

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

Date: Tuesday 23 January 2024
Time: 6:00 pm
Meeting Room: Te Awahou Nieuwe Stroom
Venue: 92 Main Street
Foxton

Te Awahou Foxton Community Board OPEN AGENDA

MEMBERSHIP

Chairperson	Mr John Girling
Deputy Chairperson	Mr Trevor Chambers
Members	Mrs Nola Fox
	Mr Brett Russell
	Mr David Roache
	Deputy Mayor 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

Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki te tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
E hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air.
He tio, he huka, he hau hū	A touch of frost, a promise of a glorious day.
Tihei mauri ora!	

1 Apologies

2 Public Participation

Notification to speak is required by 12 noon on the day before 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.

5.1 Foxton Beach Endowment Fund Review

File No.: 24/9

1. Purpose

- 1.1 This report aims to present the review paper for the Foxton Beach Endowment Fund to the Te Awahou Foxton Community Board. The purpose is to seek endorsement from the board to proceed to Council for official adoption.

2. Recommendation

- 2.1 That Report 24/9 Foxton Beach Endowment Fund Review be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the Te Awahou Foxton Community Board support the proposed approach as outlined in the Foxton Beach Endowment Fund review paper. Additionally, recommend the endorsement of the paper to be forwarded to Council for adoption.

3. Background/Previous Council Decisions

- 3.1 The Foxton Beach Freeholding Account, and the endowment land that underpins it, has a long and at times complex history. To maintain consistency moving forward, the name Foxton Beach Endowment Fund will be utilised.
- 3.2 The policy and strategy review was initiated in 2019 and encountered substantial delays, including disruptions caused by the widespread impact of the COVID-19 pandemic.
- 3.3 Resuming in late 2021, officers identified meaningful changes but acknowledged significant improvements that could be made with engagement with iwi and hapū during the process. In response to Council's directive, officers temporarily halted the review to actively involve iwi and hapū.
- 3.4 A comprehensive briefing to Elected Members was held on 23 August 2023, which included the historical context of the endowment fund and associated land, as well as a deep dive into the current policy landscape, legislative influences, funding mechanisms, and fund allocation. Within this workshop, officers sought direction from Elected Members, particularly on the extent and focus of involvement of iwi and hapū in the review process.
- 3.5 Officers received clear direction during the workshop on the importance of iwi participation and this led to Council coordinating a hui. Invitations were extended to representatives from Muaūpoko, Ngāti Raukawa, Rangitāne, hapū owners, Kerekere Ward Councillors, Māori Ward Councillors, Te Awahou Foxton Community Board, and Mayor Wanden.
- 3.6 On 14 September 2023, a hui was held at Te Awahou with representatives attending from Horowhenua District Council, Te Awahou Foxton Community Board, and hapū owners (during this session hapū owners advised that they would liaise with other iwi in relation to this review). The core objective of the hui was to provide a platform for each participating group to articulate their aspirations regarding the Foxton Beach Endowment Fund and the ongoing review process.
- 3.7 Subsequent to the hui, the representatives drafted the Foxton Beach Endowment Fund Review Paper which compiled the insights gathered from the hui. This review paper went through many iterations to ensure all representatives perspectives and views were captured.
- 3.8 On 12 December 2023, the representatives gathered at Paranui Marae to finalise the proposed review paper and established a unified process for taking the paper to Te Awahou

Foxton Community Board for endorsement, ultimately presenting it to Council for adoption of the proposed review approach.

4. Issues for Consideration

- 4.1 The key issue brought to the Community Board's attention is the process for the Foxton Beach Endowment Fund Review. The attached discussion document outlines the proposed review process.
- 4.2 The creation of the review paper involved a considerable time investment from numerous individuals, noting that those involved have reached a unified view on its content which was a process of co design with hapū owners.
- 4.3 The review aims to establish a more equitable and mutually beneficial relationship among Hapū Owners, Treaty Partners, Community Board and Council, with a focus on transparency, sustainability, and responsiveness.
- 4.4 Future considerations following the endorsement of the approach involve, but are not limited to potential policy changes, criteria adjustments, structural and behavioural changes, maximum contribution levels, spending allocations, and the minimum balance of the Foxton Beach Endowment Fund.
- 4.5 There will be costs associated to this project, Council will determine how this will be funded.

5. Next Steps

- 5.1 Upon receiving endorsement for the review paper, it will be presented to the Council for formal adoption. Upon adoption, the subsequent work will commence in accordance with the proposed process outlined.

Attachments

No.	Title	Page
A1	Foxton Beach Endowment Fund Review Paper - Including Appendix - January 2024	9

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)	Ashley Huria Business Performance Manager	
Approved by	Jacinta Straker Group Manager Organisation Performance	

Foxton Beach Endowment Fund Review

Poipoia te kākano kia puāwai

This document outlines the proposed review process.

To maintain consistency moving forward, the name Foxton Beach Endowment Fund will be utilised by the group (which comprises of Hapū Owners, Treaty Partners, Te Awahou Foxton Community Board (TAFCB), Mayor of Horowhenua, Kere Kere Ward and Māori Ward Councillors.

It is important to note that the following names have been used interchangeably over the years:

- Foxton Beach Freeholding Account
- Foxton Beach Freeholding Fund
- Freeholding Account
- Foxton Beach Endowment Fund
- Endowment Land
- The Fund, and
- Any combination of the above.

Also throughout the document, the term "we" will be used this refers to Hapū Owners, Treaty Partners, Te Awahou Foxton Community Board (TAFCB), Mayor of Horowhenua, Kere Kere Ward, and Māori Ward Councillors.

Preamble

Horowhenua District Council, Te Awahou Foxton Community Board, Hapū Owners, and Treaty Partners collectively acknowledge Te Tiriti o Waitangi, and its obligations to hapū and iwi. The 2009 Policy and subsequent review efforts did not recognise the unique history of the Papangaio J Block Landowners, the Whirokino Cut, Accretion Land, and the Foxton Beach Endowment Fund. Council recognises and acknowledges the historical narratives of both Māori and European communities.

The Council aims to facilitate a review process that:

- Builds effective relationships
- Builds and maintains a shared understanding of what all parties are trying to achieve
- Builds the structures, processes, and understanding about how people will work together
- Involves people who have the right experience and capacity
- Is accountable and transparent about performance, achievements, and challenges
- Plans for financial sustainability and the ability to adapt as circumstances change.

Fundamentally the principles below must be applied to ensure that the review process:

- Acknowledges the history of the fund and the impact on Hapū Owners
- Ensures that the project considers other examples around the country
- Ensures that the process gives effect to Te Tiriti o Waitangi
- Ensures Hapū Owners and Treaty Partners voice is present and involved to co-design and co-decide the proposal to Council.
- Ensures decisions are made inclusively with hapu owners and where appropriate tangata whenua.

In this process, it is acknowledged that the history of the Foxton and Foxton Beach area is currently under the Treaty of Waitangi Tribunal process. However, at this moment, we acknowledge the varying views and as an appendix to this for reference are documents outlining these viewpoints.

Appendix A – (Not attached) A report is currently being sourced by hapū and will be included in the Council report.

Appendix B – The Foxton Beach Township Endowment Land – Report G.M.19 -15 March 2019

Purpose of the review

The last Foxton Beach Freeholding Account Strategy and Policy (current name) was adopted on 07 October 2009. Since that date, the document is yet to have a review that results in an adoption of a new strategy and policy. It is now time to review both the existing Strategy and Policy; and our intention is to engage with Hapū Owners and Treaty Partners.

The Foxton Beach Endowment Fund review will have a focus on collaboration with a partnered approach. This will result in a reviewed strategy and policy covering the intent, scope, and operation of the Foxton Beach Endowment Fund. Throughout the review process we will identify opportunities and areas for improvement.

By engaging in collaborative practices, this review seeks to acknowledge that it is time to recognise the historic and contemporary issues relating to previous reviews. The aim is to establish a more equitable and mutually beneficial relationship between all parties involved, ensuring that the interests of all stakeholders are represented and respected.

The ultimate goal of the review is to improve the management of the Foxton Beach Endowment Fund - to establish a strong foundation for ongoing collaboration and partnership, in a manner that is sustainable, transparent, and responsive, in the best interests of all stakeholders and for the benefit of the Foxton Beach/Te Wharangi community.

Outcomes of the review – Council approval required

- Explore the development of a Memorandum of Partnership
- A clear and transparent strategy and policy and associated assessment criteria
- To be a potential model for Iwi Council relationships going forward.

Key Focus Areas

Below are the key focus areas of the review, with the understanding that as the project progresses other areas may also be taken into account.

Key Focus Areas	
Understanding the history of Horowhenua and being responsible tupuna for our mokopuna	Setting a pathway which acknowledge the grief, loss, and harm caused through the effects from the sale of Papangaio, alienation from whenua, kainga, and taonga, and exclusion from direct benefits of the capital distribution raised from the lands. Policy change, criteria change, structural change, behavioural change.
Maximum level of contribution to a project	The maximum level of contribution to allocated projects is open for discussion.

	Current Policy states: <i>The maximum contribution from the fund will be 50% of any total project cost.</i>
Spending of the Foxton Beach Endowment Fund	<p>The allocation of funds is open for discussion.</p> <p>Current Policy states:</p> <p><i>Expenditure shall be governed by the following principles:</i></p> <p><u><i>Sustainability:</i></u> <i>The fund shall be applied to enhance the current and future wellbeing of the inhabitants of Foxton Beach.</i></p> <p><u><i>Beneficial:</i></u> <i>The fund shall be applied to services and amenities in ways that consider the social, environmental, cultural, and economic wellbeing of the inhabitants of Foxton Beach.</i></p> <p><u><i>Complementary:</i></u> <i>The fund is not the sole resource for funding infrastructure and other development and should be used in a way complementary to other sources to maintain a sense of community responsibility, ownership, and fairness.</i></p> <p><u><i>Responsiveness:</i></u> <i>The fund shall be applied for infrastructure, but also retain some flexibility to meet needs that are currently unforeseen. The fund will be used for Capital Works only, on existing and future infrastructure. The fund will not be used for operating or maintenance costs of existing infrastructure, which will be funded from rates or other revenue sources.</i></p> <p><i>The fund will only be used on items included in the Council's LTCCP (10 year plan) or Annual Plan.</i></p> <p><i>Expenditure items identified in the LTCCP or Annual Plan will be derived from the Horowhenua Development Plan (refer Appendix A for Development Plan infrastructure capital items) or relevant Asset Management Plan (refer to Appendix B for Asset management expenditure items for Foxton Beach that are not included in the Horowhenua Development Plan)</i></p> <p><i>Any works related to growth should be funded from Development Contributions and not the Free-holding a/c.</i></p> <p><i>Generally, the fund will be used on capital projects within the Foxton Beach boundary. However, the fund can be used where a Beach boundary but will benefit the residents of Foxton Beach. The service or amenity must be located within the Kere Kere Ward.</i></p>
Minimum balance of the Foxton Beach Endowment Fund	Current strategy states: <i>Over the next 10 years the fund will be built up to \$5m worth of current assets, at which time this amount will become the minimum balance. Funds in excess of \$5m will be available for expenditure on services and amenities as per the policy.</i>

Process and who can apply to the Foxton Beach Endowment Fund	Currently there is minimal guidance on this.
Advocacy or advisory role	Current Policy states:and the Foxton Community Board will perform an advocacy or advisory role.
Prioritisation/ Funding criteria	<p>Current Policy states: <i>The following will be used by Council as a guide to the prioritisation of funds and how/where the funds will be used.</i></p> <ul style="list-style-type: none"> ▪ <i>Whether expenditure has been identified in the LTCCP</i> ▪ <i>Priority items identified by the Foxton Community Board in the Annual Plan/ LTCCP process</i> ▪ <i>Community consultation during the Annual Plan / LTCCP process</i> ▪ <i>The Principles of the Foxton Beach Freeholding Account Policy have been met</i> ▪ <i>Whether the minimum account balance level will be breached during the preceding 12 months.</i>

Legislative Influence	
	Legislative Co-Governance options are also discussed. Co-Governance mechanisms are typically implemented as a form of Treaty settlement redress. This option could potentially be available to Hapū Owners and Treaty Partners if a settlement arrangement is reached with the Crown. It is worth noting that there are examples whereby Council and Iwi have formed a co-governance arrangement that is eventually formalised through a Treaty settlement.
The purpose of the Foxton Beach Endowment Fund (what to spend the money on)	<p>The purpose of the Fund is set by legislation, therefore the Fund will continue to be used for:</p> <p><i>Reserves and Other Lands Disposal Act 1968 S13(14) ...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.</i></p>
Final Approval	<p>The final approval of the Foxton Beach Endowment Fund is the Horowhenua District Council as appointed as the 'Corporation' controlling the Fund.</p> <p><i>Reserves and Other Lands Disposal Act 1968 S13 (14) The council shall from time to time spend the net proceeds.</i></p>
Sale of land	The Reserves and Other Lands Disposal Act as currently written places some restrictions on the sale of the endowment land.

	<i>Reserves and Other Lands Disposal Act 1968 - S13 (6) Where a lessee gives to the council written notice of his desire to purchase the freehold of the land comprised in his lease, then the council, in the name and on behalf of the corporation, shall be bound to make to the lessee, and the lessee to accept (at the price and on the terms prescribed by this section), a transfer of the land for an estate in fee simple absolute.</i>
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Statutory Regulations – Iwi Engagement

In compliance with HDC's legislatively mandated requirements, HDC is committed to statutory regulation that requires engagement with all iwi. Throughout this process, we emphasize a culturally sensitive approach by facilitating interactions with Treaty Partners through hapu with the model of tikanga and kawa.

Key Partners

Hapū Owners, Treaty Partners, Te Awahou Foxton Community Board (TAFCB), Mayor of Horowhenua, Kere Kere Ward and Māori Ward Councillors.

Key Sponsors

Hayden Turoa, Monique Davidson.

Council Officers

Jacinta Straker, Ashley Huria, Grayson Rowse.

Appendix B: The Foxton Beach Township Endowment Land - Report G.M.19 - 15 March 1990

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15 March 1990

REPORT:
G.M. 19

The Chairperson & Members,
FOXTON COMMUNITY BOARD.

THE FOXTON BEACH TOWNSHIP ENDOWMENT LAND

At the Foxton Community Board Meeting in December 1989, a request was made for a report being prepared, detailing properties and reserves within the Board's new area. My Report GM 15 which was submitted to the February meeting of the Board, provided details of such land, excluding details of the leasehold land at Foxton Beach, which was to be the basis of a further report.

In this report, I have attempted to provide some of the historical background to the Foxton Beach endowment land, along with the current status of the land which is principally being used for residential purposes, as well as conveying the current position of the special Foxton Beach Endowment Fund.

Historical Background

In his book entitled 'Line of the Road', Mr M.H. Hobcroft dedicated a whole chapter to 'the Foxton Endowment', noting the series of events which finally saw this land vested in the Manawatu County Council. This book was commissioned by the Manawatu County Council to mark its centenary year in 1976.

The existence of this endowment land came about following the passing of the Foxton Harbour Act of 1876 which initially saw an area of 407 acres being scheduled as Foxton's endowment, namely "a section in 'the Township of Canarvon' formally known as the 'Omarupuku' Bush, but now designated as the Signal Station Reserve." It was recorded that the newly formed Manawatu County Council protested 'most emphatically' and passed a resolution that everything possible be done to persuade government to have a block of land of say 25,000 acres being set aside as an endowment for the Foxton Harbour Board. Quite strong local feelings existed at this time as to the inadequacies of the existing port facilities to meet the increasing demand being made on what was considered an inadequate wharf. The Council's resolution was subsequently withdrawn, and the Chairman of the Manawatu County Council was requested to approach the Member of Parliament for Foxton to have the Harbour Boards Act of 1876 amended 'so as to include in its schedule a reserve of 20,000 acres available for Harbour improvements.'

Three weeks later, the Foxton Harbour Endowment & Borrowing Bill was before the House of Representatives with provision being made within the Bill for the Harbour Board to have an area of 15,000 acres in the Manawatu County and the power to borrow 20,000 pounds for improvement. Pleased with this news, the Council requested that a letter of thanks be sent to Mr W.W. Johnstone MHR, yet before it was written, news was received that on 24 November 1877, the Bill lapsed in the Legislative Council. However, despite the local disappointment and frustrations, the Harbours Act was passed in 1878 which repealed all previous legislation and hope once again began to arise in Foxton for some positive progress being made. Renewed pressure was applied by the Council during 1878 for the endowment of a Harbour Board at Foxton, with care being taken to point out that the delays meant a serious loss of revenue to Manawatu. In the meantime, the port of Foxton appeared to be under the control of the Marine Department, with assistance being provided by the Public Works Department and, somewhat later, the Railways Department, the latter department being the owners of the wharf.

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After the completion of the Manawatu-Wanganui Railway, the Manawatu County Council in 1886, assumed by way of resolution, that the Harbour Board 'had ceased to exercise its functions' and, on this assumption, it evoked its powers under Clause 32 of the Counties Amendment Act 1885. They requested that the Governor General gazette an Order in Council 'declaring that the Manawatu County Council shall exercise all the powers of a Harbour Board within the limits set forth in the Foxton Harbour Board Act 1876.' This move, which was considered premature, was also prophetic in that whilst the Harbour Board had not been abolished, the actual control of the Harbour facilities were largely in the hands of the Railways Department. In 1908, a new attempt was made to have a Harbour Board constituted with greater powers and endowment, due to the revival of the flax industry in the 1890s and a reemergence of interest in Foxton due to the rail facilities to the township. Public meetings were held in 1908 to support proposals for a new Harbour Board, with the Minister of Marine agreeing to give a new Board an endowment of land of approximately 1,000 acres. Criticism had also been expressed at the lack of commitment by the Government to upgrade the poor facilities that existed, with the sum of only 1,000 pounds having been spent on the river since the wharf was built, although returns to the government in that time were considered to be in the vicinity of 25,000 pounds. After much debate and criticism of the government's handling of the whole affair, a Harbour Board was finally appointed in 1908 and continued to manage its affairs as best it could through inadequate finance from pilotage and berthage fees, special rates and eventually from rents when land was subdivided for lease-holds.

In the 1920s, a weekly steamer service had begun, although fewer ships were using the port due to the problems being experienced in crossing the Foxton bar. In 1935, the Foxton Harbour Board approached its contributing bodies for finance to assist in the purchase of a launch to 'clear the shipping fairway by the dragging process'. At this time, the value of land at the beach was rising, and more and more people were seeking leaseholds, and in 1936, the Manawatu County Council sought contributions from the Foxton Harbour Board and the Foxton Borough Council to share the costs of surfacing the Foxton Beach Road.

It is recorded that the 'relationship' between the Council and the Board became one of the administrative oddities which 'made local government a continuing study in mystification'. Each of the two bodies called upon the other for assistance in special works in their common area. Up until this time, the Harbour Board endowment lands had been an asset of only moderate value, however, in 1942 when the Council opened up a subdivision on the Foxton Beach Road, it renewed interest in leasehold land at the beach. By 1945 the Harbour Board was beginning to experience a demand for land with the community at the Beach growing, although the port was in decline. Then in 1947, the Harbour Board commenced steps towards its dissolution. Then in the early 1950s, the Foxton Beach Improvement Society & Leaseholders Association came into being, signalling the start of a community with an extreme interest in its future. This Association protested to the Manawatu County Council at the state of some of the buildings that were erected at the beach, many built without permits or not in compliance with permits issued. This showed concern for an acceptable standard of dwelling being erected in the beach area, and marked the popularity of the area for permanent residents. On 12 May 1951, the Harbour Board called a meeting at the beach to discuss the disposal of its funds, although a last ditch attempt by Federated Farmers to reopen the port failed. (1956 finally saw the dissolution of the Foxton Harbour Board with the control of all roads outside of the Foxton Borough transferring to the Manawatu County Council).

In October 1954, the Assistant Commissioner of Crown Lands advised the Manawatu County Council that the Foxton Harbour Board would probably be abolished from 1 October 1955 and sought details of the cost involved to bring all roads in the endowment area up to the required standard for dedication. However, there was a larger problem to be faced and that was if the Manawatu County Council was expected to take over the Board's endowment land and also become responsible for roading and development, what was to be the price of the land to be transferred? In discussions with the Commissioner of Crown Lands in 1955, a figure approaching the unimproved value of 110,000 pounds was suggested, to which the Council indicated that it was not an interested purchaser at this price. The then Manawatu County Chairman, Mr Roy Craig expressed that in his opinion, that the

price should be the 110,000 pound less the cost of works necessary at Foxton Beach to bring all roads up to the required standard. The cost of this work had been estimated at 70,000 pounds, leaving a balance of 40,000 pounds which he considered was 'a reasonable basis for discussion'. It is recorded that protracted and, at times, intense negotiations followed with some members of the Council considering that even 40,000 pounds was too high a price to pay for the land in question. At a meeting in September 1955, Council decided to offer 20,000 pounds for the endowment land, 'without prejudice'. It also suggested that if the price was not acceptable to the Crown, that it should be submitted to the Local Government Commission for arbitration. ~~After much 'toing and froing'~~ between the Council and the Crown offices and deputations to the Minister of Lands, the purchase price of 40,000 pounds was agreed to, with repayment being over a 25 year term free of interest. However, Cabinet made conditions in that the Council was to accept the vesting of the land 'as is'. In trust for the specific purpose of an endowment and, more particularly, that it had to agree to lease the land on perpetually renewable leases, with no rights of freehold. Council was also required to spend approximately 69,000 pounds within five years on roads and street improvements, along with perfecting leasehold titles to occupiers.

The Manawatu County Council agreed to all these conditions, except the five year expenditure of 69,000 pounds, however, in accordance with the recently passed National Roads Board Act, it undertook a five year sealing programme. Finally, on 16 November 1956, the Harbour Board was formally abolished with the Manawatu County Council carrying out its policy of control and improvement. At this time, outside organisations had protested to the Minister of Lands & Marine as to the stipulations within the agreement reached between the Government and the Manawatu County Council and, in particular, the refusal to allow leaseholders to freehold their sections.

At this time, rentals of endowment land at Foxton Beach had been fixed at 3.5% of the unimproved value at the time of renewal, with average rents being in the vicinity of 5 pounds per year. With the upgrading of roads at Foxton Beach came the demands for other improvements, creating entirely new problems for the Council to address. It was noted that for three quarters of a Century, the Council had been concerned mainly with building roads, draining swamps, controlling floods and, in other ways, to give farmers access to their properties and to the townships, and later to move their products along the roads to the markets and the port. Now the Council's aim was redirected to providing easier vehicle access to holiday resorts on the coast, as well as making provision for camping and picnic grounds and sanitary services for holiday makers. Whilst making some progress in meeting these aims, the Council learnt that the transfer of the Foxton endowment had a 'fish hook' in it. Under Section 21 of the Reserves & Other Lands Disposal Act 1956, the endowment was to be in two parts, the beach area of 764 acres and a farm of 320 acres which was then under lease with 12 more years to run. The Act also stipulated that conditions of sale was not to apply to any land which might be found to be accretion to a Maori block, and the Council found itself involved in the Papangalo J block issue which was to take approximately three years to resolve. Principally, the area of land which came to be known as the Papangalo J Block was on the south bank of the Manawatu River, although a narrow tongue of it reached northwards, touching the 764 acres of beach endowment. In common with other rivers on the west coast of the North Island, there was accretion in the general area and the ~~Roore family~~ ^{owners of Papangalo J block} claimed the accretion through the Maori Land Court. However, the Harbour Board had obtained title to this gift of river and sea and had subsequently subdivided and leased it.

Following the Crown's appeal to the Maori Land Court's ruling, the Appellate Court delivered a decision which both the Crown and the Maori owners found acceptable. In a letter to the Manawatu County Council, the Acting Commissioner of Crown Lands stated:

"The result of the Appellate Court differed from the Lower Court in that it found that only the portion of the endowment area lying to the south of the line drawn from the tip of the Papangalo Block due west of the sea, is accretioned to the block over which title should be granted to the owners ... As we have already sold the area to your County as part of the endowment, we are faced with the problem of either attempting to purchase this area found to

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be Maori accretion, or reducing your purchase price to exclude the land and buying out the few lessees concerned."

Again, the Manawatu County Council was faced with a further issue; to either buy the land from the Crown following its negotiations with the Maori owners, or reduce the area of land being vested in it. Government, being somewhat anxious to tidy up the whole transaction, paid the Maori owners 20,000 pounds for the block, including accretion and as part of its settlement, the Manawatu County Council paid the Crown 2,200 pounds (which included 1,240 pounds for existing rentals capitalised at 5%, 450 pounds for the sandhill areas and 510 pounds for the rents received) and in return received an area, residential sections and sand, of little more than 85 acres. Finally, the Foxton endowment was entirely in Manawatu County Council hands. It is recorded that this transaction had been more complicated than the original transfer of 1,084 acres, although the results were more beneficial, as the Council was free to go ahead without any further hindrance in its programme of development at the Beach.

Although the Government had insisted in 1956 that the land was to be leased in perpetuity, without option, Council approaches to the Minister of Lands resulted in a decision being reached in 1968 that lessees be given the option to freehold properties.

Nature of Freehold Properties at Foxton Beach

From information provided by the Manawatu District Council, there are currently 1912 leaseholders of the Foxton Beach endowment land remaining. Mr Hobcroft, in his research, found that whilst an immediate response would be expected from leaseholders to freehold their properties, only 60 sections were freehold in the 1968/69 year, at an average price of \$685.00. However, in the 1971/72 financial year, proceeds from freeholding returned the sum of \$74,780. Manawatu County Council also, at the time, was involved in the subdivision of land at the beach, and sold sections worth \$3,500 during the same year. In the 1973/74 year, Council received \$200,150 from freeholding, as well as experiencing increased sales in its own subdivisions. At 31 March 1974, funds in the Foxton Beach Freeholding Account amounted to \$296,000, although under ~~Section 14 of the Reserves & Other Land Disposal Act 1968~~, the Council was authorised to utilise the fund for further development. The ~~clause~~ under the 1968 Reserves & Other Lands Disposal Act states:

"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 the improvement, maintenance, or repair of any such services and amenities, or on the improvement, maintenance, or repair of any existing services for public amenities. For the purposes of this sub-section, the term 'services' includes roads, road lighting, water supply, drainage, sewerage, and other public works."

Mr Hobcroft recorded that at 31 March 1976, the total value of properties freehold at Foxton Beach stood at \$422,690 with land subdivided by the Manawatu County Council realising \$78,775. In addition, the Council had a waiting list of 120 names for sections at Foxton Beach. 275 sections remained leasehold at the end of March 1976, which further indicates that over a period since 1 April 1976 to the current day, 83 sections have been freehold. Over recent years, the Foxton Beach Freeholding Account has been boosted by the following sales:

1987/88 year - 8 properties were freehold for the sum of \$82,640
1988/89 year - 9 properties were freehold for a total amount of \$120,120
1989/90 year (to date) - 10 properties have been freehold for the sum of \$117,200

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There is currently 1 further property transaction in the pipeline which will return a further \$17,000 to the Council. The balance in the Foxton Beach Freeholding Account is projected to be approximately \$500,622 at 31 March 1990. It is also expected to generate \$50,000 in interest during the 1989/90 year.

To indicate that the funding is being applied towards development at Foxton Beach and not just gathering revenue, during the 1989/90 financial year, approximately \$290,000 is to be utilised from this fund on the following works:

- \$136,000 - Upgrading of Seabury Avenue Stage II
- \$63,000 - Cousins Avenue Subdivision Development
- \$74,000 - Purchase of Kilmister Block, Taylor Avenue (for future subdivision)
- \$17,000 - Construction of Building for Foxton Beach Health & Community Welfare Centre

This fund has, since its inception, been applied towards the following works at Foxton Beach:

- Initial Water and Sewerage Reticulation
- Seabury Avenue Upgrading Works - Stage I
- Land Drainage Schemes
- Land Subdivision
- Development of Pinewood Motor Camp
- Contributions to Foreshore Development
- Contribution to Surf Club Pavilion

Over recent years, the Manawatu District Council's policy was to apply the fund towards capital works and not use the fund towards keeping rate increases to a minimum by applying it towards maintenance activities in the Beach area.

Mr Hobcroft noted that sections at Foxton Beach were selling at \$4,000-\$5,000 in 1976, and assessed that the remaining 275 sections at a potential value of \$5,000 each meant that the land still owned by the Council then was worth approximately \$1,370,000. If the recent sales over the period 1987-1990 to date are any indication, it would mean that the remaining 192 sections at an average valuation of \$12,500 have a potential value to Council of \$2,400,000.

Sir Joseph Ward, in 1908, in commenting on the Foxton endowment, stated:

"The land might not be very valuable now, but no-one can tell what it might develop to."

It could be said that the Manawatu County Council, after years of trial and tribulation, delays and setbacks, coupled with some astute and somewhat dogmatic dealings on the whole Foxton endowment issue, ended up in acquiring a large area of land that has become an asset to the new Foxton Community Board and a source of revenue in the future.

Report prepared by D.C. Cole, Senior Administration Officer.

P.J. Molloy,
GENERAL MANAGER.

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