

WAIROA DISTRICT COUNCIL

ORDINARY MEETING OF COUNCIL

Minutes of an Ordinary Meeting of Council held in the Wairoa District Council Chambers, Coronation Square, Wairoa on Tuesday 8 April 2008 at 10:00 am.

PRESENT: His Worship the Mayor, L Probert (Chair)

COUNCILLORS

D Eaglesome, D Caves, C Cairns, B McKinnon, and J Petersen.

IN ATTENDANCE: P Freeman (Chief Executive Officer)
T Cook (Administration Manager)
R Snow (Finance Manager)
N Cook (Engineering Manager)

CIVIC PRAYER

Councillor Eaglesome gave the Civic Prayer.

APOLOGIES

An apology was received from the Councillor Heron.

<u>Resolved:</u> <i>That the apology received from Councillor Heron be received.</i> Eaglesome/McKinnon
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CALLS FOR CONFLICTS OF INTEREST

NIL

CALLS FOR ITEMS OF URGENT GENERAL BUSINESS NOT INCLUDED IN THE AGENDA AND NOTICES

NIL

PUBLIC FORUM

NIL

GENERAL BUSINESS

GOVERNANCE POLICIES

A.06.20.01

<u>Resolved:</u> <i>That the report be received.</i> Caves/McKinnon
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His Worship the Mayor spoke to the report acknowledging that while the Governance Policy was adopted at the Inaugural Meeting of Council, he believed that it was relevant that Council reconfirm their adoption of the Policy as related to the appropriate conducting of Council business by Councillors.

Councillor Caves expressed concern that the Governance Policy included in the Agenda had a number of 'strike throughs' in the document, and, that there was an omission of financial figures throughout. In light of the omissions it was suggested that the document be amended and represented to Council

<u>Resolved:</u> <i>That the Governance Policy, as presented in the Agenda, be amended to include financial figures.</i> His Worship the Mayor/Caves

ORMOND MEMORIAL PROPERTY – MAHIA

H.09.03

Resolved: *That the report be received.*

Petersen/McKinnon

The Chief Executive Officer spoke to the report recounting the history of the lease and establishment of a tennis court on the property in question. Photographs provided to the Finance Manager clearly showed that two posts had been set, with a net between the posts, giving the impression that a tennis court had been established. While the tennis court may not reflect every individual's perception of what a tennis court should look like, it was the opinion of management that the obligation to erect a tennis court had been met.

Councillor Petersen expressed concern at what appeared to have been a doctoring of the financial information provided to the Finance Manager, and was of the opinion that the tennis court was no more than two posts with a Badminton net strung between them. Councillor Petersen recounted the history of the lease agreement as related to the establishment of a tennis court, and was of the opinion that this had not been achieved as required by Council. To this end, he sought the relinquishing of the lease as of 30th April 2008.

Councillor Caves was of the opinion that it was just a grassed area with no markings, and two stakes in the ground with a net between them.

Councillor McKinnon expressed concern in that the Mahia Social Club had a legal binding lease with Council for a period of ten years. Council were not in a position where they could impose conditions upon the lessee once the lease had been taken up. If Council had wanted the property utilised in a specified way, then that should have been determined prior to the lease being approved.

The Chief Executive Officer endorsed Councillor McKinnon's comments in that there had never been a condition in the lease agreement for a tennis court to be established. While some movement had been made by the Mahia Social Club to establish a grassed tennis court on the property, there was no requirement for them to do so.

Councillors Eaglesome and Cairns agreed with Councillor McKinnon, and were further of the opinion that people should be encouraged to get active and live a healthy life, which is what the Mahia Social Club was attempting to do in establishing a grassed tennis court.

The Chief Executive Officer reiterated that the lease had been let for recreational purposes, not for the establishment of a tennis court. Council had attempted to progress development of the property by supporting a proposal received from the Mahia Social Club to establish a grassed tennis court on the property.

Resolved: *That Council relinquish the lease of the Ormond Memorial property as of 30th April 2008.*

Caves/Petersen

AGAINST: McKinnon/Cairns/Eaglesome

MOTION LOST

RESOURCE MANAGEMENT (HEARINGS) COMMITTEE

A.26.02

Resolved: *That the report be received.*

Eaglesome/Cairns

His Worship the Mayor spoke to the report advising of his reasons for relinquishing the position of Chairperson of the Resource Management (Hearings) Committee

Resolved: *That Councillor McKinnon be appointed as Chairperson of the Resource Management (Hearings) Committee*

His Worship the Mayor/Eaglesome

Councillor McKinnon advised that he was happy to accept the nomination, and sought the support of fellow Councillors to his nomination as Chairperson, in that they were a team that needed the support of all members. Councillors unanimously expressed their support of Councillor McKinnon's appointment to Chairperson, acknowledging his experience and the mana he would bring to the Committee in the role.

His Worship the Mayor then drew Councillors attention to the third recommendation in that in the absence of an appointed Maori Committee representative to the Resource Management (Hearings) Committee, that the former Chairperson of that Committee continue to act as a representative at hearings until the completion of review of Council's Maori Policy.

Resolved: That Mr T.W. (Walter) Wilson remains an appointed member of the Resource Management (Hearings) Committee until the review of Council's Maori Policy is completed. His Worship the Mayor/Petersen

Councillor McKinnon questioned what would happen where following the conclusion of the review of Council's Maori Policy, the representative put forward by the Maori Committee was not qualified to sit on Council's Resource Management Hearings Committee. The Chief Executive Officer advised that as the legislated requirement was for the Chairman and half of the Committees members to be qualified, a representative could be appointed, with the understanding that qualification would have to be attained as previously resolved by Council.

DELEGATION – WARRANT TO ACT – BUILDING CONTROL **C.18.03**

Resolved: That the report be received. Petersen/McKinnon

The Administration Manager spoke to the report advising that it was an administrative matter relating to the regulatory activity of Building Control.

Resolved: That the Delegation and Appointment as scheduled in the Schedule of Delegations' of the report be approved with immediate affect. Eaglesome/Cairns

John Wallis Building Consents Processing Officer	<p>An Enforcement Officer pursuant to Section 229 and an Authorised Officer pursuant to Section 222(4) of the Building Act 2004 with the following delegated responsibilities, powers and duties:</p> <ul style="list-style-type: none">To inspect buildings pursuant to Sections 111 and 167 of the ActTo issue a Notice to Fix pursuant to Section 164 of the ActTo deem a building to be dangerous, insanitary or earthquake prone, pursuant to Section 124 of the Act, and to take any action or serve any notice, pursuant to Section 126To take measures to avert immediate danger or rectify insanitary conditions pursuant to Section 129 of the ActTo enter upon land to do work and recover costs pursuant to Section 220 of the Act. <p>The bearer is authorized pursuant to Sections 174 and 177, Local Government Act 2002 to carry out and exercise the following responsibilities, powers and duties, in particular including, but not limited to any statutory power of entry:</p> <ul style="list-style-type: none">Section 181 "General Power of Entry", Section 172 "Power of Entry for Enforcement Purposes", and Section 164 "Seizure of Property not on Private Land" Local Government Act 2002. <p>An "Enforcement Officer" pursuant to Section 38 of the Resource Management Act 1991.</p> <p>An "Officer pursuant to Section 11 of the Fencing of Swimming Pools Act 1987.</p>
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SALE OF SURPLUS PROPERTY

H.01.03

The Chief Executive Officer informed Councillor's that the report would have to be withdrawn as it had since been determined that the land in question was not Council's to dispose of.

Resolved: *That the report be withdrawn.* **Eaglesome/Petersen**

The Chief Executive Officer further advised that the Finance Manager would prepare a full schedule of all properties currently owned by Council to allow Councillor's to determine which properties they wished to retain, and which properties they wished to dispose of.

DOCUMENTS SEALED FOR THE PERIOD 19TH FEBRUARY TO 20TH FEBRUARY 2008

Resolved: *That the report be received.* **Eaglesome/McKinnon**

Receipt/Confirmation of Minutes of Previous Council Meetings

ORDINARY MEETING OF COUNCIL HELD 11 MARCH 2008

The Minutes of an Ordinary Meeting of Council held 11 March 2008 were presented.

Councillor Petersen asked that the minutes reflect that he excused himself from the meeting when the item of Quality Roading Services (Wairoa) Limited was being discussed. Reference to the Chief Executive Officer as being 'in attendance' was also to be removed.

Resolved: *That subject to amendment the Minutes of an Ordinary Meeting of Council held on 11 March 2008 be confirmed as correct.* **Petersen/McKinnon**

SPECIAL MEETING OF COUNCIL HELD 18 MARCH 2008

The Minutes of a Special Meeting of Council held 18 March 2008 were presented.

Resolved: *That subject to amendment the Minutes of a Special Meeting of Council held on 18 March 2008 be confirmed as correct.* **Eaglesome/McKinnon**

Resolved: *That pursuant to Section 48 (1) of the Local Government Information and Meetings Act 1987, the public be excluded on the following grounds:*

That the exclusion of the public from the whole or relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in:

S7 (2)(b) Protect information where the making available of the information-

- (i) Would disclose a trade secret; or*
- (ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;*

Eaglesome/McKinnon

RELEASE OF CONFIDENTIAL ITEMS

A06.09

NIL

There being no further General Business, the His Worship the Mayor, declared the meeting closed:

MEETING CLOSED: 12:22 PM

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Chair