

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 12 February 2008 at 10:00 am.

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

COUNCILLORS

D Eaglesome, D Caves, J Heron, C, Cairns 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 Councillor McKinnon.

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

NIL

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

- | | |
|-------------------------------------------------------------------|-----------------------------|
| 1. Late Item – Transit New Zealand 2008/08 Land Transport Program | (Engineering Manager) |
| 2. Extreme Events/Civil Defence | (Councillors Caves & Heron) |
| 3. Council Workshops | (Councillor Petersen) |
| 4. Meetings – Council and Zone 3 | (Administration Manager) |

PUBLIC FORUM

His Worship the Mayor welcomed members of the public to the meeting, inviting those present to raise any items they may wish to bring before Council.

Mr Greening thanked the Mayor for allowing him to take the floor, stating that he wished to know whether any allocation had been made within the Pohutukawa Reserve Management Plan as related to the parking of fishing boats for those who exercised their customary fishing rights.

In response His Worship the Mayor and the Chief Executive Officer advised that while customary fishing rights, as related to the parking of customary fishing boats, had not been consulted on exclusively, the Pohutukawa Reserve Management Plan did not prevent the parking of fishing boats on the reserve during the day, which was when customary fishing would normally be undertaken. Mr Greening was further informed that if Council chose to adopt the Reserve Management Plan, the only restriction would be the parking of fishing boats on the reserve overnight.

Mr Greening thanked Council for their clarification on the matter, advising that his concerns had been allayed.

GENERAL BUSINESS

POHUTUKAWA RESERVE MANAGEMENT PLAN

G.01.01.02

The Chief Executive Officer welcomed Mrs Sue Dick, Principal of Eastern Earth Landscape Architects, Gisborne, who had prepared the Pohutukawa Reserve, Mahia Beach Reserve Management Plan for Council.

Mrs Dick detailed changes made to the Landscape Plan following previous resolutions made by Council. These changes included; an additional access to the beach in close proximity to the fishing club, the removal of trees in front of Paua Lane, re-designing the fencing plan to make provision for additional parking, maintaining R31 as a recreational area, and maintaining R30 as an option for the provision of motor home parking.

In reflecting decisions made by Council as pertained to the parking of large fishing boats, all references to commercial parking had been removed, and the parking of cars and trailers in Areas E and F had been reversed.

Mrs Dick highlighted agreed future development strategies for Pohutukawa Reserve that would enhance the, natural character, recreational use, cultural and historical values, and pedestrian use of the reserve, and limit vehicle use and activity on the beach.

Councillor Cairns sought comment as to what issues had arisen in relation to boats parking on the reserve overnight, as against those that parked on the reserve during the day, as Council needed to consider the economic impact of not allowing the overnight parking of commercial fishing boats. Councillor Caves endorsed Councillor Cairn's statements, adding that there was a need to plan for the future.

The Chief Executive Officer advised that complaints had been received from parties affected as related to visual aspects. Questions as to the right to occupy had also been raised. Council had attempted to designate an area specifically for the parking of large fishing boats, but had met opposition at every point.

Councillor Eaglesome was of the opinion that as Council were not able to come up with a win-win situation as a result of meeting continual opposition from the residents of Mahia, that the residents of Mahia needed to talk to each other and come up with a solution that met the approval of all parties.

Councillor Petersen likened the issue to the Western Springs Speedway, where development had encroached on what had previously been an accepted activity. In this instance he questioned, who was there first, the fishing boats, or those who were claiming to have their view impeded?

Councillor Heron believed that there was an element of necessity to encourage economic development, and suggested that a designated facility be set aside that users had to pay for. The Chief Executive Officer advised that the first draft of the Pohutukawa Reserves Management Plan had accommodated provision of leased sites, which had been widely rejected by public submission.

Councillor Eaglesome queried what progress, if any, had been made on investigating the feasibility of Waikokopu being developed as a launching harbour. The Engineering Manager advised that \$25,000 had been included in the current years budget to research the proposal, and that if it were to proceed, significant sums would be required.

His Worship the Mayor expressed concern that discussion had come full circle as related to the parking of commercial fishing boats. Councillor Petersen agreed, stating that the process had taken far too long and that it was time that the plan was put into action

Resolved:

That Council receive the report and adopt the Pohutukawa Reserve Management Plan as presented.

Petersen/Heron

AGAINST: Councillors Caves & Cairns

Resolved: *That Council rescind all previous resolutions made during the development of the Pohutukawa Reserve Management Plan.* **Petersen/Heron**

AGAINST: Councillors Caves

Mrs Dick then presented a brief to Councillors on the process to be undertaken toward progressing the Opoutama Reserve Management Plan. Consultation needed to be undertaken with Iwi (Ruawhara Marae) to address the removal of pines and the scale of works required, while ensuring that there was no damage to Pohutukawa in the same area. Following consultation, notification of a submissions hearing, and the hearing of submissions needed to be undertaken, with submitters to be advised of Council's decisions. Mrs Dick would then make amendments to the plan in accordance with any resolutions of Council, with the final version of the Opoutama Reserves Management Plan presented to Council for adoption.

His Worship the Mayor thanked Mrs Dick for her attendance at the meeting and looked forward to progressing the Opoutama Reserves Management Plan.

POLICY OPTIONS DOG CONTROL ACT

A.04.04

Resolved: *That the report be received.*

Eaglesome/Heron

Councillors Caves and Petersen expressed concern at the time given to read the discussion document that was provided with the Council Agenda, believing it was a matter that should be discussed at a Council workshop.

The Chief Executive Officer acknowledged that the matter could be brought to a Council workshop, however he had acted on the wishes of Council in that they wanted to address more policy matters at meetings of Council. As such the item had been included on the Agenda. To defer the item for discussion at Council's workshop, would require a submission to be brought back before Council for their adoption at the March meeting of Council.

The Administration Manager advised that an amendment to the recommendation, if agreeable to Councillors Caves and Petersen, would remove the need for the item to be brought back before a meeting of Council. Councillors Caves and Petersen agreed to the amendment.

Resolved: *That Council receive the information and develop a response to the policy options paper for submission to the Minister of Local Government at the February Council Workshop.*

MAORI POLICY REVIEW

A.28.01

Resolved: *That the report be received.*

Eaglesome/Heron

The Chief Executive Officer and Maori Liaison Officer spoke to the report, recounting the historical background of a previous attempt to review the Wairoa District Council's Maori Policy in March 2000. An extract from the report provided at that time had been included in the Council agenda.

Following the advent of the Local Government Act 2002, and the change of emphasis from roads, rates, and rubbish, to policy development and implementation, there was a need to consult with Maori to allow the Maori Community to determine the structure of, and future representation on, the Maori Committee. The basis of the report before Council was for a smaller committee to be formed that was more representative of the district. The intention was that in future the Maori Committee be more actively involved in decision-making processes, as against just having a meeting.

A suggestion put to Councillors to enable the review to proceed was for a working party to be established consisting of the Maori Liaison Officer, Councillors, the Chief Executive Officer, and the Administration Manager.

His Worship the Mayor endorsed the establishment of a sub-committee to determine the way forward and to make recommendations to Council.

Resolved: *That a sub-committee of the Maori Liaison Officer, Councillors Eaglesome, Caves, and Cairns, the Chief Executive Officer, and the Administration Manager, be established to proceed with the review of the Maori Policy.* **Heron/Caves**

Council's Maori Liaison Officer advised Councillors that the process of review at the Council level was an important step in moving forward, as resulting recommendations to Council would provide an opportunity to engage and consult with Maori on how they wished to proceed.

MAHANGA BEACH SEAWALL

B.11.02

Resolved: *That the report be received.* **Cairns/Petersen**

The Engineering Manger spoke to the report informing Councillors that the intent was not for Council to approve the construction of a seawall at Mahanga Beach, but merely to give consideration to the applicants request that Council allow the owners to proceed with the resource consent process.

A copy of a Cultural report, undertaken by Maurice Paul, and an e-mail received from Monica Watson, were tabled for Councillors information.

The Chief Executive Officer advised Councillors that the applicants wanted to know whether Council had any objection, as a neighbouring landowner, to their proceeding with the resource consent process, and emphasised that approval for the construction of the seawall itself would be determined under resource management processes, both through Council, and the Hawke's Bay Regional Council.

Resolved: *That Council provide landowner approval for the construction of a seawall at the northern end of Mahanga Beach, generally in accordance with the attached plans, and subject to all required consents being obtained by the applicant.*

Heron/Caves

AGAINST: Councillor Caves

LAND DISPOSAL MOHAKA COACH ROAD

H.01.03

Resolved: *That the report be received.* **Caves/Heron**

The Chief Executive Officer spoke to the report informing Councillors that he was seeking approval in principle to dispose of land adjacent to Mohaka Coach Road.

A request had been received from Mrs Francis Whale to acquire Pt Waipapa A13, gazetted as road, to form part of her title in Waipapa 17. In the past, a previous owner had erected tanks and sheds illegally on Pt Waipapa A13, and when purchasing Waipapa 17, Mrs Whale had assumed that she owned the entire block.

The Chief Executive Officer advised that while gazetted as road, the land in question was not legal road and as such did not require to be closed. Any change in ownership however would need to proceed through the Public Works Act, at an estimated cost of \$5,000, which would be met by the applicant. Discussions had been had with the adjoining landowner who did not object to the transfer of ownership, however an easement was sought to allow them to continue their operations without interruption.

Mrs Whale contested the facts as related to the erection of a shed and a tank, stating that these had been constructed in 1986 with the approval of the Building Inspector of Council at the time. Mrs Whale also expressed concern at the costs that would be incurred by herself in cleaning up the property, which had become a dumping ground for earthworks material over a number of years, devaluing the land and sought Council assistance in meeting those costs.

The Chief Executive Officer stated that while the value of the land may be of importance to the applicant, Council did not have to do anything with the land. The issue for Council to determine was whether they wished to allow the land in question to be amalgamated with the applicants land.

<p>Resolved: That Council:</p> <ol style="list-style-type: none">1. Confirm that the land is surplus to requirements, and further;2. Confirm its intention to dispose of Pt Waipapa A13 to the adjoining owners, and further;3. Enter into agreements with the adjoining owners to reimburse Council for all costs involved.	<p>Caves/Heron</p>
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INTERSECTION CONTROLS

B.02.10.01

<p>Resolved: That the report be received.</p>	<p>Caves/Heron</p>
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The Engineering Manager spoke to the report informing Councillors that Council staff, Land Transport and the Police, while conducting safety inspections of streets and roads, had identified intersections requiring controls to be erected. The request was that controls be implemented in places where there were currently none.

<p>Resolved: That Council approve the installation of intersection controls as listed below.</p>	<p>Eaglesome/Heron</p>
<p>MAHIA Rautau Street/Lochiel Street Blakes Approach/Mahanga Road</p>	<p>Install "Give Way" controls on Rautau Street. Install "Give Way" controls on Blakes Approach</p>
<p>WAIROA Brian Avenue/Campbell Street Harker Avenue/Lahore Street Victoria Avenue/Lahore Street Jellicoe Avenue/Lahore Street Victoria Avenue/Black Street Kowhai Place/Black Street Karaka Street/Black Street Jellicoe Avenue/Black Street Sidney Street/Black Street Kauri Place/Kitchener Street Hillcrest/Fraser Street Scott Street/Grant Street Scott Street/Kitchener Street McLean Street/Grant Street Apatu Street/Marine Parade Queen Street/Apatu Street McLean Street/Outram Street Rose Street/McLean Street Corkill Avenue/Kabul Street Murrae Street/Marine Parade King Street/Marine Parade Lockwood Point/Marine Parade Churchill Avenue/Mitchell Road Rimu Drive/Mitchell Road Hunterbrown Street/Carroll Street Te Rato Road/Ormond Drive Te Rato Road/Ruataniwha Road</p>	<p>Install "Stop" controls on Brian Avenue Install "Give Way" controls on Harker Avenue Install "Give Way" controls on Victoria Avenue Install "Give Way" controls on Jellicoe Avenue Install "Give Way" controls on Victoria Avenue Install "Give Way" controls on Kowhai Place Install "Give Way" controls on Karaka Street Install "Give Way" controls on Jellicoe Avenue Install "Give Way" controls on Sidney Street Install "Give Way" controls on Kauri Place Install "Give Way" controls on Hillcrest Install "Give Way" controls on Scott Street Install "Give Way" controls on Scott Street Install "Stop" controls on McLean Street Install "Give Way" controls on Apatu Street Install "Give Way" controls on Queen Street Install "Give Way" controls on McLean Street Install "Give Way" controls on Rose Street Install "Give Way" controls on Corkill Avenue Install "Give Way" controls on Murrae Street Install "Give Way" controls on King Street Install "Stop" controls on Lockwood Point Install "Give Way" controls on Churchill Avenue Install "Give Way" controls on Rimu Drive Install "Give Way" controls on Hunterbrown Street Install "Give Way" controls on Te Rato Road Install "Give Way" controls on Te Rato Road</p>

PIPING OF OPEN DRAINS 2007/2008

G.01.01.02

Resolved: *That the report be received.*

Petersen/Cairns

The Engineering Manager spoke to the report informing Councillors that he was seeking additional funding to complete the piping of an open drain project. The project had commenced as agreed to under contract, however a number of unexpected expenditures had occurred, resulting in a shortfall in available expenditure.

Councillor Caves queried whether there was a component of the Contract that could be dropped off to allow absorption of the shortfall. The Engineering Manager advised that this could have been an option, had the problems been identified earlier, however as the contract had already commenced, and monies had already been expended, it was now a matter of whether Council would approve additional funding, or whether he had to enter into discussions with the Contractor to try and resolve the matter by other means.

Resolved: *That additional funding of \$29,000 be provided from the District Development Fund to complete the piping of open drains.*

Cairns/Eaglesome

MOU WAIROA DISTRICT COUNCIL & WAIROA COMMUNITY DEVELOPMENT TRUST A.24.01.04

Resolved: *That the report be received.*

Cairns/Heron

His Worship the Mayor spoke to the report, stating that the Memorandum between the Trust and Council was straightforward with there being no pecuniary interest to either parties.

Resolved: *That Council approve the Memorandum of Understanding and presents it to the Trust for ratification.*

Cairns/Heron

Councillor Caves sought clarification as to what was meant by 'the provision of office space.' The Chief Executive Officer informed Councillors that office space was being provided at the Information Centre, with operational costs to be apportioned accordingly.

Councillor Caves also questioned the appointment of Trustees. His Worship the Mayor informed Councillors that he identified and approached members of the Wairoa Community who would bring value to the Trust and the wider community as Trustees. The appointment and re-appointment process of Trustees was contained in the Trust Deed. His Worship the Mayor also clarified that while there were currently Trustees who also had connections with Council, either as elected members, or employees, they were appointed as individuals. The Wairoa Community Development Trust was not a Trust of Council and as such did not require Council representation.

The success of the Trust in obtaining funds for community events to date was emphasised, as was their ability to access funds that the Council could not.

COUNCIL REMUNERATION

A.06.06.01

Resolved: *That the report be received.*

Heron/Cairns

The Administration Manager spoke to the report, advising Councillors of an amendment to the sum provided in the Adjusted 2008/09 Indicative Pool, which should have read \$197,815

Councillor Petersen debated the accuracy of the figure of 1.5 in Council's resolution at their November Meeting in 2007, stating that the figure put forward had been 1.25.

Councillor Heron contested this statement, saying that he had put the resolution forward, inclusive of a twelve month review, and that the figure had been 1.5 the payment of Councillors. Councillor Heron added that a vote on the resolution had been by a show of hands, and that he had made a point of observing how all Councillors voted. It was his clear recollection that all Councillors had raised their hand in favour of the resolution he put forward.

Resolved: That the Deputy Mayor receive an annual salary of \$32,810.54, being 1.5 times the salary received by Councillors, and that Councillors receive an annual salary of \$21,873.89, being the remaining pool split equally among Councillors.
His Worship the Mayor/Cairns

DELEGATION OF AUTHORITY TO SIGN CHEQUES

F.01.03

Resolved: That the report be received. **Cairns/Heron**

The Administration Manager spoke to the report advising that it was merely an administrative matter to bring the policy of Delegation of Authority to Sign Cheques in line with requirements of the Local Government Act 2002.

Resolved: That:

Pursuant to Schedule 7, Section 32(1) of the Local Government Act 2002 Council's Policy in respect to the signing of cheques and authorities to debit Council's Bank Account is:

(a) That 2 signatories are required on all bank authorisations.
(b) That one of the signatories must be either:

- (i) Chief Executive Officer
- (ii) Finance and Property Manager
- (iii) Administration Manager
- (iv) Engineering Manager

(c) That the following signatories may sign in conjunction with (b) above:

- (i) His Worship the Mayor
- (ii) Councillors
- (iii) Accountant

In the event of an emergency and none of those persons scheduled under (b) above being available to sign then both signatories may be drawn from those scheduled under (c).

Cairns/Heron

SALE OF SURPLUS PROPERTY

H.01.03

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

The Finance Manager spoke to the report advising that a request had been received to list for sale 9 Locke Street, Wairoa, with legal description Lot 2 DP 4298 COT H2/160.

In response to a question from Councillor Caves, the Chief Executive Officer and Administration Manager confirmed that the building was surplus to requirements. While there had been an intention to utilise the building as office space, Council's Earthquake Prone Buildings Policy had made it too cost prohibitive to continue with the proposed project. The amount required to strengthen the building would equate to its current valuation, with refurbishment works being an additional cost.

Resolved: That Council declares the 0.0123 hectare commercial office with legal description Lot 2 DP 4298 COT H2/160, surplus to requirements, and to be put on the market for sale.
Heron/Eaglesome

AGAINST: Councillor Petersen

HAWKES BAY MEDICAL RESEARCH FOUNDATION INC - NOMINATION

A.06.03

Resolved: *That the report be received.* **Petersen/Caves**

His Worship the Mayor spoke to the report, informing Councillors that it was not necessary for a Councillor to be the representative, however, representation should be continued.

Councillor Heron advised that given his past involvement with health issues in the District, he would put his name forward for consideration.

Resolved: *That Council appoint Councillor Heron as Council's representative on the Hawke's Bay Medical Research Foundation Incorporated Committee.*
Caves/His Worship the Mayor

DOCUMENTS SEALED FOR THE PERIOD 17 DECEMBER 2007 TO 18 JANUARY 2008

Resolved: *That the report be received.* **Caves/Petersen**

Receipt/Confirmation of Minutes of Previous Council Meetings

ORDINARY MEETING OF COUNCIL HELD 11 DECEMBER 2007

The Minutes of an Ordinary Meeting of Council held 11 December 2007 were presented.

Resolved: *That the Minutes of an Ordinary Meeting of Council held on 11 December 2007 be confirmed as correct.* **Eaglesome/Cairns**

ADJOURNED: 12:25 PM

RECONVENED: 1:37 PM

LATE ITEM – TRANSIT NEW ZEALAND 2008/09 LAND TRANSPORT PROGRAM

B.03.01.03

Resolved: *That in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act, the item LATE ITEM – TRANSIT NEW ZEALAND 2008/09 LAND TRANSPORT PROGRAMME be considered given the item had not come to hand at the time of Agenda compilation and consideration of this item is required now in order to respond within the timeframe allowed.* **Cairns/Heron**

The Engineering Manager spoke to the report informing Councillors that there was an opportunity for them to make a submission to the proposed Land Transport Programme. The Engineering Manager made a suggestion that if Councillors were of a mind to restate concerns raised in the previous years submission, he would retrieve and update that submission, re-highlighting the same considerations. Councillors agreed that stock effluent disposal, the Matahaura Gorge, re-alignment of the Tahaenui Bridge, Whakaki Road curves, and passing bays, remained a high priority for inclusion.

Councillor Heron asked whether the sealing of SH38 could be presented as a staged project, rather than the entire road being addressed as one project, making it affordable. Improvement of traffic safety at the Willowflat Road/SH2 intersection was also of concern.

The Engineering Manager informed Councillors that the safety issue at the Willowflat Road/SH2 intersection was being pursued through Regional Development Rooding. He would however raise the matter in the submission, as well as promote the Multi-sport Event, Lake to the Lighthouse, as a means of drawing attention to the sealing of SH38.

<p>Resolved: <i>That the Engineering Manager make a submission to Transit New Zealand, reiterating concerns raised in the previous year's submission, with additional comments to be included as pertained to the sealing of SH38, and safety improvement at the Willowflat Road/SH2 intersection.</i></p>	<p>Heron/Cairns</p>
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MEETINGS – COUNCIL AND ZONE 3

A13.03

The Administration Manager informed Councillors of upcoming meetings and the need to advise/confirm of their attendance.

To date only two Councillors had advised which 2009 and Beyond Seminar they wished to attend, with the remainder reminded of the need advise the Executive Secretary by days end so that appropriate travel and accommodation bookings could be made.

Councillors were also informed that the next Zone 3 Meeting would be held in New Plymouth on Monday 25th February 2008.

Councillors were further informed that a Budget Workshop had been scheduled for 1:00 PM Monday 18th February 2008 in the Council Chambers

EXTREME EVENTS/CIVIL DEFENCE

A22.02

Councillors Caves and Heron sought information and assurances as to the preparedness of Council to react to extreme events, and civil defence matters.

The Administration Manager stated that rather than briefly detail for Councillors the level of preparedness and response, that the matter be deferred to the next Councillor's Workshop to allow a thorough briefing to occur. The Administration Manager emphasised however, that in any given emergency, Council's responsibility was one of response, and that preparedness was the responsibility of every individual in the district. Despite messages being continually aired on television and radio, and printed in media however, apathy was such that it often took an extreme event to occur for the 'Let's Be Prepared' message to sink in.

COUNCIL WORKSHOPS

A06.09

Councillor Petersen advised that following discussion with Councillors, they requested that the first portion of the Council Workshops, 9am – 10am, be a closed session attended by Councillors only.

WAIROA CEMETERY

G03.03

Comment was made as to the Dominion reporting the completion of repairs to headstones vandalised at the Wairoa Cemetery. It was reported that the project was completed at minimal cost, primarily through the efforts of Council staff and volunteers. The Engineering Manager confirmed statements made, however, rather than acknowledgement going to Council staff as a whole, it should have gone to Council's Engineering Administration Assistant, Nicky Bradley, who had put a lot of effort into managing the project and engaging volunteers. Letters were being prepared to acknowledge those who had been involved in the project, with the request that letters be sent out through the Mayor's office.

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;*

Petersen/Heron

RELEASE OF CONFIDENTIAL ITEMS

A06.09

NIL

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

MEETING CLOSED:

2:37 PM

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Chair