, maintenance, or repair of any such services and amenities, or on the improvement, maintenance, or repair of any existing services or public amenities. For the purposes of this subsection, the term services includes roads, road lighting, water supply, drainage, sewerage, and other public works.
4. It is clear from this provision that the fund derives from the proceeds of sale or lease of the endowment properties. It also includes any additional funds derived from investment of those funds. While, if sold, the proceeds of any sale of the endowment land would form part of the fund, we do not think that the value of the fund can necessarily include the value of the land itself unless or until it is disposed of.

Are there any implications if Council, through resolution, grants funds from the account for an application that would make the fund fall below the \$5 million minimum balance provided for in the Policy?

5. As you have pointed out, the \$5 million minimum balance is a self-imposed limit by Council via the Policy; it does not reflect any statutory requirement. The Council is entitled to make a decision that is inconsistent with the minimum balance requirement in the Policy, but it must comply with the requirements of section 80 of the LGA02. Section 80 provides that where a decision will be significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with any policy, the local authority must, when making any decision, clearly identify:
 - a. The inconsistency;
 - b. The reasons for the inconsistency; and
 - c. Any intention of the local authority to amend the policy to accommodate the decision.
6. Whether or not such a decision represents a significant inconsistency would likely depend on how far below the minimum level the fund balance would fall. One test for this could be whether it is projected that the grant would result in the fund being below the \$5 million level at the end of the financial year, or in one year's time (which appears to be a relevant consideration in the prioritisation section of the Policy – see page 11).
7. However, given that decisions on whether to grant funds must be made by Council resolution in any event, it would be prudent to expressly have regard to the section 80 matters whenever a decision would be inconsistent with the \$5 million minimum balance requirement provided in the policy. While this could be discussed in the Council report,

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the most transparent means of ensuring that section 80 is complied with would be to also record these matters in a resolution, even if the resolution simply adopts the reasons provided for in the report.

What are the obligations to consult on the use of the funds, and if so, with whom?

8. As mentioned above, a decision by Council to distribute funds is a decision to which Part 6 of the LGA02 applies. Pursuant to those provisions, Council is not obliged to consult in respect of every decision it makes. However, in making a decision, Council must consider community views under section 78 of the LGA02. There are many ways in which Council can take community views into account without needing to carry out a formal consultative process. For example:
 - a. It could consult and receive feedback from the Foxton Beach Community Board;
or
 - b. It could be informed by prior consultation, for example via the Long Term Plan or Annual Plan processes, or if relatively recent, consultation on the Policy itself.
9. Further, if the decision that is made is consistent with the Council's statutory obligations under section 13 of the Act and the Policy, it is less likely that any formal consultation will be required. If the decision would be inconsistent with the Policy, it may be appropriate to consult with the community before making the decision. Whether this is needed will likely depend on how great the inconsistency is. The more substantial the departure, the more appropriate consultation would be. Given that the fund is for the benefit of the Foxton Beach Community, any such consultation would need to be with that community. However, for minor inconsistencies, consulting with the Foxton Beach Community Board may be sufficient.
10. Where a proposal is consistent with the Policy but does have a potential impact on all or some of the community, it would be appropriate to give consideration to whether consultation is needed to gather the views of those persons before making a decision. We note in particular:
 - a. If the decision would be considered significant under Council's Significance and Engagement Policy, the Council must expressly ensure that section 76(1) of the LGA02 has been observed.
 - b. If the decision affects tangata whenua, it would be consistent with section 81 of the LGA02 to obtain views of the affected iwi before making a decision.
 - c. Where a decision may have a particular impact on one or more persons or group of persons, it could be appropriate to obtain their feedback, even if wider community consultation is not considered necessary.
11. In summary, usually it will not be necessary to carry out a full community consultation before a decision is made on whether to grant funds. This is particularly the case where the proposed decision is consistent with the Policy and/or where there has been prior consultation that enables Council to understand community views (e.g. via Long Term Plan or Annual Plan consultation). While not necessary in all cases, consultation with the

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Community Board would likely assist Council in understanding local views and priorities. In some circumstances consultation with the Foxton Beach community may be appropriate, particularly where the decision involves a significant departure from the Policy. There may be other situations where consultation with all or some parts of the community is appropriate e.g. where the decision is significant under the Significance and Engagement Policy, it could affect Maori or have a particular impact on someone or a group of people in the community.

Can Council approve funds for use outside the Foxton Beach area on public amenities that the Foxton Beach community would have access to e.g. the Foxton Aquatic Centre?

12. Section 13(14) of the Act requires that the proceeds from the sale or lease of endowment properties must be spent on the provision of services and public amenities for the benefit of the inhabitants of Foxton Beach (and/or the maintenance, improvement or repair of such services and amenities). It does not require that the funds must be spent on services or amenities solely within the geographical boundaries of Foxton Beach. Nor does it require that the services or amenities must be for the exclusive benefit of inhabitants of Foxton Beach. It therefore follows that Council is lawfully entitled to spend the fund on public amenities that are outside Foxton Beach but which would benefit the Foxton Beach community. The example you have provided of an aquatic centre located in Foxton which services both Foxton Beach and the wider Foxton area would fall within this category.
13. The ability to approve funds for use outside of Foxton Beach, where the service or amenity will benefit the Foxton Beach community, is also specifically provided for in the current policy (at page 11). We note that the Policy does impose an additional constraint that the service or amenity must be located within the Kere Kere Ward (which we understand includes Foxton). While this is not a statutory requirement, the further a service or amenity is from Foxton Beach, the more tenuous the argument is likely to be that the service or amenity will benefit the inhabitants of Foxton Beach. As such the restriction imposed in the Policy is generally appropriate. That being said, it would be open to Council to consider applying funds to a service or amenity outside of this wider geographical area if there were some demonstrable benefit for the inhabitants of Foxton Beach. However, as a decision to grant an application for an amenity outside of the Kere Kere Ward would be significantly inconsistent with the Policy, any such decision-making would be subject to section 80 of the LGA02 and would likely also require community consultation.
14. We hope that our advice above assists. We have kept our responses relatively brief in view of the time limits, but we are happy to discuss our advice further with you if that would assist.

Yours faithfully

BROOKFIELDS



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7.3 Foxton Beach Freeholding Account - Financial result to 28 February 2023

File No.: 23/205

1. Purpose

To report to Te Awahou Foxton Community Board financial position of the Foxton Beach Freeholding Account to 28 February 2023.

2. Recommendation

- 2.1 That Report 23/205 Foxton Beach Freeholding Account - Financial result to 28 February 2023 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. Discussion

Attached is the financial report for the Foxton Beach Freeholding Account to 28 February 2023. The results for end of 1st quarter will be available mid-April.

Work continues on an improved reporting mechanism for the account, and feedback is welcome on additional information the Te Awahou Foxton Community Board would like to receive.

Council Officers are working on a dedicated Foxton Beach Freeholding Account on the website, with access to key information including recent financial reports.

Attachments



No.	Title	Page
A	Foxton Beach Freeholding Account - Report to 28 Feb 2023	61

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)	Grayson Rowse Principal Advisor - Democracy	
Approved by	Monique Davidson Chief Executive Officer	

Foxton Beach Free Holding Account - Financial results to 28/02/2023					
	Annual Report (audited) 30/06/2020	Annual Report (audited) 30/06/2021	Annual Report (unaudited) 30/06/2022	YTD Actual as at 28/02/2023	Full Year Forecast 30/06/2023
	\$000	\$000	\$000	\$000	\$000
Income					
Interest (est) 2.93% pa (2022/23)	177	154	166	178	184
Land Lease Income from Pinewood Camp	29	29	32	22	33
Rents (full year charged in October)	49	45	71	52	28
Total Income	256	229	270	252	246
Less: Funded items					
Administration	Note 1 (61)	(81)	(96)	(61)	(86)
Other	Note 2 (1)	(8)	(7)	(1)	(29)
Rates	Note 3 (6)	(8)	(6)	-	(13)
Grants	Note 3 (33)	-	-	(87)	(167)
Total Expenditure	(101)	(97)	(109)	(149)	(295)
Surplus/(Deficit)	155	132	161	103	(49)
Balance at 1 July	5,570	5,713	5,674	5,281	5,281
A. Section Sales per year	31	-	-	-	-
B. Endowment Properties Freeholding	85	170	595	-	-
Foxton Beach Reserves Projects per LTP 2015-2025 incl pump track	(104)	(17)	(371)	(67)	(350)
Forbes Road Subdivision extension	-	(11)	(800)	-	-
Grant - CCTV cameras - Foxton Beach	-	(110)	-	-	-
Foxton Wharf Project 50% of Expenditure costs	-	(73)	-	-	-
Foxton Beach Surf Lifesaving Club upgrade	-	(130)	-	-	-
Foxton Beach Volunteer Fire Brigade Utility Vehicle	-	-	-	-	(60)
Other	(24)	-	22	-	-
Surplus/(Deficit) from Trading	155	132	161	103	(49)
Balance	5,713	5,674	5,281	5,316	4,822
Balance per Annual Report	5,713	5,674	5,281	5,281	5,281

A. Sales of sections are proceeds received less commission and GST for Forbes Road Subdivision
 B. Sales of Endowment Freeholding is net proceeds received
 Commitment for 2022/23 for Grant Foxton Beach Volunteer Fire Brigade \$60k

Note 1		Note 2		Note 3		
Administration	28/02/2023	Other	28/02/2023		28/02/2023 30/06/2022	
HDC Administration	(59)	Water	-	Rates	-	(6)
Legal Expenses	(2)	Maintenance	(1)	Grants	(87)	-
Valuations	-	Insurance	(0)		(87)	(6)
Consents & Surveys	-		<u>(1)</u>			
Consultancy	-				Not included in Cash Flow	
Sale Costs	-				Surplus/(Deficit)	
Advertising	-				28/02/2023	30/06/2022
	<u>(61)</u>			Gain on Sale	-	26
				Loss on sale	-	(157)
					<u>-</u>	<u>(131)</u>

7.4 Business Case for Foxton War Memorial Hall

File No.: 23/214

1. Purpose

The purpose of this report is to provide to the Te Awahou Foxton Community Board a copy of the Foxton War Memorial Hall Business Case.

2. Recommendation

- 2.1 That Report 23/214 Business Case for Foxton War Memorial Hall 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 Foxton War Memorial Hall is considered a non-core asset, and is on the disposal list for Council. Foxton Memorial Hall is classified as earthquake prone and as such is less than 33% of NBS. The roof system was assessed at less than 33% NBS and transverse walls (gables and dividing walls) 23%.
- 3.2 During the Long Term Plan 2021-2041, Council agreed to keep funding the hall until 1st July 2024, whereupon it would be reviewed. This would provide time for the Foxton War Memorial Hall Society Incorporated, a group established to find a future for the Hall, to complete a business case. That business plan was to indicate how the earthquake strengthening, ongoing maintenance and administration would be undertaken under the new arrangement, and define how they (the Committee) could become independent from Council in terms of an operating budget.
- 3.3 The following resolutions set out the decision making process, and current direction from Council, at its meeting on the 26 May 2021.

Topic 2 – Foxton War Memorial Hall

This was discussed in some detail including:

- in the previous LTP Council had made the decision to dispose of the Hall;
- earthquake strengthening was a major issue;
- what would happen if the organisation taking it over defaulted on its obligations;
- the various options in terms of ownership/occupation and any Council liability depending on what was decided upon;
- past, current and potential future hall usage;
- the history of the Hall and its place within the Foxton Community.

Cr Allan joined the meeting (1.20 pm).

MOVED by Cr Brannigan, seconded Cr Allan: _

THAT the Horowhenua District Council supports the transfer of Foxton Memorial Hall to the Foxton War Memorial Hall Interim Committee (FWMHIC).

CARRIED

Cr Bishop recorded his vote AGAINST the motion.

MOVED by Cr Jennings, seconded Cr Mitchell: _

THAT negotiations with the Foxton War Memorial Hall Interim Committee will include, but not be limited to:

- *ownership of land and building to be transferred to FWMHIC upon receipt of a satisfactory Business Plan and the CEO and both Kere Kere Ward Councillors to complete due diligence before 30 June 2022;*
- *there is no burden on Council;*
- *provision of a business case to identify how the facility will become self-funding;*
- *how the FWMHIC will fund ongoing renewals of the building in order to maintain it in a fit-for-purpose condition going forward;*
- *Māori and Youth representation on the Trust Board to be encouraged;*
- *seed funding provision no greater than one year of the existing maintenance budget.*
- *the completion of seismic strengthening by 2031;*
- *should the FWMHIC disband, Horowhenua District Council will be given first option to take ownership of the land and building at no cost to Council.*

CARRIED

Cr Bishop recorded his vote AGAINST the motion.

MOVED by Cr Jennings, seconded Cr Bishop: _

THAT the maintenance budget for the Foxton Memorial Hall be removed from years 4-20 of the Capital Expenditure Budget.

CARRIED

- 3.4 The Foxton War Memorial Hall Society Incorporated sought an extension from Council on the timeframe they were required to submit a business case. An extension was granted, requiring a business case to be completed by the end of March 2023.
- 3.5 The Hall Society has completed the requirement, and the working party now need to consider the business case.
- 3.6 In advance of this consideration, views are sought from the Te Awahou Foxton Community Board.

4. Issues for Consideration

- 4.1 In providing this report, views and perspectives are sought from the Te Awahou Foxton Community Board. In advance of this though, Members must consider whether any conflicts of interest exist, and how those conflicts are to be treated.
- 4.2 If a number of members hold a conflict of interest, whether that be a pecuniary conflict of interest, perceived conflict of interest or consider that bias or pre determination exists, then the Te Awahou Foxton Community Board needs to establish whether they have a quorum. If there is not a quorum, then the Te Awahou Foxton Community Board will need to remove themselves from any further involvement in the discussion and decision-making.
- 4.3 Members are encouraged to seek advice from the Chief Executive in advance of the meeting.

Attachments


No.	Title	Page
A	Business Case - Foxton War Memorial Hall	66
B	Proposed operational budget - Foxton War Memorial Hall	73
C	Consitution - Foxton War Memorial Hall Society Incorporated.	74

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)	Monique Davidson Chief Executive Officer	
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FOXTON WAR MEMORIAL HALL SOCIETY INCORPORATED

C/- SECRETARY, 33 ANDREWS STREET, FOXTON BEACH 4815
EMAIL: foxtonwarmemorialhall@gmail.com



BUSINESS CASE

Submitted to Horowhenua District Council

March 2023

Created by:

John Girling

Nola Fox

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He whakarāpopotanga - Executive Summary

Proposed Council Investment and Recommendation

On the 26 May 2021 the Horowhenua District Council (HDC) agreed

“That the Horowhenua District Council supports the transfer of the Foxton War Memorial Hall to the Foxton War Memorial Hall Interim Committee (FWMHIC), and, THAT negotiations with the Foxton War Memorial Hall Interim Committee will include but not be limited to:

- ownership of land and buildings to be transferred to FWMHIC upon receipt of a satisfactory Business Plan and the CEO and both Kere Kere Ward Councillors to complete due diligence before 30 June 2023*
- there is no burden on Council*
- provision of a business case to identify how the facility will become self-funding;*
- how the FWMHIC will fund ongoing renewals of the building in order to maintain it in a fit-for-purpose condition going forward*
- Māori and Youth representation on the Trust Board to be encouraged;*
- seed funding provision no greater than one year of the existing maintenance budget.*
- the completion of seismic strengthening by 2031;*
- should the FWMHIC disband, Horowhenua District Council will be given first option to take ownership of the land and building at no cost to Council.”*

This business case shows the financial planning to facilitate the transition of the Foxton War Memorial Hall from a major Council owned risk to a vibrant community hub with daily use, ensuring earthquake strengthening will be undertaken within legal time limits. This iconic asset will certainly contribute to long term economic activity in Foxton and the Beach, adding to Foxton’s growing reputation as a visitor destination. Currently Foxton is devoid of any independent gathering place suitable for more than 25 people. The former RSA is closed and the Masonic Village hall is now used exclusively as a centre for the Masonic Village.

To achieve these aims we request from Council:

- Transfer by July 1st 2023 full ownership of Hall and land;
- Payment of seed funding of \$25,000.00 from the 2023/2024 Halls maintenance budget of \$31,000 budgeted amount that then allows HDC to remove most of planned \$31k of 24/25 expenditure.

To ensure on-going financial stability, a partnership and anchor tenancy is currently being negotiated with the Foxton District Budget Service (FDBS), Trading as Personal Money Coaches (PMC). FDBS was incorporated under the Charitable Services Act 1957 on 3rd August 2007, number 1973187, NZBN: 9429043175574. FDBS was invited to tender to be a provider of Heartland Services in Foxton. Heartland services is a Community Service funded by the Ministry of Social Development (Te Manatu Whakahiato Ora). Besides operating expenses for a 40 hour week, this funding includes a rental allowance.

The tender has been submitted and an on-line interview conducted. The result is expected in Mid April and the service expected to commence on 1st July 2023.

The Heartlands service was established in 2001 by Government to improve the delivery of government services in rural areas. Heartlands is designed to improve face-to-face access to government services and provides an outreach service in areas where service might otherwise be challenging to access.

Engagement with mana whenua, from the drafting of this business case going forward is another key aspect to success. This includes full pro-active exchange of information with mana whenua welcomed at meetings with speaking rights. Upon transfer the committee will immediately proceed enacting it's planned structure of sub-committees to tackle the wide range on community collaboration which will support the success of its plans.

Actual completion of identified earthquake strengthening requirements to public use building standards before 2031 is primary goal, followed by full self-sustainability away from any grant funding. As a not-for-profit registered charity, the FWMHSI has access to several funding pools. The depth of knowledge and expertise held by the FWMHSI committee alongside FDDBS who have over 16 years experience in charitable fundraising and is well known to many of the major sources of funds, provides a strong base.

The FWMSI committee will engage with the wider community to promote the use of the Hall for a wide range of activities including, but not limited to martial arts, indoor sports such as handball, sewing bees, music lessons, fitness classes and dance classes, regular markets, etc. Existing groups will be encouraged to support their Hall.

Nga mihi



.....
Nola Fox - Chair
On behalf of the FWMSI Committee

Whakaoriori - History

The foundation stone of the Foxton War Memorial Hall was laid on 28 August 1953 and the Hall's opening ceremony was held on 26 October 1954, under the Foxton Borough Council.

The land was gifted by NZ Woolpak Textiles Limited for the sole purpose of building a War Memorial Hall, and the Foxton Community raised the funds to build the Hall, supported by a government grant.

HDC has acted as a custodian for the community with rates funding maintenance.

Since May 2021, and despite significant pandemic impacts, the original Interim Committee has achieved full Incorporation and Charitable status [CC59974]; set up bank accounts and held its 1st Annual General Meeting.

Āhuatanga o nāianeī - Current Situation

Council funding & expenditure

The Long Term Plan 2021/2041 adopted 11 August 2021 has HDC budgeting:

21/22	\$27,000
22/23	\$29,000
23/24	\$31,000
24/25	\$31,000

Arthur Nelson (HDC) provided the initial submission expenditure figures for 2018/2019 year. As latest audited accounts were unavailable at compilation of this business case we have allowed a 7% rise from initial amounts for 2023/24 year on supplier costs (3% following years) with other costs increasing with usage – e.g. wages for cleaners and admin in the cashflow in the Appendix.

Snapshot of 2021/2022 Financial Year

- The FWMH is significantly under utilised due to HDC high seismic standards requirements [The Finance, Audit and Risk Agenda details for the 2021/2022 year the FWMH was used 31 times (Page 34 FA&R Committee 12mth report to 30 June 2022, FA&R Agenda for 31 Aug 2022 meeting)];
- Foxton has no community hub;
- Lost opportunities for increasing economic activity with venue closed;
- Foxton needs increased employment opportunities and economic growth;
- Foxton Māori Battalion War Memorial is in need of a new home, as is the Foxton RSA. These can readily be accommodated in the Hall;
- Foxton no longer has available a large venue for hire for tangi or weddings or large gatherings.
- Foxton no longer has a venue suitable for indoor markets;
- Foxton will be the first township north of Wellington on State Highway 1 following the completion of the now confirmed O2NL roading improvements.

E hiahiaatia ana a meake nei - Desired Future

Foxton is becoming a vibrant and growing economic centre of activity in line with the Horowhenua Growth 2040 Strategy, resulting in increased community need for a large multi-use hub. The FWMH at the centre of community activities will ensure the town and its residents thrive.

Te whakatutuki i ta mātau mahere – Achieving our plan

How Hall will be managed

The Hall will be managed through the FWMHST's management committee who will engage community participation and contributions through a number of sub-committee's to cover all aspects of management, marketing, property, employment and maintenance. Obtaining seismic test report and finalising the remediation plan will draw on the many qualified experts offering support in the community ensuring that the outcome will future proof the building. Costs of these actions will be met through funding applications and Community fundraising. The community has been advised and accepted the fact that it must demonstrate support to ensure that the Hall meets all codes by 2031.

The community has already shown significant support in expert qualified people-power providing a committee with sound business and not-for-profit experience.

As Foxton is the 2nd largest urban area in Horowhenua engagement with mana whenua and youth are also seen by all as key contributors to the success of the Hall.

Financial Planning

The attached projected cash flow is based on following assumptions – all figures GST exclusive:

- Seed grant from HDC is critical cashflow for start-up marketing and employment whilst fundraising and grant applications are completed.
- Anchor tenant \$20,000p/annum (to be negotiated at market rates) with 3 yearly CPI increase
- Casual hire initially 2 x ½ day hires at \$50.00 per session x 52 weeks, rising each year
- By 2027 Hall should not be accessing operating expenses funding, only major project funding.
- Building insurance would need to be negotiated if it is better to stay under HDC. The committee will still need separate public liability insurance.

Earthquake Strengthening

The 2014 Opus report acquired by HDC only provides a 'desk-top' analysis so it is contingent upon the committee seeking funding, asap, for an in-depth report that identifies all earthquake risk issues with the building and remediation required. This will then allow for the calling of proposals to assess the best and most cost effective solutions to not only bring building up to code, but to future-proof any other possible changes. The committee has been fortunate to receive several offers of suitably qualified experts with no pecuniary gain to help support this process. Therefore, as this is currently unknown, no costings are provided. These reports and subsequent actions will need to be funded by community fundraising (apart from Hall management costs) as well as more institutional funders. The committee has already identified 2 potential funding sources to pursue and are well aware that applications may not succeed at the first time around, hence the need to get reports done as soon as possible.

Appendix – Financial Cash Flow Projections

Proposed Operational Budget Foxton War Memorial Hall								For Period 01/07/2023 to 30/06/2030	
Description	23/24	24/25	25/26	26/27	27/28	28/29	29/30	Notes	
Income:									
Balance carried forward		\$ 27,296.00	\$ 26,742.00	\$ 27,425.00	\$ 29,945.00	\$ 29,082.00	\$ 24,126.00		
HDC Grant	\$ 25,000.00								1
Hall Hire - Casual	\$ 5,200.00	\$ 7,500.00	\$ 8,500.00	\$ 10,500.00	\$ 10,500.00	\$ 11,500.00	\$ 12,500.00		2
Anchor tenant - 2 rooms	\$ 17,000.00	\$ 17,000.00	\$ 17,000.00	\$ 17,510.00	\$ 17,510.00	\$ 17,510.00	\$ 18,035.00		3
Other grants	\$ 7,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00					4
Fundraising	\$ 2,000.00	\$ 2,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00		
Donations	\$ 500.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 5,000.00	\$ 1,000.00	\$ 1,000.00		
Membership	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00		
Total Income	\$ 56,800.00	\$ 59,396.00	\$ 60,842.00	\$ 64,535.00	\$ 66,055.00	\$ 62,192.00	\$ 58,761.00		
Expenditure									
Cleaning	\$ 2,400.00	\$ 4,800.00	\$ 5,200.00	\$ 6,000.00	\$ 6,000.00	\$ 6,500.00	\$ 6,500.00		5
Booking Commission	\$ 400.00	\$ 800.00	\$ 800.00	\$ 800.00	\$ 800.00	\$ 1,000.00	\$ 1,500.00		6
Hall Maintenance	\$ 856.00	\$ 882.00	\$ 908.00	\$ 935.00	\$ 963.00	\$ 992.00	\$ 1,022.00		7
Vandalism Repairs	\$ 321.00	\$ 330.00	\$ 340.00	\$ 350.00	\$ 361.00	\$ 372.00	\$ 383.00		8
Exterior Clean	\$ 535.00	\$ 551.00	\$ 568.00	\$ 585.00	\$ 602.00	\$ 620.00	\$ 639.00		9
Hall Management	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00		10
WOF/IQP Inspections	\$ 1,605.00	\$ 1,653.00	\$ 1,703.00	\$ 1,754.00	\$ 1,806.00	\$ 1,860.00	\$ 1,916.00		11
Gardening + Lawns	\$ 1,605.00	\$ 1,653.00	\$ 1,703.00	\$ 1,754.00	\$ 1,806.00	\$ 1,860.00	\$ 1,916.00		12
Rates	\$ 1,625.00	\$ 1,674.00	\$ 1,724.00	\$ 1,776.00	\$ 1,829.00	\$ 1,884.00	\$ 1,941.00		13
Insurance	\$ 2,675.00	\$ 2,755.00	\$ 2,838.00	\$ 2,923.00	\$ 3,011.00	\$ 3,101.00	\$ 3,194.00		14
Pest Control	\$ 128.00	\$ 132.00	\$ 136.00	\$ 140.00	\$ 145.00	\$ 149.00	\$ 153.00		15
Electricity & Gas	\$ 1,070.00	\$ 1,102.00	\$ 1,135.00	\$ 1,169.00	\$ 1,204.00	\$ 1,240.00	\$ 1,278.00		16
Phone	\$ 642.00	\$ 661.00	\$ 681.00	\$ 702.00	\$ 723.00	\$ 744.00	\$ 767.00		17
Internet	\$ 642.00	\$ 661.00	\$ 681.00	\$ 702.00	\$ 723.00	\$ 744.00	\$ 767.00		18
Asset Replacement	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00		19
Total Expenditure	\$ 29,504.00	\$ 32,654.00	\$ 33,417.00	\$ 34,590.00	\$ 36,973.00	\$ 38,066.00	\$ 38,976.00		
Net Profit/Loss	\$ 27,296.00	\$ 26,742.00	\$ 27,425.00	\$ 29,945.00	\$ 29,082.00	\$ 24,126.00	\$ 19,785.00		

Note	Explanation
1	HDC Seed grant
2	Hall hire income has been split into 2 types. Casual hire is seen as classes, workshops, tangi/party and events; there would also be community and business charge rates to ensure affordability
3	This line represents need for permanent tenants working in social/community development NOT professional business
4	1 st year COGS & apply ECCT grass roots operational funding; COGS 2 nd year onwards
5	Calculated at being once a week cleaning of toilets, increasing 2 nd year as usage increases
6	Possible expense if we have to pay a booking commission on casual hirers
7	Planning for normal maintenance – light bulbs, small plumbing issues etc.
8+ 16	Based on HDC previous expenditure this needs to be allowed for
9	Allowance for minimum yearly external wash & windows
10	Wages for an administrator/co-ordinator bookings & cleaning plus Xero accounting
11	Annual building WOF and IQP plus Health & Safety costs
12	Anticipated net cost after in-kind community support for lawns/gardens
13	Rates @ 21/22 year +3% annual increase
14	Building, public liability and Committee insurance
15	Electricity and gas have been based on HDC costs
17	A cell phone as contact for bookings to ensure contact availability
18	Building needs to have internet for users
This budget needs to keep a surplus building in order to allow for possible disruption causing income loss when seismic strengthening is occurring	

Proposed Operational Budget Foxton War Memorial Hall For Period 01/07/2023 to 30/06/2030

Description								Notes
Income:	23/24	24/25	25/26	26/27	27/28	28/29	29/30	
Balance carried forward		\$ 27,296.00	\$ 26,742.00	\$ 27,425.00	\$ 29,945.00	\$ 29,082.00	\$ 24,126.00	
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Foxton War Memorial Hall proposed Incorporated Society Constitution AMENDED 14/12/2021

Foxton War Memorial Hall Society Incorporated
Constitution

1. TITLE

The Title of the Society shall be "Foxton War Memorial Hall Society Incorporated".

2. INTERPRETATION

- 2.1 "Society" means the Foxton War Memorial Hall Society Incorporated.
- 2.2 "Committee" means the Management Committee of the Society elected at annual general meetings over four (4) year rotations.
- 2.3 "Financial member" means any person who has paid the Society's annual subscription for that year.
- 2.4 "Term of office" means a three (3) year tenure dating from the election of the management committee at an annual general meeting.
- 2.5 "The Foxton area" means the area defined by local government boundaries for the Foxton and Foxton Beach Area only.
- 2.6 "The "Act" means the Incorporated Societies Act 2008.
- 2.7 "Honorary Member" means any person who has been accorded free membership following a resolution to that affect by the Committee.
- 2.8 "The Hall" means the Foxton War Memorial Hall and its surrounding gardens of its legal boundaries.

3. REGISTERED OFFICE

The Registered Office shall be situated at the address of the Secretary or any such place as determined by the Management Committee.

4. OBJECTIVES

The objectives of the Society are:

- 4.1 To retain community ownership of the Foxton War Memorial Hall and operate it in an efficient, safe and commercial manner to service the community while maintaining the character of a community War Memorial.
- 4.2 To bring the Hall up to the required earthquake strength at the earliest opportunity as funds allow.
- 4.3 To promote community-based activities in the Hall for the benefit of residents in the Foxton Area.
- 4.4 To enable the pursuit of a variety of revenue raising activities to fund long term self-sufficiency.
- 4.5 Advocate on behalf of members on local government matters pertaining to historical or buildings and sites of historical significance.
- 4.6 Liaise with like-minded organisations throughout the Horowhenua and New Zealand.

5 POWERS

In order to achieve its objectives, the Society has the authority to

- 5.1 Operate a bank account.
- 5.2 Raise funds.
- 5.3 Undertake any lawful activity to achieve the Society's aims.

6 MEMBERSHIP

- 6.1 Membership is available to any person who resides or who is an owner of a property within the Foxton and Foxton Beach Area.

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- 6.2 Any other person may become a member whose membership is approved by the Committee.
- 6.3 Membership of the Society ceases when a member resigns, dies, or following a decision of the Society at a Special or Annual General Meeting on a complaint to expel a member.

7 SUBSCRIPTIONS

- 7.1 Members over the age of 18 shall become financial members upon payment of the one-off subscription fee which shall be set at the Annual General Meeting of the Society.
- 7.2 Only financial members shall have the right to vote at meetings.

8 RESIGNATIONS

- 8.1 A member may resign from membership at any time by written notice to the Secretary.

9 MANAGEMENT

- 9.1 The Management Committee elected at the Annual General Meeting shall be responsible for the management of the Society during their term of office.

10 MANAGEMENT COMMITTEE

- 10.1 The Management Committee shall be financial members elected at the Annual General Meeting to serve for the term of office for three (3) years.
- 10.2 The Management Committee shall comprise the following: Chairperson, Deputy Chairperson, Secretary, Treasurer and no more than five other committee members, totalling maximum nine members.
- 10.3 The Management Committee shall meet as soon as is practicable after the AGM.
- 10.4 The Management Committee at the first meeting following an Annual General meeting elect from the newly elected committee members a Chairperson, Deputy Chairperson, Secretary and Treasurer to hold office for the Committee's term of office.
- 10.5 The Management Committee shall have the right to elect a replacement if any Officer vacates office during their term of office.
- 10.6 The Chairperson shall chair all meetings, or in the absence of the Chairperson, the Deputy Chairperson will chair the meeting. In the absence of both the Chairperson and the Deputy Chairperson, the members present shall vote a person to chair this meeting.
- 10.7 The Management Committee shall have the right to determine the date, time and venue for Management Committee meetings.
- 10.8 Each member of the Management Committee shall have the right to cast one vote on motions put to the meeting.
- 10.9 Proxy votes in writing to the Chairperson will be accepted.
- 10.10 In the event of equality of votes, the Chairperson should have a casting vote.
- 10.10 Unless or until set aside by financial members attending a general meeting, any resolution passed by the Management Committee shall be final.
- 10.11 The Management Committee has the authority to delegate any party authority to act on any matter, and to set any terms of reference.
- 10.12 The Management Committee has the authority to set sub-committees subject to terms of reference set in advance.
- 10.13 The Management Committee has the authority to expend funds in order to advance the objectives of the Society, and to reimburse any member or Committee member for reasonable expenses.

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- 10.14 Any member of the Management Committee who fails to attend more than three (3) consecutive committee meetings without reasonable explanation may be removed from the committee upon resolution of the Management Committee.
- 10.15 The Management Committee shall have the authority to co-opt financial members onto the Committee to fill any vacancy or for a specific purpose during the Committee's term of office.
- 10.16 Where a member is co-opted for a specific purpose, the Management Committee's complement is permitted to exceed nine (9).
- 10.17 Co-opted members shall be granted speaking rights. Co-opted members to fill a vacancy shall have voting rights. Provision of voting rights for other co-opted members shall be determined by the Committee before that member is co-opted onto the Committee.
- 10.18 The Management Committee reserves the right to exclude co-opted members and observers from the meeting in order to discuss matters considered to be of a sensitive nature.
- 10.19 The Management Committee shall set a policy on the attendance of financial members and other observers at Committee meetings.

11 ANNUAL GENERAL MEETING

- 11.1 The Annual General Meeting of the Society shall be held not later than the thirtieth day of September each year, at a time, date and place set by the Management Committee.
- 11.2 Fourteen clear days' notice shall be given by the Secretary of such time, date and place of the Annual General Meeting. Such notification shall be to the community by means deemed suitable by the committee.
- 11.3 The outgoing Chairperson shall chair the Annual General Meeting, but if seeking re-election shall vacate the Chair for the Election of the Management Committee.
- 11.4 Proxy votes from fully paid members shall be accepted only if in writing and handed to the Chairperson before the start of the meeting.
- 11.5 The following business shall be transacted at the Annual General Meeting:
 - a) Adoption of Minutes for previous Annual General Meeting
 - b) The presentation of the Chairperson's Annual Report
 - c) The presentation of the Treasurer's Report
 - d) The presentation of reviewed or audited Financial Statements in line with regulatory requirements of Charitable entity reporting
 - e) Election of the Management Committee members on rotation
 - f) Appointment of an Independent Financial Reviewer or Auditor
 - g) Setting subscription fees for the forthcoming year
 - h) Any general business raised by members.

12 SPECIAL GENERAL MEETING

- 12.1 A Special General Meeting may be called for a specified purpose by:
 - a) No less than four (4) members of the Management Committee.
 - b) No less than five (5) financial members of the Society.
- 12.2 The written request for a Special Meeting can be sent to any Committee member. Committee members are bound to pass requests onto all other Committee members as soon as practicable.
- 12.3 The Management Committee shall set the date, time and place for the Special General Meeting, although it shall take place no later than one month after receiving a request for a special general meeting.

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- 12.4 Notification of the Special General Meeting, the date, time and venue shall be conveyed to financial members by e-mail or delivery no less than seven days before the Special General Meeting takes place.
- 12.5 The Chairperson or a person delegated by the Chairperson shall chair the Special General Meeting.
- 12.6 Any other business shall be conducted at the Special General Meeting with the majority vote of financial members attending.
- 12.7 Voting on any notice of motion shall be by show of hands unless a majority of members attending vote in favour of a secret poll.
- 12.8 Proxy votes shall be in writing and handed to the Chairperson before the start of the meeting.

13 QUORUM

- 13.1 The Quorum for an Annual General or Special General Meeting shall be ten (10) financial members.
- 13.2 The Quorum for meetings of the Management Committee shall be four (4) members of the Management Committee.
- 13.3 No business shall be conducted at any meeting unless a quorum is present. Such a meeting shall be adjourned to another date.
- 13.4 Where two (2) attempts of an Annual or Special Meeting have been undertaken without success meeting quorum, then a third (3rd) attempt is to be undertaken with a quorum set at seven (7) financial members.

14 ELECTION OF THE MANAGEMENT COMMITTEE

- 14.1 The Management Committee of no more than nine (9) members shall be elected at the first Annual General Meeting.
- 14.2 At the second Annual General Meeting and subsequent Annual General Meetings onwards, two (2) committee member positions must be offered for election, allowing a minimum of eight (8) committee positions available for re-election over four (4) years.
- 14.3 All financial members are eligible for nomination.
- 14.4 All nominations must be proposed and seconded by financial members.
- 14.5 Nominations can be advised in advance of meeting to member or taken from the floor at time of elections during the meeting. Nominees are required to give a short verbal presentation of skills and attributes they would bring to the Committee to allow members to ensure Committee has a balance of skilled members.
- 14.6 Nominations are called for and closed by the chair during the Annual General Meeting.
- 14.7 If seeking re-election, the Chairperson shall vacate the chair for the election of the Management Committee and prior to the Annual General Meeting, the Management Committee shall appoint an independent person to chair the meeting during the election of the Management Committee.
- 14.8 The rulings of the independent chairperson shall be final.

15 MANAGEMENT AND CONTROL OF PROPERTY

The management and control of all real and person property owned by the Society shall be vested in the Management Committee, who may exercise all such powers and do all such things as may be exercised by the Society and are not thereby or by statute expressly directed or required to be exercise or done by the Society in a General meeting.

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16 INDEMNITY

The Management Committee and any person acting under the delegated authority of the Management Committee shall be indemnified against all disbursements, expenses, liabilities and losses incurred by them in or about the discharge of their duties except such as happens from their wilful act, neglect, or default in breach of the provisions of Charitable or Incorporated Society legislation.

17 COMMON SEAL

The Society will not use a Common Seal. All legal documents will be signed by three (3) committee members with evidence provided by meeting minutes that the document has been approved for signing.

18 FINANCE

- 18.1 The financial year shall end on the thirtieth day of June.
- 18.2 All funds received by the Society shall be paid into the Society's bank account. An official receipt shall be issued for any cash funds received. Official receipts will be provided upon request for direct bank payments received.
- 18.3 At the first meeting of the Management Committee following the Annual General Meeting, the Management Committee will appoint no less than three bank signatories. No signatory shall be the spouse or partner of another signatory.
- 18.4 All accounts shall be processed by two of the appointed signatories.
- 18.5 Financial statements shall be prepared by the Treasurer and reviewed by the Independent Reviewer or Auditor for presentation and approval by members at the Annual General Meeting.
- 18.6 The financial statement shall provide a record of the Receipts and Payments, Income and Expenditure, a Balance Sheet and any other statement required under the Act.
- 18.7 Once adopted by members attending the Annual General Meeting, a copy of the financial statements shall be forwarded to the Registrar of Incorporated Societies, accompanied by a certificate signed by the Chairperson stating:
I certify that the foregoing statement had been submitted to and approved by the members at the Annual General Meeting held on the (day) of (year) at (place)
- 18.8 The Independent Reviewer shall at all reasonable times have access to the books and accounts of the Society and shall be entitled to any information deemed desirable for audit purposes.
- 18.9 The Independent Reviewer shall not be a member of the Management Committee and preferably will not be a financial member of the Society.

19 TREASURER

The Treasurer shall:

- 19.1 Collect and account for all Members' subscriptions and Society funds, issuing a receipt if requested for all transactions including bank payments.
- 19.2 Each month update the Secretary on new members and details.
- 19.3 Bank promptly all monies of the Society and pay all accounts once passed for payment.
- 19.4 Keep a record of all revenue and expenditure, as well as any potential liabilities or assets.
- 19.5 At the conclusion of the financial year, prepare the Annual Account and Balance Sheet within sufficient time for the Independent Reviewer to complete the review and print off copies for circulation at the Annual General Meeting.

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- 19.6 Recommend at the ultimate Committee meeting prior to the Annual General Meeting subscription fees for the forthcoming year.

20 SECRETARY

The Secretary shall:

- 20.1 Record the minutes of each meeting, including the time, date, venue, Chairperson, persons present, and resolutions passed.
20.2 Receive all inwards correspondence and liaise with the Treasurer over financial matters of an urgent nature.
20.3 Compose and sign all outwards correspondence.
20.4 Keep a record of all inwards and outwards correspondence.
20.5 Maintain a register of financial members and contact details.
20.6 Notify members of meetings, including the annual general meeting.

21 CHAIRPERSON

The Chairperson shall:

- 21.1 Chair all meetings of the Management Committee and general meetings, with the exception of an election if seeking re-election.
21.2 Prepare the Agenda of all meetings in consultation with the Secretary and/or the Treasurer.
21.3 Prepare an annual report for the Annual General Meeting.

22 PRIVACY ACT 2020

In accordance with the Society's obligations under the Privacy Act 2020:

- 22.1 No information obtained from members to meet the Society's obligations as an Incorporated Society shall be used for any other purpose other than for which it is obtained, unless prior written authorisation has been obtained from each member affected.
22.2 All information obtained from members shall be stored with sufficient safeguards to protect against loss or unauthorised access.
22.3 Any person holding information about a member shall not be entitled to disclose that information to anybody else without authorisation from the member concerned or in certain limited situations to meet the requirements of the Act.
22.4 If a serious breach of privacy occurs that impacts upon the member/s then the Office of the Privacy Commissioner will be advised as soon as practicable.

23 CONFLICTS OF INTEREST

- 23.1 If any member of the Management Committee has a conflict of interest on any matter considered by the Management Committee, that member shall declare that conflict of interest and withdraw from discussing or voting on that matter.

24 COMPLAINTS

- 24.1 Any complaint about the conduct of any member shall in the first instance be referred to the Chairperson, or a Committee member.
24.2 If the complaint cannot be resolved in this first instance, the complaint shall then be placed in writing, signed by the complainant and forwarded to the Secretary.
24.3 The Secretary shall convene a meeting of the Management Committee at the earliest possible convenience, and until this meeting has been held, no committee member is permitted to discuss this complaint with any member other than another committee member.

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- 24.4 At all times, the Management Committee shall observe the principles of natural justice, namely the right of both parties to be heard and the right to a fair hearing.
- 24.5 After hearing both parties, the Management Committee shall have the discretion to:
- a) Censure that member in writing.
 - b) If that member is a member of the Management Committee, either suspend that member for a finite period or remove that member from the Management Committee.
- 24.6 Any decision of the Management Committee shall be final.

25 MANAGEMENT COMMITTEE VACANCY

A vacancy exists on the Management Committee if:

- 25.1 A member dies; or
- 25.2 A member resigns in writing to the Secretary; or
- 25.3 A member is removed from the Management Committee; or
- 25.4 A member is absent from three consecutive meetings without reasonable explanation; or
- 25.5 A member is sentenced to a period of imprisonment of a year or more, although the disqualification does not take effect until the expiration of time for appealing against conviction or if there is an appeal until the appeal is determined.
- 25.6 A member becomes a mentally disordered person within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

26 ALTERATION TO CONSTITUTION AND RULES

- 26.1 This Constitution shall be amended, added to or rescinded only by a resolution to that effect passed by not less than a two-thirds majority of the financial members present and voting at an Annual General Meeting or alternatively a Special General Meeting convened for that purpose.
- 26.2 Written notice of the general meeting and proposal to amend, add to or replace this Constitution shall be provided by the Secretary no less than twenty-one days before this meeting to all financial members.
- 26.3 No addition or alteration or rescission of this Constitution shall be adopted if it in any way affects liquidation (Clause 28) unless it shall be approved by the Inland Revenue Department.
- 26.4 No amendment or replacement of this Constitution and Rules shall take effect until the Registrar of Incorporated Society has acknowledged receipt of the amendment or replacement.

27 IN RECESS

Where the Management Committee is of the opinion that for any reason whatsoever, the Society can no longer for the time being, function they shall:

- 27.1 Report the matter in an Annual General Meeting or a Special General Meeting so convened for that purpose setting out the reason they consider that for the time being the Society can no longer function.
- 27.2 Where two-thirds of financial members attending such Annual General or Special General Meeting are satisfied that the Society can no longer for the time being function, they may:
 - i) Move that the Society liquidate in accordance with the provisions of this Constitution or

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- ii) Move that the Society go into recess for an undetermined or specified period.
- 27.3 Where two-thirds of members attending such Annual General or Special General resolve that the Society go into recess, they shall appoint three Trustees to manage the affairs of the Society for such time as is necessary for the Society to function.
- 27.4 The members present at such Annual General Meeting or Special General Meeting shall direct the Management Committee to:
 - i) Notify the Registrar of Incorporated Societies of such recess and
 - ii) Deliver forthwith to such Trustees all record and assets of the Society for safekeeping.
- 28 **LIQUIDATION**
- 28.1 In the event of the liquidation of the Society or its dissolution by the Registrar of Incorporated Societies, the funds and assets of the Society remaining after payment in satisfaction of its debts, liabilities, costs and expenses of liquidation, shall be returned to Horowhenua District Council at no cost to the Council.
- 28.2 The Procedure and requirements of liquidation of the Society shall be in accordance with Section 24 of the Incorporated Societies Act 1908.
- 29 **MATTERS NOT PROVIDED FOR**
- 29.1 If any matter shall arise which is not or which in the opinion of the Management Committee is not provided for by or under this Constitution, the same shall be determined by the Management Committee in such manner as it shall deem fit.
- 29.2 Every determination shall be binding upon the Society unless and until set aside by a resolution of an Annual General or Special Meeting.

This Constitution is dated: 15/10/2021

Chairperson
N. Fox

Secretary
B. Russell

Treasurer
S. Russell

7.5 Te Awahou Foxton Community Board Resolution Monitoring Report - 3 April 2023

File No.: 23/206

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

Future reports will be produced in a similar format to the Council actions monitoring report, and a monitoring report on the LTP actions focussed on Foxton will be produced quarterly in line with the Council's LTP monitoring report. Officers were unable to produce this for the 3 April Te Awahou Foxton Community Board meeting.

1. Recommendation

- 1.1 That Report 23/206 on Te Awahou Foxton Community Board Resolution Monitoring Report - 3 April 2023 be received.
- 1.2 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 ↓	TAFCB Actions Monitoring Report 2023	84


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)	Grayson Rowse Principal Advisor - Democracy	
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Approved by	Monique Davidson Chief Executive Officer	
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TAFCB Actions Monitoring Report 2023 As at 28 March 2023

	Completed
	In progress
	Transfer
	Off track

Reference	Resolution/Action	Officer	Due date	Status	Officer Comment
19/456	<p>THAT the Horowhenua District Council, in line with draft Standing Order 6.6, reviews the delegations to the Foxton Community Board during the 2020/21 Annual Plan process which will include resources and financial delegation; AND FURTHER</p> <p>THAT this review will be carried out in conjunction with the Foxton Beach Freeholding Account review.</p>	G Rowse			<p>Paper presented to Board setting out next steps.</p> <p>Report provided to 20 February 2023 meeting – if recommendations adopted they will supersede this item, and reporting will continue.</p>
18 July 2022 Workshop	<p>That regular updates will be provided to the Board, with further details on Foxton Beach Stormwater</p>	C Hiddleston			<p>Global Foxton Beach stormwater discharge resource consent:</p> <ul style="list-style-type: none"> - Continuous monitoring of stormwater quality occurring. - Engagement with iwi groups and DoC & Manawatu Estuary Trust - Notification of application would occur after iwi and stakeholder engagement <p>Maintenance of open drains are underway currently.</p> <p>Stormwater master planning is underway and there will be community engagement as works progressed.</p>

CO/2023/25 Report	That Council note the Board's action to engage further with Mana Whenua prior to consulting with the community on changes to the Foxton Beach Freeholding Account Policy and Strategy Review. This engagement may result in changes to the proposed review of the policy and strategy which will be reported back to Council prior to further consultation.				At its meeting on 15 March 2023, Council noted the Board's intention to engage further with Mana Whenua on changes to the Foxton Beach Freeholding Account. Council officers will report progress back to future meetings through the actions monitoring report.
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