

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 10 April 2007 at 10.00 am.

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

COUNCILLORS

B McKinnon, D Eaglesome, S Birrell, G McIntyre, B Shortt, and D Caves

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

NIL

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

1. Building Control Accreditation (Councillor Caves)
2. Sale of Abandoned Land (Councillor Caves)
3. Performance Management Review (Councillor Caves)
4. Indicative Rates (Councillor McIntyre)
5. Prosecution – Illegal Earthworks (Chief Executive Officer)
6. Ruawharawhara Cemetery (Chief Executive Officer)
7. Hawke's Bay Regional Council (Chief Executive Officer)
8. Mayoral Update (His Worship the Mayor)

PRESENTATION – LINDA LIBEAU – RECYCLING EDUCATION PROGRAM

The Engineering Manager introduced Linda Labeau, who had been engaged by Quality Roading Services (Wairoa) Limited (QRS) as a Waste Management Educator. Council had set a policy of zero waste to landfill by 2010 in adopting their Waste Management Plan in 2005. Part of the plan required educating the public on how to minimise their waste to landfill. To date, the traditional means of educating people had had mixed results, and as a result, Council and QRS staff had been looking at ways to use resources already proven and available in other areas to educate the public on waste management and recycling.

Linda Libeau thanked Council for the opportunity to make a presentation to Councillors on 'Wairoa Waste Management Education' and highlighted aspects of adopted Council Policy throughout. Existing systems of waste management utilised in other regions was discussed, and suggestions made as to how Council may modify and implement existing systems in the Wairoa District. Interactive education would take place with schools, marae, community organisations, businesses, and rural and urban communities to identify recycling needs and establish systems of recycling, thereby minimising the amount of waste to landfill.

Councillors were receptive of the presentation and look forward to receiving feedback and results as the Waste Management Educator position and project progressed.

RECEIPT/CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

SPECIAL MEETING OF COUNCIL HELD TUESDAY 27 FEBRUARY 2007

The Minutes of a Special Meeting of Council held on 27 February 2007 were presented.

<u>Resolved:</u>	<i>That the Minutes of a Special Meeting of Council held on 27 February 2007 be confirmed as correct.</i>	Birrell/Caves
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ORDINARY MEETING OF COUNCIL HELD TUESDAY 13 MARCH 2007

The Minutes of an Ordinary Meeting of Council held on 13 March 2007 were presented.

<u>Resolved:</u>	<i>That the Minutes of the Ordinary Meeting of Council held on 13 March 2007 be confirmed as correct.</i>	Shortt/McKinnon
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SPECIAL MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD 15 MARCH 2007

The Minutes of a Special Meeting of the Resource Management Committee Council held on 15 March 2007 were presented.

<u>Resolved:</u>	<i>That the Minutes of a Special Meeting of the Resource Management Committee held 15 March 2007 be received.</i>	Caves/McKinnon
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SPECIAL MEETING OF COUNCIL HELD 28 MARCH 2007

The Minutes of a Special Meeting of Council held on 28 March 2007 were presented.

<u>Resolved:</u>	<i>That the Minutes of a Special Meeting of Council held on 28 March 2007 be confirmed as correct.</i>	Birrell/McIntyre
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DISCUSSION

Annual Plan – Consultation Meetings

The Chief Executive Officer expressed concern at Council not having set a public consultation meeting at Tuai. Council had made a previous commitment to meet with residents and ratepayers of the Tuai Community, and it had been intended to address Tuai Community concerns at a meeting held in conjunction with consultation on the Annual Plan. His Worship the Mayor acknowledged that a meeting should be facilitated at Tuai.

<u>Resolved:</u>	<i>That a public consultation meeting on the 2007/08 Annual Plan be held at Tuai.</i>	McIntyre/Shortt
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SPECIAL MEETING OF COUNCIL HELD 29 MARCH 2007

The Minutes of a Special Meeting of Council held on 29 March 2007 were presented.

<u>Resolved:</u>	<i>That the Minutes of a Special Meeting of Council held on 29 March 2007 be confirmed as correct.</i>	McIntyre/McKinnon
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RECEIPT OF COMMITTEE MINUTES

MAORI COMMITTEE MEETING HELD 8 MARCH 2007

The Minutes of a Meeting of the Maori Committee held on 8 March 2007 were presented.

Resolved:	<i>That the Minutes of a Meeting of the Maori Committee held on 8 March 2007 be received.</i>	Birrell/McIntyre
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DISCUSSION

Councillor Caves expressed his disappointment in that despite his advising the Chairman of the Committee that he would not be available, his apology had not been submitted and recorded.

GENERAL BUSINESS

RECYLING EDUCATION PROGRAMME

B.06.08

The Engineering Manager spoke to the report, advising Councillors that it had been presented as background information in conjunction with the presentation on Wairoa Waste Management Education.

Resolved:	<i>That report be received.</i>	Caves/Birrell
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FUNDING REQUEST –TAKITIMU MARAE

A.06.14.02 / F.07.02

The Chief Executive Officer spoke to the report, informing Councillors that a request had been received from the Takitimu Marae Committee for consideration of a one off grant toward assisting with the costs of installing a sprinkler system at Takitimu Marae meeting House. While Council had previously considered, and declined an application for assistance in meeting insurance costs, this was an entirely different request.

Resolved:	<i>That report be received.</i>	McIntyre/Eaglesome
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His Worship the Mayor expressed concern that some Councillors were of the belief that they may be setting a precedent in supporting the application for funding, preferring to perhaps defer the application to the Annual Plan. His Worship the Mayor clarified that where requests for funding were to result in a continuous annual contribution from rates, then this would be the case, however in applications such as this, the request was for a one off grant, and as such, should be considered on its merits by Council and approved, or declined, without the need to defer to the Annual Plan. His Worship the Mayor asked Councillor Eaglesome if there were any further information to be added to the report.

Councillor Eaglesome advised that a Councillor had expressed his opinion that she had a conflict of interest in the item, being that she was a member of the Takitimu Marae Committee. As such Councillor Eaglesome stated that as Councillors were well aware of her position and feelings as to the importance of Takitimu, likening it to Parliament Buildings in that it was the paramount Marae of the Wairoa District, she had nothing more to add.

Councillor Birrell sympathised with the Takitimu Marae Committee, agreeing that the Meeting House was a national treasure, however he was firmly of the belief that as Ngati Kahungunu extended beyond the boundaries of the Wairoa District, a concerted effort should be made to obtain funding from those who affiliated to the Marae. Councillor Birrell queried whether there were other organisations that funding could be obtained from.

Councillor Caves sought clarification as to who the Trustees of the Marae were, as it was his understanding that Trustees were still to be appointed. This being the case, he would like to see the application for funding deferred until such time that Trustees were able to approach Council with a request.

By invitation of the Mayor, Councillor Eaglesome confirmed that there were no Trustees at present, with the Maori Land Court conducting an election on May 7th 2007. The fact of the matter was that Takitimu Marae Committee were responsible for managing and maintaining the Marae. A resolution had been passed by the Takitimu Marae Committee to seek funding for the installation of a sprinkler system to protect the Meeting House in the event of a fire. Applications had been made to a number of organisations resulting in the obtaining of 67% of the required funding. The application before Council was to seek their support in providing a one off grant as a means of further reducing the 33% shortfall in required funding.

Councillor Shortt highlighted historic aspects of Takitimu Marae, and its importance to the community, further stating that Council shouldn't be seen to sink every application for funding that came before them.

Councillor McKinnon queried whether a specific sum was being sought. The Chief Executive Officer stated that no sum had been included in the report, and it was in the hands of Councillors to determine what they may consider as being an appropriate contribution. Councillor McKinnon suggested that \$10,000 as a one off grant be considered

Councillor McIntyre agreed that Takitimu Marae was the Paramount Marae of the district, in that it featured prominently in many functions and activities, and is a living museum in that it preserved local history. Councillor McIntyre also acknowledged the heavy burden and responsibility left to a few people, being the Takitimu Marae Committee, however many other marae in the district were struggling with the weight of similar burdens, and prior to supporting any funding, would like some assurance that other marae of the district would be treated in a similar manner if applications were forthcoming.

His Worship the Mayor appreciated Councillor McIntyre's statements, however the decision before Council today was whether they supported the application received from Takitimu Marae, based on the information before them. His Worship the Mayor asked that a resolution be put forward for consideration and debate.

<u>Resolved:</u>	<i>That Council approve a Grant of \$10,000 to the Takitimu Marae Committee for the purpose on installing a sprinkler system in the Takitimu Meeting House.</i> Shortt/Eaglesome
	CARRIED

Councillor McKinnon queried whether there was a conflict of interest in Councillor Eaglesome having seconded the motion, given previous statements that had been made.

The Chief Executive Officer stated that there was no conflict of interest, in that there were Councillors present, who were involved in other organisations who made application for funding to Council, and at no time were they thought to have a conflict of interest, however, if it were the feeling of Council that a conflict of interest existed, then someone else could second the motion. Councillors advised that they were of the opinion that there was no conflict of interest and that the resolution stand.

BRIDGE REPAIRS – PATANGATA BRIDGE

B.10.12

<u>Resolved:</u>	<i>That report be received.</i>	Eaglesome/Shortt
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The Engineering Manager spoke to the report informing Councillors that he was resurrecting an item that had been brought before Council eighteen months ago. It had been determined at that point that the bridge was in a state where traffic across the bridge needed to be restricted to light vehicles or foot access only.

The Patangata Bridge currently provided access to an Urupa, members of the Whakaki Lagoon Restoration Trust, farmland on the seaward side of the lagoon and, in the past, provided access for drain maintenance. A number of options were presented for Councillors consideration as related to the future of the Patangata Bridge.

The Engineering Manager stated that removal of the bridge was not the preferred option, as there were no pressing health and safety issues that suggested that the bridge would fail catastrophically causing serious harm, and as such asked that Council consider either funding the necessary maintenance costs to repair the bridge, being \$144,000, or to impose weight restrictions and monitoring, and to erect signage, being \$3,000.

His Worship the Mayor invited Mr Walter Wilson forward to speak to the item.

Mr Wilson stated that the Patangata Bridge was an important link for the Whakaki Community, and that while the Whakaki Lake Trust were the landowner, the whole community had an ownership interest in the bridge. Mr Wilson urged Council to consider repairing the bridge, as not only did it give access to the Urupa and the Lagoon, but also all gave access to recreational fisherman to the Whakaki Beach. At no time had anyone ever been denied access to the Beach.

Councillors sought an assurance from Mr Wilson, that freedom of public access would be maintained with current, and future, lessees and property owners. Mr Wilson was confident that the present situation as related to unimpeded access would continue.

<u>Resolved:</u> <i>That Council approve \$144,000 towards the repair of the Patangata Bridge.</i> <i>Caves/Eaglesome</i>
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SUSPENSION BRIDGE – KOTARE ROAD

B.10.02

<u>Resolved:</u> <i>That report be received.</i> <i>McKinnon/Caves</i>

The Engineering Manager spoke to the report, informing Councillors that the Kotare Station swing bridge had been designed to carry small mobs of sheep, or bails of wool during peak flood events that prevented any other means of access to the farm, with use of the bridge limited to four wheeler bikes and pedestrians.

Council had previously resolved that following consultation with landowners, that the Kotare swing bridge be removed due to safety concerns. A report had been completed on the swing bridge, which revealed that there was significant corrosion around the anchor rods. The Engineering Manager had consulted with the landowners, who had advised that they wished to take over the ownership of the bridge, as it was a vital part of Kotare farms farming operations. The Engineering Manager had obtained a legal opinion that suggested Council remove the structure, as they would still remain liable for any future failings of the bridge if it were to be handed over to the landowner.

Councillors queried whether a third option was open for consideration, being that the landowner be approached to ascertain whether he was prepared to contribute \$20,000 towards the repair of the bridge, at which point Council would provide the remaining \$30,000.

<u>Resolved:</u> <i>That on receipt of \$20,000 from the landowner of Kotare Station, Council provide \$30,000 towards the repair of the Kotare swing bridge, and that Council maintain responsibility for the ownership and care of the bridge.</i> <i>McIntyre/McKinnon</i>
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The Engineering Manager advised Councillors that he would meet with the landowner to present Council's option for consideration, and would report back to Councillors on the outcome.

DELEGATION WARRANT TO ACT – RURAL FIRE OFFICER

C.18.03

Resolved: *That report be received.* **Birrell/Eaglesome**

The Administration Manager spoke to the report, advising that it was purely an administrative matter.

Resolved: <i>That the Delegation of Appointment as scheduled below be approved with immediate effect.</i> Caves/Birrell	
NAME	DELEGATION/AUTHORITY
Gary Mackintosh Rural Fire Officer	1. A "Rural Fire Officer" under Section 13(1) of the Forest and Rural Fires Act 1977.

PENSIONER HOUSING – STRUCTURAL INTERIOR/EXTERIOR INSPECTION

H.07.03

Resolved: *That report be received.* **McIntyre/Eaglesome**

The Administration Manager spoke to the report informing Councillors that in recent years there had been an increasing need, resulting in an increase in expenditure, to undertake significant repair works on a number of Pensioner Housing units owned by Council. To enable the programming of a schedule of works for the next ten years, an interior and exterior inspection of all units was required.

Resolved: *That Council approve funding of \$4,000 to enable the interior and exterior inspection of all Council owned pensioner Housing units.* **McIntyre/Eaglesome**

LOCAL AUTHORITY ELECTIONS 2007

A.10.13

Resolved: *That report be received.* **McIntyre/McKinnon**

The Finance Manager spoke to the report informing Councillors that the intent of the report was to seek approval for the early processing of returned voting documents, and also for Councillors to decide on the order in which candidate's names should be shown on voting documents. The Finance Manager explained 'early processing' in accordance with Section 79 of the Local Electoral Act 2001, and the options available for listing of candidates names, being alphabetical order of surname, pseudo random order, or random order.

Resolved: *That:*

- 1. The returned voting documents for the 2007 Wairoa District Triennial Elections, be processed during the voting period, such early processing to be undertaken in accordance with Section 79 of the Local Electoral Act 2001, the Local Electoral regulations 2001 and the Society of Local Government Managers' Code of Practice.*
- 2. The names of candidates at the 2007 Wairoa District Triennial Elections be arranged on the voting documents in alphabetical order of surname.*

Birrell/McKinnon

SALE OF POWDRELL PARK

H.01.03

Councillor Birrell advised Councillor's that as his son leased the property in question, he would abstain from taking part in any discussion or resolutions on the matter.

Resolved: *That report be received.* **Shortt/McKinnon**

The Chief Executive Officer spoke to the report, informing Councillors that the land was currently leased at \$700 per annum, and that Council were required to give one years notice of early termination under the lease agreement, should the land be required for other purposes, such as its disposal. The land had been purchased from the Torbett Estate in 1973 for future requirements of Council, although it had not been specific as to what those requirements may be.

The Chief Executive Officer sought clarification from Councillors as to whether their policy to dispose of surplus Council owned land stood. Councillors had clearly expressed that Council was not in the business of owning land and Management had acted on Council policy by making such land available for sale by tender. There was a suggestion outside of Council that disposal of land was being driven by Management, when this was not the case. Councillors confirmed that disposal of surplus Council owned land remained their policy.

Councillor Caves stated that in this instance he was against the selling of Powdrell Park in that it was land that may be used for other Council purposes.

<u>Resolved:</u>	<i>That:</i>
	<ol style="list-style-type: none"><i>Council declares the 4.93 hectare property known as Powdrell Park situated on the corner of Kitchener Street, Rutherford Street, and Achilles Street, with legal description of Lot 4 DP 13547, COT F1/1298, surplus to requirements, and made available for sale.</i><i>That the Finance Manager dispose of the property by way of tender.</i>
	Shortt/McKinnon
	AGAINST: Councillor Caves

WAIHUA PUBLIC POUND

H 01.04.02

<u>Resolved:</u>	<i>That report be received.</i>	Shortt/McKinnon
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The Finance Manager spoke to the report informing Councillors that a request had been received to lease property vested in Council on Pakaranui Road, Waihua. The land had originally been vested in Council for use as a Pound. A number of options had been presented for Councillors consideration.

The Chief Executive Officer informed Councillors that as Council did not own the land, it could not be sold, but rather offered back to the Crown. Council had the option of either returning the land to the Crown, requiring the interested party to either purchase, or seek a lease from the Crown, or Council could reclassify the land as a recreation Reserve, and lease it to the interested party.

<u>Resolved:</u>	<i>That the 0.2125 hectare property on Pakaranui Road West, with legal description sec 17 Block XIII Waihua SD Public Pound, Certificate of Title GZ 71-491, be returned to the Crown.</i>	Birrell/McIntyre
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BUILDING CONSENT ACCREDITATION

I03.13

The Chief Executive Officer informed Councillors of progress to date on Council achieving Building Accreditation.

SALE OF ABANDONED LAND

H01.03

The Finance Manager advised Councillors that abandoned land on the corner of Carroll and Hunter Brown Streets was currently with Bay Corp, who was processing the matter prior to land being made available for disposal.

PERFORMANCE MANAGEMENT REVIEW

C17.02

Councillors were advised that arrangements were being made to conduct a Performance Management Review.

ILLEGAL EARTHWORKS - MAHANGA

D01.27

The Chief Executive Officer informed Councillors that the exceeding of earthworks allowed within the District Plan had yielded Council \$10,000 in fines, being 95% of total fines and costs incurred. All parties involved entered a guilty plea. Councillor Caves was pleased with the outcome, in that it gave confidence to critics that Council would take a firm line and that unacceptable actions would be followed through where there were breaches of the District Plan.

RUAWHARAWHARA CEMETERY

B03.02.06.05

The Chief Executive Officer updated Councillors on discussions and meetings that had taken place in respect to Ruawharawhara Cemetery.

HAWKE'S BAY REGIONAL COUNCIL

A26.04

It was noted that the Wairoa District had retained their seat on the Hawke's Bay Regional Council.

MAYORAL UPDATE

A06.07.10

His Worship the Mayor updated Councillors on meetings he had attended during the past month. The most positive outcome for the District was the meeting of St John Ambulance, which resulted in the reinstatement of a fourth Ambulance Officer for the Wairoa District.

His Worship the Mayor also informed Councillors of the presentation of a korowai (cloak) by Erepeti Marae, to Council, to be worn by the Mayor of Wairoa, present and future, on suiting occasions. The korowai was an indication of the regard Maori held for Council, and as such would be put on display when not in use.

ADJOURNED: 12:20 PM

RECONVENED: 1:00 PM

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;*

Birrell/McIntyre

EXCLUDED FROM: 1:05 PM

READMITTED FROM: 2:27 PM

RELEASE OF CONFIDENTIAL ITEMS

A06.09

NIL

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

MEETING CLOSED: 2:28 PM