



ORDINARY MEETING
OF COUNCIL

TUESDAY

10 FEBRUARY 2009

10.00am

WAIROA DISTRICT COUNCIL

ORDINARY MEETING OF COUNCIL

to be held in the Wairoa District Council Chambers
Queen Street, Wairoa

ON TUESDAY 10 FEBRUARY 2009 AT 10.00AM

PART 1

A G E N D A

CHAIRMAN: His Worship the Mayor Mr L Probert

COUNCILLORS

B Cairns, D Caves, D Eaglesome, J Heron, B McKinnon

CIVIC PRAYER

APOLOGIES

CALLS FOR CONFLICTS OF INTEREST

GENERAL BUSINESS

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

Public Forum

JAB Steering Committee

General Items

1-4	<u>YOUTH DEVELOPMENT PARTNERSHIP FUND, MINISTRY OF YOUTH DEVELOPMENT</u>	<u>A24.01.04</u>
5-6	<u>RAHUI WHENUA APPLICATION</u>	<u>F09.08</u>
7-8	<u>MEXTED / WILLIAMS SUBDIVISION CONSENT APPLICATION</u>	<u>RM080061</u>

Receipt/Confirmation of Minutes of Previous Council Meetings

9-15	<u>ORDINARY MEETING OF COUNCIL HELD 9 DECEMBER 2008</u>	
16-32	<u>RESOURCE MANAGEMENT COMMITTEE MEETING - S P BEACH LTD & WINE COUNTRY PROPERTIES LTD HELD ON 9 DECEMBER 2008</u>	<u>RM070004</u>
33-36	<u>SPECIAL MEETING OF COUNCIL HELD 15 DECEMBER 2008 TO HEAR GATEWAY TO MAHIA ROADING OPTIONS</u>	
37-43	<u>SPECIAL MEETING OF COUNCIL HELD 16 DECEMBER 2008 TO HEAR DRAFT MAORI POLICY SUBMISSIONS</u>	

Exclusion of the Public

Recommended: 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;

WAIROA DISTRICT COUNCIL

PART OF AN ORDINARY MEETING OF COUNCIL

to be held in the Wairoa District Council Chambers
Queen Street, Wairoa

ON TUESDAY 10 FEBRUARY 2009

PART 2
A G E N D A

The Chief Executive Officer has determined, pursuant to Section 46A (8) and Section 46A (9) of the Local Government Official Information and Meetings Act, that the following items are reasonably expected to be dealt with by the Council/Committee with the Public Excluded.

Page

Receipt/Confirmation of Minutes of Previous Council Meetings

1-3	<u>ORDINARY MEETING OF COUNCIL HELD 9 DECEMBER 2008</u>
4-5	RESOURCEMANAGEMENT COMMITTEE MEETING LANDUSE & SUBDIVISION CONSENT APPLICATION FOR S P BEACH LTD & WINE COUNTRY PROPERTIES LTD HELD 9 DECEMBER RM070004

REPORT TO: COUNCIL	
DATE: 10 FEBRUARY 2009	
SUBJECT: YOUTH DEVELOPMENT PARTNERSHIP FUND, MINISTRY OF YOUTH DEVELOPMENT	FILE REF: A24.01.04
AUTHOR: P J FREEMAN, CHIEF EXECUTIVE OFFICER	ATTACHMENTS: Nil
RELATED COMMUNITY OUTCOME(S): A strong prosperous and thriving economy. A safe and secure community. A lifetime of good health and wellbeing. An environment that is appreciated, protected and sustained for future generations. Supportive, caring and valued communities. Strong district leadership and a sense of belonging. A community that values and promotes its culture and heritage.	RELATED COUNCIL ACTIVITY: Leadership & Governance

BACKGROUND:

The fifth round of the Youth Development Partnership Fund opened on 8 December 2008 and closes on 2 March 2009. The Fund provides an opportunity for territorial authorities (city and district councils), young people, community groups and the Ministry of Youth Development (hereinafter MYD) to work together on local youth development projects.

The aim of the Youth Development Partnership Fund is to provide funding to territorial authorities wishing to improve outcomes for young people through effective youth development practice in their communities.

The objectives of the Youth Development Partnership Fund are to:

- support local projects that improve outcomes for young people aged 12-24 years
- provide youth development opportunities for young people particularly, but not limited to, those with an education, training or employment focus
- to progress the implementation of the Youth Development Strategy Aotearoa
- contribute to better co-ordination of government and non-government services for young people
- generate practical examples of good youth development evidence in action.

The Youth Development Partnership Fund:

- will support projects that have a youth development approach
- will support and supplement projects that have already obtained assistance from other funders
- can allow for the purchase of equipment and establishment costs
- can be applied to capacity building and professional development projects
- can support monitoring and evaluation of existing initiatives.

Funding is only available to New Zealand territorial authorities. There is a total of \$1 million (including GST) available through the Youth Development Partnership Fund each year. Funding of \$25,000 (including GST) to \$250,000 (including GST) can be awarded to any one project for a maximum of three years. Territorial authorities can only submit one application in each funding round.

Twelve projects received funding from the first round, eleven projects in the second round, and sixteen projects in the third and fourth rounds respectively.

Examples of projects that have received funding include:

Wellington City Council - Youth Capacity Building at Zeal

In partnership with Zeal Education Trust, a facilitator will be employed to manage the expanded Cutting Edge programme to train young people who wish to volunteer in the administrative area. Cutting Edge is a course, run by a team of volunteers and helpers, which teaches students the art of leadership.

Rodney District Council – Project 300

In partnership with Rodney Economic Development Trust, this project aims to address the issue of students in the district leaving school with no formal qualifications. It will consult with young people to determine factors contributing to this trend, and implement programmes to address the issues highlighted.

Ruapehu District Council - The Making Connections, Building Strengths, Developing Skills (CBD) Taumarunui Project

The first element of the CBD Project is the continuation of the existing Youth Forum that will actively participate in the identification, planning and delivery of projects. The second part of the project is for the project partner, The Central King Country Youth Link Trust, to partner with, and support existing agencies in projects already identified and in an early stage at the moment. Lastly the project seeks to implement a stocktake of youth services and activities, a youth newspaper supplement, a Youth One Stop Shop and a Youth expo.

Rotorua District Council - E Oho - Awaken

E OHO is a partnership project between the Rotorua District Council, Te Waiariki Pūrea Trust and the young people of the Fordlands, Koutu and Western Heights communities. Three groups of young people will consult with their communities and create projects to meet identified needs. The young people will receive direct mentoring through weekly contact with the project mentor and monthly training workshops with relevant experts. The young people will attend six training weekends as a large group that will involve visiting other town and city facilities.

CURRENT SITUATION:

Council has received an expression of interest from the Wairoa Community Development Trust (hereinafter the Trust) to partner on a youth development project and make an application to the Youth Development Partnership Fund. The Trust notes that this funding has been available for some time and it is now in its fifth round. Furthermore, a number of territorial authorities have already taken advantage of this funding to the benefit of young people in their communities.

Please note, as regards this funding, territorial authorities may engage in partnerships with local service providers to assist with project development and delivery with the territorial authority acting as the lead agency.

Council signalled at the Tuai Retreat earlier last year their intention to focus on youth development during its current term. This particular initiative would go some way to affirming this intention and delivering on outcomes particularly related to youth in Wairoa. What is more, Council has an existing Memorandum of Understanding with the Trust which provides the following:

- 5.5 The Council acknowledges the objectives of the Trust as being similar to its own and on this basis confirms that the Trust will generally be Council's first option when

considering who to partner with regarding social, cultural, economic and environmental community projects.

- 10.1 Both Parties acknowledge a commitment to the concept of partnering and agree:
- a) To support the achievement of each other's objectives where possible;
 - b) To work constructively and co-operatively to achieve shared outcomes and objectives;
 - c) To work in a way that promotes good will, good faith and trust;
 - d) The Parties may share resources and/or expertise to better achieve the purpose of this MOU;
 - e) The Parties will work together to identify and initiate opportunities to achieve the purpose of this MOU;
 - f) To recognise each other's ways of working and obligations to their organisation and wider stakeholders;
 - g) To acknowledge and celebrate success and achievement of mutually shared goals;
 - h) To promote sustainable development approaches and actively make linkages across economic, environmental, social and cultural wellbeings;
 - i) To actively work together to ensure plans and processes support the development of strategies for sustainable economic development in Wairoa;
 - j) To work together to attract new investment into Wairoa;
 - k) Where possible and practical work together to develop local amenities that enhance Wairoa as a good place to live; and
 - l) To ensure responsible environmental practices are encouraged.

Recently preliminary discussions have been undertaken with Tony Moore (MYD Regional Team Manager Central South) and Heidi Mill (MYD Regional Youth Development Advisor) who are both enthusiastic about a prospective project in Wairoa. They are planning a visit to Wairoa to meet with young people and are keen to meet with other relevant parties such as the Council, the Trust and Wairoa College.

The Trust has held discussions with Council staff and the newly formed Youth Council to ascertain where the needs are and what form the project might take. Moreover, Wairoa College have indicated their ongoing support for this initiative.

The thinking as a result of these discussions is that the application for funding would be to employ one and a half youth workers. This would include a request for funding for the half time youth worker to be able to complete an appropriate qualification for working with youth leading to sustainability.

The youth workers would have several projects:

- working alongside the newly-formed Youth Council
- developing a mentoring programme for the youth of the District
- encouraging and assisting youth events, such as Youth Week
- facilitating youth leadership programmes
- encouraging and supporting sporting participation and a role in administration.

Not surprisingly there are number of criteria that must be satisfied (for a full list of these please refer to www.myd.govt.nz). We are reasonably confident of meeting the majority of these, but ask Council to consider the following:

Projects that can demonstrate sustainability beyond the investment from the Ministry of Youth Development will be viewed favourably.

ASSESSMENT OF SIGNIFICANCE:

This matter is not one of significance requiring consultation under the Local Government Act 2002.

ASSESSMENT OF SUSTAINABILITY:

Support for these requests contributes to the sustainability of the Wairoa District by helping to achieve the specified community outcome noted above.

FINANCIAL IMPLICATIONS:

There are no financial implications for participating in this process. At the most some staff time and administrative overheads may be required in terms of making application, monitoring and progress reporting.

RECOMMENDATION(S): That:

1. Council receives the report.
2. Council agrees to enter into a partnership with the Trust and make an application to Youth Development Partnership Fund.
3. Council agrees to enter into discussions with the Trust regarding sustainability of the project beyond the investment from the Ministry of Youth Development.



P J Freeman
CHIEF EXECUTIVE OFFICER

REPORT TO: COUNCIL	
DATE: 10 FEBRUARY 2009	
SUBJECT: RAHUI WHENUA APPLICATION	FILE REF: F09.08
AUTHOR: ROPATA AINSLEY, MAORI LIAISON OFFICER	ATTACHMENTS: <i>Nil</i>
RELATED COMMUNITY OUTCOME: A Community That Values and Promotes Its Culture And Heritage	RELATED COUNCIL ACTIVITY: Leadership and Governance

PURPOSE:

For the Councillors to consider an application for registration of a Maori Freehold Land Block in the Rahui Whenua Register.

BACKGROUND:

In 2007 Mrs Sophie Lewis applied for a Maori Freehold block to be registered in the WDC Whenua Rahui register. The block Poutaka 12A is situated on Mitchell St within the boundaries of Wairoa Township. The block of land was declined in a letter on the 28th of January 2008, because it was '*non-marginal or isolated*' and that there was not a '*fragmented ownership structure as there is only two owners*', rather than multiple owned land. "*The land maybe used as the site for a building of a dwelling, or maybe leased to neighbouring property-owners. There maybe the opportunity for changing the land from Maori land to general land, and possibly putting it up for sale*" The block met every other conditions of the Whenua Rahui criteria.

CURRENT SITUATION:

Mrs Lewis following advice in her letter of decline that she had a option to appeal directly to the CEO of Wairoa District Council has written to the CEO asking for special consideration. In her letter she has highlighted three points for consideration by the councillors. From her point of view it is marginal land because it is "*a relatively small piece of land which cannot reasonably be expected to sustain any amount of livestock*" She has made enquires to her immediate neighbour to utilize the land. "*I have been informed that it is uneconomic and therefore not viable*" She advises that she is a senior citizen and pensioner so is not able to maintain or develop the land. Her second point is that it is multiple owned lands. "*Mr Joe Henry passed away in 2006 and his children have not succeeded to his interests in this property. I have corresponded with Lorraine Andrews 16 Margaret Street Kingaroy Queensland 4610, the executor of his estate with no response to date.*" Under the Ture Maori Whenua Act 1993 anybody wanting to alienate Maori Freehold land must make all attempts to communicate with all descendents of the owners, or their representatives. Even then there is a complicated procedure to alienating the land. I think her point is that selling this piece of land is not an easy or viable option.

OPTIONS:

- Option (1) Status quo, Appeal declined and Mrs Lewis's back rates and current 2008-9 rates are re-issued to her and the process of rates recovery is initiated.
- Option (2) Mrs Lewis's application is considered under the 'case by case basis' and the Council and Chief Executive Officer agree to register her with special conditions.

ASSESSMENT OF OPTIONS:

The status quo option is the standard reply to rates recovery. In this case I do not believe that we will successfully recover the full rates owing to the WDC. As a pensioner her options for paying or loaning significant amounts on Māori Free hold land is limited. The option of Mrs Lewis selling the block and paying the rates is probably not reasonable considering the complicated process of alienating Maori land under the Ture Whenua Maori Act 1993. Lastly I think it would be difficult to take Mrs Lewis individually to court for rates on multiple owned land.

The second option's special conditions might be, if the descendants of the late Joe Henry succeed to the other shares then the rates arrears is reviewed. Sale of the land would initiate a automatic payment of the back rates and rates up until the sale of the block, succession by her children would initiate a review of rates, etc, etc... These conditions would be along with the normal criteria of the policy i.e., not being used during the three year period, change in status of land WDC to be immediately notified, etc, etc...

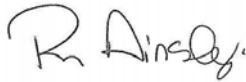
PREFERRED OPTION:

The preferred option is the second option. If I am right about her non-ability to re-pay the rates is correct then it is a nō win situation. By following the second option at least we can manage the situation so if the status and conditions of the block change then the WDC can act. Secondly the council is in the right position to show greatness of heart by considering the plight of this senior citizen of Wairoa.

RECOMMENDATION(S):

That:

1. The report be received.
2. Council consider the request and advise their preferred option.



Ropata Ainsley
MĀORI LIAISON OFFICER



P J Freeman
CHIEF EXECUTIVE OFFICER

REPORT TO: COUNCIL	
DATE: 10 FEBRUARY 2009	
SUBJECT: MEXTED / WILLIAMS SUBDIVISION CONSENT APPLICATION	FILE REF: RM080061
AUTHOR: LINDA COOK, DISTRICT PLANNER	ATTACHMENTS: -
RELATED COMMUNITY OUTCOME: An environment that is appreciated protected and sustained for future generations.	RELATED COUNCIL ACTIVITY: Resource Planning

PURPOSE:

The purpose of this report is to inform Council of the status of this subdivision application and to the likely hearing to follow.

BACKGROUND:

A subdivision consent application was received for Mexted / Williams in October 2008. A joint application was made to Wairoa District Council and to Hawke's Bay Regional Council.

The proposal involves the subdivision of two existing allotments to create six new allotments. The subdivision is located at the northern end of Judges Parade, Mahanga and has a boundary with Happy Jacks Road. Associated works include realignment of a stream and construction of a rock revetment structure on road reserve

In general terms, consent is required from Wairoa District Council for:

- Subdivision
- Earthworks associated with site development
- Lands use associated with construction of holiday homes
- Earthworks in relation to rock revetment structure on public land

In general terms, consent is required from Hawke's Bay Regional Council (HBRC) for:

- Land use within coastal hazard zones
- Wastewater systems
- Construction of rock revetment within coastal hazard zones
- Stream realignment

Further to an initial assessment of the application, the proposal was publicly notified as a joint application on 11th December 2008 with the submission period closing 30th January 2009.

Considering submissions received to date, a public hearing will follow.

At this stage, the hearing panel will likely comprise 3 or 5 members with representatives from the HBRC Resource Management Committee and the Wairoa District Council Resource Management Committee, with the HBRC leading the process under Section 102(2) of the RMA. It is proposed that the hearing be held in Wairoa.

Due to timing of the submission period and the following hearing dates (to be confirmed), it is recommended that Council make a decision at this meeting as to who from the WDC Resource Management Committee will sit on the hearing panel.

As we are not able to assess the submissions at the time of writing the report, we are unable to confirm the 'make-up' of the panel but it will likely comprise either 1 or 2 representatives from the WDC Resource Management Committee

RECOMMENDATIONS: That:

1. The report be received.
2. Council make a decision as to who will sit on the hearing panel from the WDC Resource Management Committee:
 - If 1 representative is required
 - If 2 representatives are required



Linda Cook
DISTRICT PLANNER



P J Freeman
CHIEF EXECUTIVE OFFICER

Receipt/Confirmation of Minutes

REPORT TO: COUNCIL		
DATE: 10 FEBRUARY 2008		
SUBJECT: CONFIRMATION OF MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD 9 DECEMBER 2008	FILE REF:	
AUTHOR: T COOK, ADMINISTRATION MANAGER	ATTACHMENTS: Nil	
RELATED COMMUNITY OUTCOME: N/A	RELATED COUNCIL ACTIVITY: N/A	

PURPOSE:

Attached are the minutes of an Ordinary Meeting of Council held on 9 December 2008.

RECOMMENDATION:

That the minutes of the Ordinary Meeting of Council held on 9 December 2008 be confirmed as correct.

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 9 December 2008 at 10:00 am.

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

COUNCILLORS

D Eaglesome, B Cairns, D Caves, B McKinnon, and J Heron.

IN ATTENDANCE: P Freeman

T Cook

R Snow

N Cook

(Chief Executive Officer)

(Administration Manager)

(Finance Manager)

(Engineering Manager)

CIVIC PRAYER

Councillor Eaglesome gave the Civic Prayer.

APOLOGIES

An Apology was received from Councillor Petersen.

<u>Resolved:</u> <i>That the apology from Councillor Petersen be received.</i>	<i>McKinnon/Cairns</i>
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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. Resource Management Act – Invitation to Submit Comments to Minister (Chief Executive Officer)
2. Land Acquisition – Mahanga (Confidential) (Chief Executive Officer)
3. Consultation – Submissions (Confidential) (Councillor Caves)

PUBLIC FORUM

His Worship the Mayor welcomed Mere Kokiri Tamanui to the meeting, and invited her forward to speak to her submission to the Maori Policy.

Ms Kokiri Tamanui thanked the Mayor and Management for accommodating her request to speak to her submission prior to the hearing date, in that she was not available to attend the hearing on 16th December 2008.

Ms Kokiri Tamanui expressed concern at the racism that had been exhibited by some elected members as related to the Maori Policy, whether they were aware of being racist or not. Comments made by Councillors that members of the Maori Committee were welcome to speak from the floor, rather than from the Council table, belittled Maori and questioned Council's commitment to representation from Maori, of which 60% of the district's population consisted. Regardless of economic and social status, or monetary source, Maori were large contributors to the district financially, and as such their input and representation should hold greater value with Council.

Ms Kokiri Tamanui acknowledged that those who brought greatest pain to Maori were Maori driven, and as such it was a problem that needed to be addressed by Maori. If the Maori Committee were to be watered down, this would not align with the intent of the Local Government Act 2002. To have a successful model, those representing Maori needed to be more assertive, and needed to understand what the needs of hapu and marae are. The question was what formula would best accommodate Maori needs. At the end of the day, elected members would be answerable to Maori for their actions.

GENERAL BUSINESS

MAORI LAND COURT INJUNCTION – KAIWAITAU 7C2B

B.01.08

<u>Resolved:</u>	<i>That the report be received.</i>	<i>McKinnon/Heron</i>
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The Chief Executive Officer spoke to the report informing Councillors that the Court had ruled that Council's submission be upheld and the case dismissed as related to the injunction application made to the Maori Land Court by Alice Wairau, 5th March 2007. The Chief Executive further advised that application had been made to the Courts seeking costs of \$4,000 from the applicant.

REPLACEMENT WATER PUMP

B.08.02.01

<u>Resolved:</u>	<i>That the report be received.</i>	<i>Cairns/Caves</i>
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The Engineering Manager spoke to the report informing Councillors of the need to carry out expensive repairs or replace one of the boundary pump station pumps. In investigating possible alternatives, the Water Treatment Plant Manager was of the opinion that replacement was the best option. As this was unbudgeted expenditure, should Council approve the replacement of the pump, funds could be made available from the Water Treatment Plant Depreciation Reserve.

<u>Resolved:</u>	<i>That Council approve expenditure of up to \$10,000 from the Water Treatment Plant Depreciation Reserve.</i>	<i>Heron/Caves</i>
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LEASE OF TUAI PLAYCENTRE

H.01.04.01

The Chief Executive Officer spoke to the report informing Councillors that he had been approached by a number of organisations with an interest in leasing the Tuai Play Centre. Letters received from each organisation were circulated to Councillors for consideration.

Organisations included; Te Hoe Te Mana Motuhake Mai Waikaremoana, wanting to operate a comprehensive communication strategy from the premises; Haumapuhia FM Working Party, wishing to lease the property to set up a local community radio station, with an offer of providing free advertising slots to Council as part of any lease agreement entered into; and Aileen Himona of the Hauora, expressing interest in seeking additional space for the Trust.

Councillors discussed the value of each request received, determining that the proposed radio station would be a means of providing localised information to the community of Tuai, and that there may be opportunity for the other groups to promote their activities through the radio station, particularly Te Hoe Te mana Motuhake Mai Waikaremoana.

<u>Resolved:</u>	<i>That the Council property known as the Tuai Play Centre be leased to the Haumapuhia FM Working Party, and that the lessee engage in discussion with other lease applicants to determine how they may service those groups.</i>	<i>Cairns/Eaglesome</i>
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GRANT – TE RAKATO SOCIAL SERVICES

F.07.02

The Chief Executive Officer spoke to the report informing Councillor's of receipt of correspondence from Te Rakato Social Services, in which they were seeking a grant from Council to purchase a ride on mower for the purpose of mowing laws at the Opoutama Community Centre.

<u>Resolved:</u>	<i>That Council decline the request for funding</i>	<i>Cairns/Caves</i>
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ACTIVE COMMUNITIES – SPORT HAWKE'S

A.24.01

<u>Resolved:</u>	<i>That the report be received.</i>	<i>Heron/Eaglesome</i>
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The Administration Manager spoke to the report informing Councillors of a request for a letter of support, and financial support sought from Sport Hawke's Bay in their application to SPARC for three year funding toward the Tu Kaha te Wairoa (Stand Strong Wairoa) Project.

Councillors were informed that annual funding of \$21,000 was currently provided to Sport Hawke's Bay and that the request for funding could be achieved either by specifying that \$5,000 of current funding be directed annually toward this project, or alternatively provide an additional \$5,000 for the term of the project, should the application be successful.

Councillor Eaglesome supported the request in that it promoted the engagement of people in activity, which was to the benefit of the district. The provision of funding however should be approved from existing funds in that additional funds were not available. His Worship the Mayor and Councillors supported the initiative and the provision of funding from existing funds.

Councillor Cairns questioned the value of the position in that it seemed to build on the Active Facilitator role that would continue to be delivered through Wairoa College, and that the support of what seemed to be a duplicate role was questionable in term of the value that it would bring.

<u>Resolved:</u>	<i>That His Worship the Mayor provides a letter of support to Sport Hawke's Bay and that \$5,000 of the existing annual grant be directed toward this the Tu Kaha Te Wairoa Project.</i>	<i>His Worship the Mayor/Eaglesome</i>
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2009 MEETING SCHEDULE**A.06.09.01**

<u>Resolved:</u>	<i>That the report be received.</i>	<i>Eaglesome/Cairns</i>
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Councillors were advised that the dates of workshops would be provided under separate cover in 2009.

<u>Resolved:</u>	<i>That Council adopt the 2009 Schedule of Meetings.</i>	<i>Caves/Cairns</i>
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*Council
(Tuesday)*

<i>January</i>	
<i>February</i>	<i>10</i>
<i>March</i>	<i>10</i>
<i>April</i>	<i>14</i>
<i>May</i>	<i>12</i>
<i>June</i>	<i>9</i>
<i>July</i>	<i>14</i>
<i>August</i>	<i>11</i>
<i>September</i>	<i>8</i>
<i>October</i>	<i>13</i>
<i>November</i>	<i>10</i>
<i>December</i>	<i>8</i>

DELEGATION – WARRANT TO ACT – PRINCIPAL RURAL FIRE OFFICER**C.18.03**

<u>Resolved:</u>	<i>That the report be received.</i>	<i>McKinnon/Eaglesome</i>
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The Chief Executive Officer spoke to the report informing Council of their need to consider appointing a suitably qualified person to the role of Principal Rural Fire Officer. While this role was currently held by the Administration Manager, the warrant of appointment for this position would be revoked as of 16th January 2009, as a result of the Administration Manager taking up the position of Regulatory Manager with Central Hawke's Bay District Council.

The Chief Executive Officer of Wairoa District Council had made an approach to the Chief Executive Officer of the Gisborne District Council to ascertain the availability of their Principal Rural Fire Officer to undertake the role for the duration of the 2009 Fire Season. Approval had since been received for temporary cover, and as such the report was now before Council for their consideration.

In addition, the Chief Executive Officer would be engaging in discussion with neighbouring rural fire authorities to look at rationalisation in the delivery of rural fire services in the region.

Councillor Caves expressed concern in that the Principal Rural Fire Officer to be warranted lived outside of the district, and the impact that this would have on response to fires. In addition, Councillor Caves queried what financial implications may arise.

The Chief Executive Officer and Administration Manager detailed agreements in place with neighbouring rural fire authorities and the New Zealand Fire Service that would result in a business as usual approach as related to response to fires in the district. As such there would be no financial implications other than the normal authorised expenditure required to extinguish fires. The role of the Principal Rural Fire Officer was to take control of an incident and to ensure that it was appropriately resourced with required equipment and personnel. All day-to-day business would continue to be undertaken by Council's Emergency Management Officer.

<u>Resolved:</u>	<i>That the delegation of appointment as scheduled below, be approved with immediate effect.</i>	Heron/Eaglesome
<u>Don Scott</u> <i>Principal Rural Fire Officer</i>	<ol style="list-style-type: none"> 1. A "Rural Fire Officer" under Section 13 of the Forest and Rural Fires Act 1977. 2. An "Enforcement Officer" appointed under Section 177 of the Local Government Act 2002 for the enforcement of bylaws and regulations 	

ROAD NAMING – MAHIA HEIGHTS – MAHIA BEACH

B.01.07.02

<u>Resolved:</u>	<i>That the report be received.</i>	Caves/McKinnon
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Council's District Planner spoke to the report informing Councillor's that approval was sought, in accordance with Council's Road naming and Numbering Policy, for the naming of two roads to be vested in Council, in the Mahia Heights Subdivision, previously known as Cashmere Heights.

<u>Resolved:</u>	<i>That Council agrees to the following road names for the Mahia Heights subdivision:</i>	
	Road 1, from Lochiel Street: Mahia Heights	
	Road 2, off Road 1: Puka Place	
		Eaglesome/Cairns

PROPOSED NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT

A.26.04

<u>Resolved:</u>	<i>That the report be received.</i>	Heron/Eaglesome
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Council's District Planner spoke to the report informing Councillors that the 'Proposed National Policy Statement for Freshwater Management' had been publicly notified by the Ministry for the Environment, and that submissions closed 23rd January 2009. Council's Planner then outlined key issues proposed to be addressed should Council wish to make a submission on the proposal.

Councillors expressed concern at the potential impact on the agricultural sector of the district if the standards were to be imposed in their current form. While there was recognition of the need to improve and maintain water quality, Councillor's needed to take account of the environmental and economic impact of any policy or standard implemented. As such, Council should seek the opinion of the rural sector to ensure that their concerns are being expressed either independently through Federated farmers, or as a part of Council's submission.

<u>Resolved:</u>	<i>That Councillor McKinnon assist Council's Planner in identifying key issues that impacted on the district's agricultural sector.</i>	His Worship the Mayor/Caves
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<u>Resolved:</u>	<i>That Council agrees to the key issues identified, and that they be included in a submission on the proposed National Policy Statement for Freshwater Management.</i>	Heron/Caves
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INVESTMENTS AS AT 30 SEPTEMBER 2008

F.02.10.01

<u>Resolved:</u>	<i>That the report be received.</i>	Caves/McKinnon
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The Finance Manager spoke to the report advising Councillors that the Schedule of Investments as at 30 September 2008 was presented for their consideration. Of note had been the ability to lock in higher interest rates on longer term maturities, giving Council some financial security in those investments.

DOCUMENTS SEALED FOR THE PERIOD 3 NOVEMBER TO 11 NOVEMBER 2008

<u>Resolved:</u>	<i>That the report be received.</i>	Cairns/Eaglesome
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Receipt/Confirmation of Minutes of Previous Council Meetings

SPECIAL MEETING OF COUNCIL HELD 30 OCTOBER 2008

The Minutes of an Special Meeting of Council held 30 October 2008 were presented.

Resolved: <i>That the Minutes of a Special Meeting of Council held on 30 October 2008 be confirmed as correct.</i>	Caves/McKinnon
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SPECIAL MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD 30 OCTOBER 2008

The Minutes of a Special Meeting of the Resource Management Committee held 30 October 2008 were presented.

Resolved: <i>That the Minutes of a Special Meeting of Council held on 30 October 2008 be received.</i>	Heron/Eaglesome
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ORDINARY MEETING OF COUNCIL HELD 11 NOVEMBER 2008

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

Resolved: <i>That the Minutes of an Ordinary Meeting of Council held on 11 November 2008 be confirmed as correct.</i>	Eaglesome/McKinnon
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Amendment: Councillor Caves was in attendance at the meeting.

SPECIAL MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD 25 NOVEMBER 2008

The Minutes of a Special Meeting of the Resource Management Committee held 25 November 2008 were presented.

Resolved: <i>That the Minutes of a Special Meeting of Council held on 25 November 2008 be received.</i>	McKinnon/Heron
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Amendment: Remove reference to TW Wilson as being in attendance.

GENERAL BUSINESS

RESOURCE MANAGEMENT ACT REVIEW

D01.09

The Chief Executive Officer circulated correspondence received from the Minister for the Environment, Hon Dr Nick Smith on National's proposed reform of the Resource Management Act, and a Memorandum received from Local Government New Zealand. Both documents were read in their entirety. Councillors agreed to meet on Monday 15th December, following the gateway to Mahia Hearings, to formulate a response for submission to the Minister by 20th December 2008.

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

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;

Heron/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: 12:08 PM

REPORT TO: COUNCIL		
DATE: 10 FEBRUARY 2009		
SUBJECT: RECEIPT OF MINUTES OF A MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD TO CONSIDER A COMBINED LAND USE AND SUBDIVISION CONSENT APPLICATION FOR S P BEACH LTD & WINE COUNTRY PROPERTIES LTD HELD ON 9 DECEMBER 2008	FILE REF: RM070004	
AUTHOR: T COOK, ADMINISTRATION MANAGER	ATTACHMENTS: Nil	
RELATED COMMUNITY OUTCOME: N/A	RELATED COUNCIL ACTIVITY: N/A	

PURPOSE:

Attached are the minutes of a the Resource Management Committee held to consider a Combined Land Use And Subdivision Consent Application for S P Beach Ltd & Wine Country Properties Ltd on 9 December 2008.

RECOMMENDATION:

That the minutes of the Resource Management Committee held to consider a Combined Land Use And Subdivision Consent Application for S P Beach Ltd & Wine Country Properties Ltd on 9 December 2008 be received.

WAIROA DISTRICT COUNCIL

**RESOURCE MANAGEMENT COMMITTEE
(To Consider A combined Land Use & Subdivision Consent
Application for SP Beach Ltd & Wine Country Properties Ltd)**

Minutes of the Resource Management Committee To Consider A Combined Land Use & Subdivision Consent Application for SP Beach Ltd & Wine Country Properties Ltd held in the Council Chambers, Coronation Square, Wairoa on Tuesday, 9 December 2008 at 2.00pm.

CHAIR: B McKinnon

COUNCILLORS

His Worship the Mayor, Mr L Probert, B Cairns, D Caves D A Eaglesome (left 2.52pm),(returned 2.53pm), J Heron

IN ATTENDANCE: E France (Planning Consultant)
S Stuart (SP Beach Ltd)
L Williams (Wine Country Properties Ltd)
L Cook (District Planner)
H Waihape (Planning Student)
G Thompson (Secretary)

CIVIC PRAYER

The Chairman explained the civic prayer had already been given in the Council meeting.

APOLOGY

An apology was received from Councillor J Petersen.

Resolved: *That an apology received from Councillor J Petersen be accepted.*
Eaglesome/Heron

General Items

TO CONSIDER A COMBINED LAND USE & SUBDIVISION CONSENT APPLICATION FOR SP BEACH LTD & WINE COUNTRY PROPERTIES LTD **RM 070004**

The Chairman welcomed everybody to the meeting and asked the Applicants to introduce themselves.

Mr Ross Muir, Planning Consultant for the Applicants produced his Statement of Evidence. Mr Muir's Statement of Evidence covered Assisting applicant with lodgement, District Plan change, Consent Status, Statutory Assessment, Submissions, Permitted Baseline Comparison, Objectives & Policy Framework Actual or Potential Adverse Environmental Effects being Natural Character & Landscape Amenity Effects, Coastal Ribbon Development, Coastal Erosion Risks and Effects on Heritage/Cultural Sites.

Mr Muir's evidence also covered Wastewater Treatment/Disposal, Earthworks, Conditions and Part 2 Assessment.

Councillor Caves asked various questions regarding the ownership of the water tank below Lot 21. Mr Williams advised Councillor Caves it is owned by S P Beach Ltd.

The Committee queried the availability of fire fighting water supply. Mr Muir advised each proposed allotment through the provision of 45,000 litres of water storage in the locations labelled K & L on the Subdivision Plan. Mr Williams advised the fire fighting water supply is sufficient for the NZ Fire Service.

Ms France advised the Committee provided that clarification as to the location of the areas of importance identified in the cultural audit undertaken as part of the previous subdivision can be obtained, it is her opinion that the actual or potential effects for the proposed activity are likely to be minor, provided that the intended mitigation measures and additional mitigation measures recommended are implemented at the time of development.

Exclusion of the Public

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.*

Caves/His Worship the Mayor

EXCLUDED FROM: 3.02PM

READMITTED FROM: 3.18PM

Resolved: That:

Pursuant to Sections 104D, 106, 108 and 220 of the Resource Management Act 1991 the Wairoa District Council grants subdivision consent to SP Beach Limited and Wine Country Properties Limited to subdivide Lots 1 and 2 DP 359131 to create 24 residential allotments, 2 allotments for wastewater treatment and disposal and one lot to vest in the Wairoa District Council as road, as shown on the subdivision and development plans (Reference 2189/19, Proposed Subdivision of Lots 1 and 2 DP 359131 – Stage Plan, dated December 2008, prepared by Surveying the Bay) subject to the following conditions.

A. Subdivision Consent Application

General

1. The subdivision and development of the site shall proceed generally in accordance with the information, further information, assessment of effects, statements of intent, mitigation measures, technical reports, drawings, specifications and plans provided with the application, except that minor alterations to the locations of the boundaries of Lot 22 may be made to accommodate a building platform that avoids disturbance to the cultural site identified on that lot. Where a conflict arises between the conditions of the consent and the application the conditions of this consent shall prevail.
2. The consent holder shall be responsible for all costs associated with compliance with the conditions of the consent including any fees and charges required by the Council, any legal expenses and the cost of construction works. In the event of non-compliance being detected, the costs to the Council of any monitoring shall be paid by the consent holder in accordance with the Council's schedule of fees.
3. The consent holder shall ensure that all works and structures are designed by a Chartered Professional Engineer, and constructed and approved in accordance with the Council's Engineering Code of Practice unless the Engineering Manager approves a variation to the design standards and performance targets contained in the Council's Engineering Code of Practice.

Conditions to be Met Prior to the Commencement of Any Stage

4. Prior to approval pursuant to Section 223 of the Resource Management Act 1991 and the commencement of construction works for any stage of the subdivision the consent holder shall submit engineering design plans for the road, footpath, stormwater drainage system (including the stormwater drainage infrastructure on Lot 25), wastewater disposal system, sewerage reticulation, power services, telephone services, street-lighting, traffic signage and street name signs prepared by a Chartered Professional Engineer in accordance with the requirements of the Council's Engineering Code of Practice for the approval of the Engineering Manager. The engineering design plans shall detail which infrastructure is to be constructed at each stage. The engineering design plans shall detail the ways in which design and construction will comply with the Council's Engineering Code of Practice.

Resolution Contd:

5. *Prior to approval pursuant to Section 223 of the Resource Management Act 1991 the existing cabbage trees on Lots 1 and 9, the cultural marker on Lot 17 shall be identified on the Land Transfer Title Plan.*
6. *Prior to approval pursuant to Section 223 of the Resource Management Act 1991 the cultural sites on Lots 1 and 14 shall be marked on the site with a Pohutukawa tree (*Metrosiderous excelsa*) and the cultural sites located Lots 16 and 22 shall be marked on the site with a boulder.*
7. *Prior to approval pursuant to section 224 of the Resource Management Act 1991 for any stage the consent holder shall submit a detailed planting plan for Lot 25 to the satisfaction of the Wairoa District Council. The planting plan shall show planting for the purpose of screening the lower parts of the buildings located on the upper terrace, reducing the adverse effects of earthworks and roading, enhancing the landscape setting and contributing to the natural character of the coastal environment, in accordance with the recommendations of the report Mahanga: Proposed Subdivision, Lots 1 and 2: Landscape, Natural Character and Visual Effects Assessment dated 4/06/2008, prepared by Hudson Associates Landscape Architects, submitted with the application. The planting plan shall also include:

 - (a) *The timing of planting*
 - (b) *An implementation and ongoing management and maintenance programme which shall detail the measures to ensure post establishment growth, weed and pest control and replacement of plants that are dead or in poor health.**
8. *Prior to approval pursuant to Section 224 of the Resource Management Act 1991 for any stage the consent holder shall implement the approved landscape and planting plan.*

Conditions to be Met for Each Stage

9. *Prior to approval under Section 224 of the Resource Management Act 1991 for each stage the consent holder shall construct the road, footpath, stormwater drainage system, wastewater disposal system, sewerage reticulation, power services, telephone services, street-lighting, traffic signage and street name signs necessary to service the respective stage for which approval is sought, in accordance with the approved design plans and the Council's Engineering Code of Practice, unless the Engineering Manager approves a variation to the design standards contained in the Council's Engineering Code of Practice. The construction of the road shall not commence until the Engineering Manager has approved the engineering design plans required in accordance with condition 4.*
10. *Prior to approval pursuant to Section 224 of the Resource Management Act 1991 for each stage the consent holder shall provide quality assurance, as built plans and qualified professional person certification as required under the Engineering Code of Practice on completion of the construction of the road, footpath, stormwater drainage system, wastewater disposal system, sewerage reticulation, power services, telephone services, street-lighting, traffic signage and street name signs necessary to service the respective stage for the review and approval of the Engineering Manager.*

Resolution Contd:

11. *Prior to approval pursuant to Section 224 of the Resource Management Act 1991 for the respective stages the consent holder shall provide separate underground electricity connections to the boundary of Lots 8, 9 and 15 to 20 within the respective stage for which approval is sought to the satisfaction of the District Planner.*
12. *Prior to approval pursuant to Section 224 of the Resource Management Act 1991 for the respective stages the consent holder shall ensure that Lots 1 to 7, 10 to 14 within the respective stage for which approval is sought are able to connect to an electricity supply to the satisfaction of the District Planner.*
13. *Prior to approval pursuant to Section 224 of the Resource Management Act 1991 for each stage the consent holder shall ensure that each of Lots 1 to 24 within the respective stage for which approval is sought is able to connect to an operational wastewater treatment and disposal system which is in accordance with the requirements of the Hawke's Bay Regional Council.*
14. *Prior to approval pursuant to Section 223 of the Resource Management Act 1991 for each stage easements to protect the use and maintenance of power, telecommunications, wastewater, water and stormwater services within the stage shall be identified on the title plan for the respective stage and shown in a memorandum of easements. The Engineering Manager may require other easements to protect the use and maintenance of services. Such easements shall be duly granted and reserved upon deposit and issue of the Certificates of Title. The consent holder shall be responsible for all costs associated with the creation of easements.*
15. *Easements over Lots 25 and 26 providing for the right to convey sewage shall be extended to provide for the storage, treatment and disposal of sewage and shown in a Memorandum of Easements. Such easements shall be duly granted and reserved upon deposit and issue of the Certificates of Title. The consent holder shall be responsible for all costs associated with the creation of easements.*

Conditions Specific to Stage 3

16. *Prior to approval under Section 223 of the Resource Management Act 1991 for stage 3 the Land Transfer Title Plan shall be drawn such that Lot 27 shall be vested in the Wairoa District Council as road.*
17. *That Lots 24 and 28 hereon be held in the same Computer Freehold Register.*

CSN Request 776599

Consent Notices

18. *A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lots 1 to 24 advising the owner(s) and subsequent owner(s) of the requirement to comply with the following conditions on a continuing basis. The consent notice shall be prepared and registered at the expense of the consent holder.*

Resolution Contd:

- (a) *All building platform(s) on the lot(s) shall be a minimum height of 3.5m above mean sea level for buildings with a specified intended life of less than 50 years 4 metres above mean sea level for buildings with a specified intended life or more than 50 years.*
- (b) *Prior to the construction of any buildings on the Lot(s) the owner(s) of the Lot(s) shall submit a geotechnical report prepared by a Chartered Professional Engineer experienced in geotechnical assessment to the satisfaction of the Wairoa District Council. The report shall include a statement of professional opinion as to the suitability of the intended building platform for construction and any recommendations in respect of the intended building platform and building works (including site specific foundation design).*
- (c) *The land shall not be built on unless the Council is satisfied that:*
- i. the recommendations in the geotechnical report required by*
- (d) *above have been adopted in the building platform design; and*
- ii. where applicable, any risk from erosion, falling debris, subsidence, slippage, or inundation from any source can be satisfactory addressed through issue of building consent and placement of a memorandum on the title in accordance with sections 71-74 the Building Act 1991.*
- iii. a geotechnical completion certificate prepared in accordance with Schedule 2A of NZS 4404:2004 Land Development and Subdivision Engineering by a Chartered Professional Engineer experienced in geotechnical assessment has been provided to confirm (a) and (b) above and the following:*
- the position of all building platforms and building restriction lines (where applicable).*
 - recommendations for the disposal of stormwater and wastewater have been adopted (where applicable).*
 - recommendations for the development of the land have been adopted (where applicable).*
 - any earth-fill and / or building platforms have been constructed to comply in all respects with the requirements set down in the New Zealand Building Code.*
- (e) *Prior to the construction of any building(s) on the Lot the owner(s) of the Lot shall submit detailed engineering design plans for the stormwater drainage system prepared by a Chartered Professional Engineer experienced in stormwater drainage system design and construction for the approval of the Wairoa District Council in accordance with the requirements of the Council's Engineering Code of Practice.*
- (f) *Prior to the construction of any building(s) on the Lot the owner(s) of the Lot shall construct the stormwater drainage system as detailed in the approved design plans and in accordance with the Council's Engineering Code of Practice. The construction of the stormwater drainage system shall not commence on the site until the Wairoa District Council has approved the engineering design plans.*

Resolution Contd:

- (g) *The owner(s) of the Lot(s) for the time being shall ensure that the stormwater drainage systems shall be operated and maintained in accordance with the approved design plans on an ongoing basis to the satisfaction of the Wairoa District Council.*
 - (h) *The owner(s) of the Lot(s) for the time being shall ensure that the wastewater treatment and disposal system is managed and maintained in accordance with the requirements of the Hawke's Bay Regional Council.*
 - (i) *In the event that any Koiwi (human remains) or artefacts which may be of historic or cultural importance are discovered, all work in the vicinity shall cease immediately and tangata whenua, the New Zealand Historic Places Trust and the Wairoa District Council shall be immediately notified to determine any necessary protection, remediation or mitigation.*
19. *A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lots 1 to 4 advising the owner(s) and subsequent owner(s) of the requirement to comply with the following conditions on a continuing basis. The consent notice shall be prepared and registered at the expense of the consent holder.*
- (a) *Any building(s) on the lot(s) shall not exceed a height of 7 metres above the existing ground level as shown on the on the plan 2189/19, Proposed Subdivision of Lots 1 and 2 DP 359131 – Stage Plan, dated December 2008, prepared by Surveying the Bay submitted with the subdivision application (Reference RM070004).*
20. *A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lots 15 to 24 and 28 advising the owner(s) and subsequent owner(s) of the requirement to comply with the following conditions on a continuing basis. The consent notice shall be prepared and registered at the expense of the consent holder.*
- (a) *Any building(s) on the lot(s) shall not exceed a height of 6.5 metres above the existing ground level as shown on the on the plan 2189/19, Proposed Subdivision of Lots 1 and 2 DP 359131 – Stage Plan, dated December 2008, prepared by Surveying the Bay submitted with the subdivision application (Reference RM070004).*
21. *A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lots 2, 3 and 4 advising the owner(s) and subsequent owner(s) of the requirement to comply with the following conditions on a continuing basis. The consent notice shall be prepared and registered at the expense of the consent holder.*
- (a) *Any building(s) on the lot(s) shall be constructed a minimum of 12 metres from the Blake's Approach road reserve boundary.*
22. *A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lots 1, 9 and 14 advising the owner(s) and subsequent owner(s) of the requirement to comply with the following conditions on a continuing basis. The consent notice shall be prepared and registered at the expense of the consent holder.*

Resolution Contd:

- (a) *The cabbage tree(s) (Cordyline australis) and/or Pohutukawa tree(s) (Metrosiderous excelsa) shown on the Land Transfer Title Plan shall be retained on the site. Should the tree(s) die or become diseased, they shall be replaced within the next available planting season.*
23. *A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lots 16, 17 and 22 advising the owner(s) and subsequent owner(s) of the requirement to comply with the following conditions on a continuing basis. The consent notice shall be prepared and registered at the expense of the consent holder.*
- (a) *The cultural marker identified on the Land Transfer Title Plan shall be retained on the site. No buildings shall be constructed or ground disturbance take place on the site of the cultural marker.*
24. *A consent notice pursuant to Section 221 of the Resource Management Act 1991 shall be registered on the Certificate of Title for Lot 25 advising the owner(s) and subsequent owner(s) of the requirement to comply with the following conditions on a continuing basis. The consent notice shall be prepared and registered at the expense of the consent holder.*
- (a) *The owner(s) of the Lot(s) for the time being shall maintain the planted areas contained within the lots in accordance with the approved landscape and planting plan required by condition 6 of subdivision consent RM070004 at all times. Planting undertaken as part of the approved landscape and planting plan shall not be removed, destroyed or intentionally damaged unless approved in writing by the District Planner, Wairoa District Council. Any plant specimens that are dead or diseased shall be replaced in accordance with the approved landscape and planting plan.*

B. LANDUSE CONSENT APPLICATION (EARTHWORKS)

Pursuant to Sections 104B and 108 of the Resource Management Act 1991 the Wairoa District Council grant land use consent to SP Beach Limited and Wine Country Properties Limited to undertake 3000m³ of earthworks for the purpose constructing roads, vehicle access and filling residential lots as shown on the subdivision and development plans Reference 2189/19, Proposed Subdivision of Lots 1 and 2 DP 359131 – Stage Plan, dated December 2008, prepared by Surveying the Bay) subject to the following conditions.

General

1. *The earthworks shall be undertaken generally in accordance with the information, further information, assessment of effects, statements of intent, mitigation measures, technical reports, drawings, specifications and plans submitted with the application. Where conflict arises between the conditions of the consent and the application the conditions of the consent shall prevail.*
2. *The consent holder shall be responsible for all costs associated with compliance with the conditions of the consent including any fees and charges required by the Council, any legal expenses and the cost of construction works. In the event of non-compliance being detected, the costs to the Council of any monitoring shall be paid by the consent holder in accordance with the Council's schedule of fees.*

Resolution Contd:

3. *The consent holder shall ensure that all earthworks are designed by a Chartered Professional Engineer, and carried out and approved in accordance with the Council's Engineering Code of Practice to the satisfaction of the Engineering Manager unless the Engineering Manager approves a variation to the design standards and performance targets contained in the Council's Engineering Code of Practice.*

Construction Works

4. *The consent holder shall implement erosion and sediment control measures to ensure that there is no deposit of sediment or detritus into watercourses, wetlands, stormwater drains or the coastal marine area or beyond the boundary of the property. Any deposit of sediment or detritus onto Council road shall be removed within 24 hours.*
5. *The consent holder shall ensure that the construction works do not cause any offensive or objectionable discharge of dust beyond the boundary of the site.*
6. *The works shall be conducted so as to comply with the provisions of New Zealand Standard NZS 6803P 'Measurement and Assessment of Noise from Construction, Maintenance and Development Work'.*
7. *The works shall only be carried out between 7:30am and 5:30pm Monday to Saturday and shall not be carried out on a Sunday or a public holiday.*
8. *Prior to the commencement of any works on the site the consent holder shall submit a Construction Management Plan prepared by a suitably qualified and experienced person(s) that details the ways in which construction works will be managed to ensure compliance with conditions 4 to 7 above to the satisfaction of the Engineering Manager. The construction management plan shall include but not be limited to:*
- (a) Timing and staging of construction works;*
 - (b) Reporting and auditing;*
 - (c) Complaints handling and reporting procedure;*
 - (d) All measures that will be undertaken to mitigate potential erosion and sedimentation effects to ensure compliance with condition 4;*
 - (e) All measures that will be undertaken to mitigate potential dust effects to ensure compliance with condition 5;*
 - (f) All measures that will be undertaken to mitigate potential noise effects to ensure compliance with condition 6;*
 - (g) Any other measures that will be undertaken to mitigate potential nuisance effects on nearby residents;*
 - (h) The contact details for the site manager.*
9. *The consent holder shall ensure that the works on the site are carried out in accordance with the approved construction management plan at all times to the satisfaction of the Engineering Manager.*
10. *The consent holder shall provide the Engineering Manager at least one weeks notice of the commencement of works on the site.*

Landscape and Visual

11. *The consent holder shall ensure that the cut and fill areas are hardsurfaced, re-grassed or planted with suitable species to ensure that complete coverage of the cut and fill areas is achieved as soon as practical and no later than the autumn immediately following the completion of the construction works.*

Resolution Contd:

Archaeological, Historical and Cultural

12. *In the event that any Koiwi (human remains) or artefacts which may be of historic or cultural importance are discovered, all work in the vicinity shall cease immediately and tangata whenua, the New Zealand Historic Places Trust and the Wairoa District Council shall be immediately notified to determine any necessary protection, remediation or mitigation.*
13. *A representative of the tangata whenua shall be given one weeks notice in advance of the commencement of earthworks or excavation associated with these works and shall be given permission to enter and remain of the site (during daylight hours) during these works for the purpose of monitoring these works. (Note: the Council's iwi liaison officer should be consulted to identify who the appropriate tangata whenua representative is in regard to the Mahanga Area).*
14. *A qualified archaeologist shall be present on the site at the time of removal of the initial layer of topsoil to monitor for any possible archaeological site(s). Upon removal of the first layer of topsoil/grass cover in the earthworks excavation and filling areas the archaeologist shall carry out a site inspection for the purpose of assessing the likelihood of the presence of archaeological sites or urupa in the substrata. In the event that any urupa, middens, hangi pits, or any other archaeological remains or artefacts or soil structures indicating historical occupation are unearthed during site excavation, all work within the immediate vicinity of the site shall cease forthwith and a site meeting shall be held with representatives of tangata whenua and the New Zealand Historic Places Trust and the Wairoa District Council at which time the appropriate course of action shall be determined.*

Review

15. *The Wairoa District Council may initiate a review of the conditions of the consent in accordance with Section 128 of the Resource Management Act 1991 at any time by serving notice of the intention to do so under Section 128 of the Resource Management Act 1991. The purpose of the review will be to address any adverse effect on the environment that may arise from the exercise of the consent in relation to archaeological or cultural sites, sediment laden run off, dust and noise, success and degree of grass and plant growth and landscape and visual impacts.*

2.0 APPLICATION

- 2.1 *SP Beach Limited and Wine Country Properties Limited ("the applicant") sought subdivision and land use consents to subdivide and develop 24 residential allotments on a site located on the western side of Pukenui Road, Mahanga. The subject sites are legally described as Lot 1 and 2 DP 359131 and have a total area of 4.5613 hectares.*

- 2.2 *The proposal is summarised as follows:*

Residential Lots

- 2.3 *The applicant proposes to create 24 residential allotments. The proposed allotments range in area from 930m² to 2890m².*

Resolution Contd:

Access

- 2.4 *The proposed residential allotments will be accessed via a new road to be constructed by the applicant and vested in the Council, private Rights of Way or directly from Blake's Approach or Pukenui Road, as shown on the subdivision plan.*

Stormwater Disposal

- 2.5 *Each residential allotment will dispose of stormwater on site by way of ground soakage. The proposed road will be constructed with a flush nib and grass berms falling away from the carriageway, which will allow for stormwater drainage and soakage.*

Wastewater Disposal

- 2.6 *Individual onsite wastewater treatment plants will be installed on each of the proposed allotments. Wastewater will then be pumped to a communal wastewater storage and treatment facility where it will receive further treatment before being discharged to land. The communal storage, treatment and disposal facility will be located on proposed Lot 26 and/or 25. The communal schemes will also serve potential future subdivisions of other lots in the area. This outcome is proposed to be secured by easements over these lots.*

Potable Water Supply

- 2.7 *Potable water supply to each of the proposed residential allotments can be provided by roof collection and onsite storage. A minimum storage volume of 22,000 litres will be provided.*

Fire Fighting Water Supply

- 2.8 *Fire fighting water supply will be provided for each proposed allotment through the provision of 45,000 litres of water storage for fire fighting purposes in the locations labelled K and L on the subdivision plan, within a 135m distance of each allotment. The tanks will be fitted with valves and fittings and suitably positioned to enable access for fire-fighting purposes.*

Site Services

- 2.9 *The appropriate service providers have confirmed that each lot can be provided with power and telephone services.*

Natural Hazards

- 2.10 *The applicant has demonstrated that a stable building platform can be achieved that will not be subject to natural hazards within each proposed allotment.*
- 2.11 *Provided certain mitigation measures are implemented, the applicant has demonstrated that the proposed lots will be mostly risk free from the coastal hazards of erosion and flooding from storm tides this century.*

Resolution Contd:

Earthworks

- 2.12 Earthworks totalling 3000m³ will be undertaken in order to complete the site development. This will generally involve taking the cut material removed to form the proposed road and placing it in the lowest areas of proposed Lots 8 to 14. The volume and area of the earthworks proposed do not achieve the performance standards for earthworks contained in the Wairoa District Plan and therefore the applicant seeks land use consent for the proposed development.

Landscaping and Building Controls

- 2.13 The applicant proposes to mitigate the potential for adverse effects on landscape, natural character and visual amenity values through controls on building height, yard setbacks, planting and retaining the existing cabbage trees on the site.

Staging

- 2.14 The applicant has indicated that it is possible that the development will be undertaken in up to five stages. Essentially this would enable the consent holder to develop part of the subdivision and have titles issued before starting on the next part of the subdivision.

Amalgamation

- 2.15 Proposed Lots 24 and 28 will be held on the same Certificate of Title. Proposed Lot 28 currently contains a water tank associated with the Mahanga Public Water Supply. The tank is protected by the easement labelled Q on the subdivision plan.

3.0 NOTIFICATION, SUBMISSIONS AND HEARING

- 3.1 Notice of this application was served on the Hawke's Bay Regional Council and Te Mana Taiao o Rongomaiwahine (TMTOR). One submission was received from TMTOR.
- 3.2 The hearing was held on the 9th of December 2008 at the Wairoa District Council chambers. The applicant and representatives attended the hearing but the submitter did not.
- 3.3 The information made available to the Resource Management Committee in making this decision includes:

The planning report, dated 9th December 2008 prepared by Ms Emma France of MWH New Zealand Limited, Planning Consultant to the Council.

A copy of the application and accompanying Assessment of Effects on the Environment.

Copies of the further information provided by the applicant after the lodgement of the application.

The presentations made by and on behalf of the applicant and reporting officer at the hearing.

- 3.4 The Committee had also undertaken a site visit.

Resolution Contd:

REASONS FOR THE DECISIONS

Reasons for the Overall Decision

3.1 Pursuant to Section 113(1)(a) of the Resource Management Act 1991, the reasons for the decisions are as follows:

- (a) *The proposed activity is generally consistent with the relevant assessment matters of the Wairoa District Plan for the following reasons:*

*The site can be adequately accessed and serviced.
The potential for adverse effects on residential character and amenity values can be adequately mitigated.
The potential for adverse effects on archaeological, cultural and historical values will be no more than minor.
The potential for adverse effects associated with natural hazards can be adequately avoided or mitigated.*

- (b) *The proposal is considered to be consistent with the relevant objectives and policies of the Wairoa District Plan.*
- (c) *The proposal is considered to be consistent with the intent of the relevant provisions of the New Zealand Coastal Policy Statement, the Hawke's Bay Regional Resource Management Plan, the Proposed Hawke's Bay Regional Coastal Environment Plan and the Wairoa Coastal Strategy.*
- (d) *The proposal can be implemented generally in accordance with the Council's Engineering Code of Practice and as such any potential for adverse effects can be satisfactorily avoided, remedied or mitigated.*
- (e) *The proposal can avoid adverse effects associated with natural hazards of the type referred to in Section 106 of the Resource Management Act 1991.*
- (f) *The proposal is considered to be consistent with the principle of sustainable management and is considered to be an efficient and effective use of the existing land resource.*
- (g) *The proposal passes the statutory tests of Section 104D of the Resource Management Act 1991.*

Reasons for the Conditions

General

- (a) *To ensure that measures required to avoid, remedy or mitigate actual or potential effects on the environment associated with the subdivision and development of the site are implemented.*

Resolution Contd:

Subdivision Consent

- (a) Condition 1 ensures the subdivision is completed in accordance with the approved plans.
- (b) Condition 2 ensures that the applicant meets the costs associated with compliance with conditions of consent, including compliance monitoring.
- (c) Condition 3 ensures the subdivision is completed to an appropriate standard.
- (d) Conditions 4 to 8 sets out the matters that must be complied with prior to any work commencing on the site. This will ensure that the subdivision is designed to an appropriate standard and that the potential for adverse landscape, natural character and visual amenity effects are mitigated.
- (e) Conditions 9 to 15 ensure that the lots can be adequately accessed and serviced on an ongoing basis.
- (f) Condition 16 to 24 ensure that the future owner(s) of the lots are required to avoid, remedy or mitigate the potential for adverse effects on an ongoing basis.

Land Use Consent (Earthworks)

- (h) Condition 1 ensures the activity is completed in accordance with the approved plans and conditions of consent.
- (i) Condition 2 ensures that the applicant meets the costs associated with compliance with conditions of consent.
- (j) Condition 3 ensures that the works are appropriately designed and constructed in accordance with the Council's Engineering Code of Practice.
- (k) Conditions 4 to 7 ensure that any potential adverse effects arising from construction works are mitigated.
- (l) Conditions 8 and 9 ensure that there are measures in place for ensuring compliance with conditions 4 to 7.
- (m) Conditions 10 ensures that construction works are able to be monitored by the Council.
- (n) Condition 11 ensures that there are no significant landscape and visual effects.
- (o) Conditions 12 to 14 ensure that any potential for adverse effects on archaeological or cultural values are avoided or mitigated.
- (p) Condition 15 enables Council to address adverse effects that may arise from implementation of the consent.

4.0 RELEVANT STATUTORY PROVISIONS CONSIDERED

- 4.1 Pursuant to Section 113(1)(aa) of the Resource Management Act 1991, the relevant statutory provisions that were considered are:

Part 2 (Purpose and Principles).
Section 104 (Consideration of applications).
Section 104B (Determination of applications for discretionary or non-complying activities).
Section 106 (Consent authority may refuse subdivision consent in certain circumstances).
Section 108 (Conditions of resource consents).
Section 220 (Conditions of subdivision consents).

5.0 RELEVANT PROVISIONS OF STATUTORY DOCUMENTS CONSIDERED

- 5.1 In accordance with Section 113(ab) of the Resource Management Act 1991, the relevant statutory documents that were considered are listed below.

Resolution Contd:

Hawke's Bay Regional Resource Management Plan

Objectives 4, 5 and 8 in respect to the sustainable management to coastal resources.

Policy 18 in respect to ground water quality.

Objective 31 and Policy 56 in respect to natural hazards.

Proposed Hawke's Bay Regional Coastal Environment Plan

Objective 2-1 and Policies 2-1, 2-3 and 2-4 in respect to natural character.

Objective 5-1 and Policy 5-1 in respect to public access to the coast.

Objectives 6-1 and 6-2A and Policies 6-1, 6-2, and 6-3 in respect to the relationship of Maori and the coast.

Objective 7-1 and Policy 7-1 in respect to historic heritage.

Objectives 15-1 and 15-2 and Policy 15-1 in respect to coastal hazards.

Wairoa District Plan

Objectives 4.3.1, 4.3.3, 4.3.4 and Policy 4.4.3 in respect to tangata whenua issues.

Objective 5.4.4 and Policies 5.5.1, 5.5.7, 5.5.8 in respect to recognising and providing for natural and physical resources of significance.

Objectives 8.4.1, 8.4.2, 8.4.3, 8.4.4 and Policies 8.5.1, 8.5.2, 8.5.3, 8.5.4 in respect to natural hazards.

Objective 10.4.3 and Policy 10.4.4 in respect to dust/discharges to air.

Objective 10.6.10, 10.6.12 and Policies 10.6.13, 10.6.15 in respect to visual amenity.

Objective 10.8.10 and Policies 10.8.12, 10.8.14, 10.8.16 in respect to access.

Objectives 18A.2.1 and 18A.2.3 and Policies 18A.3.1, 18A.3.2, 18A.3.4, 18A.3.5, 18A.3.7, 18A.3.8 in respect to the Residential (Mahia) Zone.

Objectives 27.3.1 and 27.3.2 and Policies 27.4.3, 27.4.4, 27.4.5, 27.4.6 in respect to subdivision.

6.0 PRINCIPAL ISSUES THAT WERE IN CONTENTION

6.1 In accordance with Section 113(1)(ad) of the Resource Management Act 1991, were three minor issues in contention at the hearing. These issues were:

1. At which stage the landscape planting proposed for Lot 25 should take place.
2. Who the responsibility for the construction of the stormwater swale would lie with (the consent holder or the future owners of the lots).
3. The hours during which construction activities could occur.

6.2 The Committee also considered the issues raised in the submission from TMTOR. These issues are summarised as follows:

1. How many of the original lot boundaries and house locations have been moved and re-numbered from the original Mahanga Beach proposal?
2. How many houses will be built on each lot?

Resolution Contd:

3. *In relation to water storage, will this be above ground or below ground?*
4. *That a cultural audit for the proposed 22 residential allotments be undertaken by John Hovell.*
5. *That a full archaeological assessment be completed by Gordon Jackman, registered archaeologist.*
6. *Noted that the applicant appears to have ignored several of the agreements made following the cultural audit undertaken as a condition of the previous subdivision that created the subject sites, namely:*

That no development shall be undertaken on the immediate location of whare/house sites identified on Lots 1 and 2.

That other identified occupation sites be marked with markers.

That the swap/lake area on Lot 7 of the original plan that has been identified be protected and allowed to regenerate to its former self.

That Mahanga Beach Limited will look favourably on future restoration, fencing and signage of the ancient urupa bordering on Lot 3.

7. *No consultation regarding the proposal has been undertaken with tangata whenua.*
8. *The wastewater system is opposed until consultation is undertaken.*

7.0 SUMMARY OF EVIDENCE HEARD

- 7.1 *Pursuant to Section 113(1)(ac), (ad) and (ae) of the Resource Management Act 1991, a summary of evidence heard is provided below. This summary provides an overview of evidence heard and more detail where it involves issues of contention.*

The Applicant

- 7.2 *The applicant's planning consultant, Mr Ross Muir, summarised the application and gave an assessment of the proposal against the relevant statutory provisions. Mr Muir advised the Committee that the applicant largely accepted the conditions recommended by the Council's Consultant Planner but recommended that some alterations could be made to recommended condition 7 and 17(e) of the subdivision consent, in relation to the timing of planting of Lot 25, and the construction of a stormwater swale on Lot 25, and condition 7 of the land use consent, in relation to the hours of construction.*
- 7.3 *Mr Muir also outlined an amendment to the proposal that would see additional sites of cultural significance noted on the survey plan, physically identified on the site and protected by way of consent notice. The approximate location of these sites was shown in a plan included in his evidence (attached).*

Resolution Contd:

Council's Consultant Planner

- 7.4 Ms Emma France, the Council's consultant planner spoke to briefly to her report. Ms France also outlined that in her opinion, the proposal would not result in adverse effects that would be more than minor, and that the proposal was consistent with Part 2 of the RMA and the relevant objectives and policies of the Wairoa District Plan.
- 7.5 Ms France agreed with Mr Muir that the identification of see additional sites of cultural significance noted on the survey plan, physically identified on the site and protected by way of consent notice would be an appropriate way to mitigate the potential for adverse effects on the sites.
- 7.6 Ms France commented that in her opinion, undertaking the planting proposed for Lot 25 prior to the issue of a Section 224 certificate for Stage 1 would allow the plantings more time to establish, and thereby provide more effective mitigation for stages 3 and 4 once they are developed.
- 7.7 Ms France commented that the requirement for the consent holder to construct the stormwater swale on Lot 25 could easily be clarified and ensured through an amendment to the recommended conditions of consent.
- 7.8 Ms France also commented that the recommended condition of consent limiting the hours during which construction works could be undertaken is a standard condition of consent used for other similar consents. However, the limit did not come from a rule in the District Plan.

8.0 MAIN FINDINGS OF FACT

- 8.1 In accordance with Section 113(1)(ae), the main finding of fact are listed below.

Effects on the Environment

- 8.2 The Resource Management Committee finds that the adverse effects of the activity on the environment is no more than minor and this outcome can be ensured on an ongoing basis by imposing conditions on the consents.

Consistency with Statutory Documents

- 8.14 The Resource Management Committee has considered the provisions of the relevant statutory documents outlined above and it is found that the proposal is generally consistent with the policy direction set in these documents. This can be ensured by imposing conditions of consent.

Caves/His Worship the Mayor

The Chairman thanked everyone for attending the meeting.

CLOSED:

The meeting closed at 3.20pm.

REPORT TO: COUNCIL		
DATE: 10 FEBRUARY 2009		
SUBJECT: CONFIRMATION OF MINUTES OF A SPECIAL MEETING OF COUNCIL HELD ON 15 DECEMBER 2008	FILE REF:	
AUTHOR: T COOK, ADMINISTRATION MANAGER	ATTACHMENTS: Nil	
RELATED COMMUNITY OUTCOME: N/A	RELATED COUNCIL ACTIVITY: N/A	

PURPOSE:

Attached are the minutes of a Special Meeting of Council held to hear submissions on the Gateway to Mahia Road Options held on 15 December 2005.

RECOMMENDATION:

That the minutes of the Special Meeting of Council held to hear submissions on the Gateway to Mahia Road Options held on 15 December 2008 be confirmed as correct.

WAIROA DISTRICT COUNCIL

SPECIAL MEETING OF COUNCIL
(Submission Hearing – Gateway to Mahia Road Options)

Minutes of a Special Meeting of Council to hear submissions on Gateway to Mahia Road Options held in the Council Chambers, Queen Street, Wairoa, on Monday 15th December 2008 at 9:00am.

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

COUNCILLORS

D Caves, J Heron, D Eaglesome, B Cairns, and B McKinnon.

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

CIVIC PRAYER: Councillor Eaglesome gave the Civic Prayer.

His Worship the Mayor welcomed Councillors, attendees and submitters to the meeting and called for a minutes silence to acknowledge the recent passing of Councillor John Petersen.

APOLOGIES: NIL

CALLS FOR CONFLICTS OF INTEREST: NIL

General Items

SCHEDULE OF SUBMISSIONS

B03.02.06.24

His Worship the Mayor welcomed those in attendance, explaining the procedure for the Hearing of Submissions and subsequent deliberations by Council. The Administration Manager informed Councillors that submitters R Christie, J & B Gemmell, and G Pankhurst had advised that they would not be speaking to their submissions.

Verbal submissions were then heard.

SUBMITTER: Mr Peter McKenzie

Mr McKenzie informed Councillors that he had submitted and was speaking to his submission as a paying rate payer and a member of the Wairoa Community. It was Mr McKenzie's opinion that ratepayers appeared to have a limited say as related to matters that impacted on the community. Attendees at the Mokotahi meeting pertaining to this issue had indicated that they did not want a 'Gateway to Mahia' either for the long or short term. What they wanted was continued legal access through the Opoutama Holdings via Ormond Drive. While he respected the rights of those who were opposed to the continued use of Ormond Drive, it was his opinion that they had to accept that it was the majority that ruled. As such, he did not want the current access interfered with while a new access route was being developed.

SUBMITTER: Mr Te Hira Whati

Mr Whati acknowledged statements made by the previous speaker, however the fact remained that a section of Ormond Drive was private property, and as such he asked that Council make the right decision as pertained to the land in question. As a road through Kaiwaitau already existed, the decision should be to use that until such time that a new road was developed, should that be Council's decision.

SUBMITTER: Mr Ray Thompson

Mr Thompson was of the belief that the base issue appeared to be one of ownership of land, which was impacting upon the decision making of local Maori at Opoutama. Mr Thompson was of the position that any decision of Council must a 100% buy-in by the local community, and in the present environment, this was unlikely to be achieved. Mr Thompson believed that the Trustees of Kaiwaitau 1 were likely to support legalisation of road through the Opoutama Reserve, and that the area of road in dispute should be closed immediately as it would be the catalyst toward ensuring Maori of Kaiwaitau and Opoutama sat down to determine the best solution. Regardless of which option was pursued, it was likely that koiwi would be found. Mr Thompson supported Option 1 – the diversion through Kaiwaitau Road.

There being no further verbal submissions, His Worship the Mayor thanked those submitters who had attended to speak to their submissions, and invited Councillors to consider all other submissions before them.

In advising of preferred options, a number of submitters indicated their support of the shortest and most cost effective route being considered as a part of Council's decision making process, as against diverting traffic permanently through Kaiwaitau Road. There was also a call from a number of submitters for Councillors to ensure that two access routes to Mahia were maintained, particularly as related to access by Emergency Services, particularly fire and ambulance. The Kaiwaitau Road was known to flood in low lying areas, effectively cutting all access to Mahia Peninsula in the absence of any other route. The impact to local school bus routes was also highlighted.

Submissions relating to funding options, asked that the development of an alternate route be considered as an item of national significance, and that as a minimum, funding towards its development be sought equitable from the whole district, not just Mahia. The funding and cost implications to ratepayers needed to be taken into consideration.

There being no further submission to consider, or speakers to submissions, His Worship the Mayor asked that Councillor's advise of their preferred course of action.

ADJOURNED: 10:36 AM

RECONVENED: 10:50 AM

A number of Councillors commented that based on submissions received there appeared to be preference for option one – diversion, option two – the dog leg, and option four – plantation reserve. The Engineering Manager advised that there was no clear preference by submitters of a preferred option in that preference and reasons for being in favour of or against presented options were varied. The Engineering Manager also pointed out that there were a number of submissions received that conveyed the preference of groups or community organisations, and as such could not be counted as just one submission.

Councillor Eaglesome stated that the people of Mahia needed to come up with an option that gave the best outcome to the Mahia Community. Council were unable to move forward in developing an alternative route with the knowledge of treaty claims that had been lodged and still needed to be addressed. There was a risk of Council investing funds in the development of an alternative route that may be halted prior to its completion as a result of the outcome of hearing treaty claimants.

His Worship the Mayor was of the opinion that it was rarely possible to achieve 100% consensus from a large group of people. What Council needed to decide was whether the road be closed immediately and traffic diverted through Kaiwaitau, or that the road remain open until August 2009, at which point it had to be closed as agreed with Trustees.

Councillor Caves stated that the current landowners and designation of land was an issue that would continue to impact on proposed routes. In respect to the closure of Ormond Drive, he acknowledged that it would be a means of engaging the larger Maori Community to express their opinions on the matter. Were Council to wait until August to close the road, Councillor Caves asked whether it was fair to assume a period of two years to implement any alternative option as related to acquiring of consent and development.

The Engineering Manager stated that it would be dependent on a number of issues. If people supported the proposal then consent could be acquired within a month. If people made submissions against a proposal, then it could take month, perhaps years.

Councillor Heron asked whether the pursuing of an alternative route was there an ability to seek an agreement from the landowners of the portion of Ormond Drive to be closed, to extend the agreement for use. His Worship the Mayor stated that Council had already agreed with Trustees to close the road by August 2009, and at that point in time, the section of road to be closed would have to be ripped up.

Councillor Cairns stated that Council had asked for consultation with the community, and as a result had got consultation, evidenced by the number of submissions received, and the number of attendees at public meetings. Council now needed to weigh up all aspects of consultation prior to making a decision on any preferred option. As part of that Council needed to be seen to honour the agreement they already had in place with the Urupa Trustees, and as such wished to put a resolution to that effect. Council had to remember that consultation and meetings entered into with the Trustees had purely pertained to the issue of closing the road, and as such they had not addressed the preference of alternative routes that may be supported by Maori.

<u>Resolved:</u>	<i>That Council honour the agreement made between Council and the Ruawharawhara Urupa Trustees, and that the section of road as identified, be closed by August 2009.</i> Cairns/Heron
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His Worship the Mayor and Councillor Eaglesome agreed that there needed to be more talk with Maori and Trustees with an interest in Kaiwaitau. This would require Tangata Whenua to meet with each other and come back to Council to advise what their preferred option was.

Prior to any alternative route being progressed, Council expressed their desire for a survey of Ormond Drive to be carried out to ensure that any other potential problems were identified. This would provide Council factual information as related to the remainder of Ormond Drive.

<u>Resolved:</u>	<i>That Ormond Drive be re-surveyed.</i>	<i>McKinnon/Eaglesome</i>
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The Engineering Manager stated that while a survey could be carried out, Council also needed to determine how it was to be funded.

<u>Resolved:</u>	<i>That the surveying of Ormond Drive be funded from the District Development Fund.</i>	<i>Heron/McKinnon</i>
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Councillor Cairns questioned whether there was also a need for Council to have a cultural audit and archaeological survey carried out on Ormond Drive. Councillor Caves reminded Councillors that they already had submissions in hand as related to the Opoutama Reserve Management Plan, some of which referred to cultural and archaeological aspects as determined by submitters and tangata whenua.

<u>Resolved:</u>	<i>That in conjunction with the legal survey of Ormond Drive a cultural audit and archaeological survey be undertaken and that funds be made available from the District Development Fund.</i>	<i>Cairns/Eaglesome</i>
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Councillors further discussed the need to facilitate consultation with tangata whenua to determine their preferred option in progressing an alternative route to Mahia. It was suggested that Council's newly appointed Maori Liaison Officer contact Mrs Westrupp to look toward progressing a meeting of tangata whenua. While supportive of the intended approach, Councillor Cairns advised that Council needed to ensure that they did not sideline themselves from any discussions that took place. Best discussions were had when people were sitting alongside each other, and as such, where appropriate, Councillor Cairns advised of her availability to assist Council's Maori Liaison Officer, if required.

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

MEETING CLOSED: 12:05 PM

REPORT TO: COUNCIL		
DATE: 10 FEBRUARY 2009		
SUBJECT: CONFIRMATION OF MINUTES OF A SPECIAL MEETING OF COUNCIL HELD ON 16 DECEMBER 2008	FILE REF:	
AUTHOR: T COOK, ADMINISTRATION MANAGER	ATTACHMENTS: Nil	
RELATED COMMUNITY OUTCOME: N/A	RELATED COUNCIL ACTIVITY: N/A	

PURPOSE:

Attached are the minutes of a Special Meeting of Council held to hear submissions on the Draft Maori Policy on 16 December 2008.

RECOMMENDATION:

That the minutes of the Special Meeting of Council held to hear submissions on the Draft Maori Policy on 16 December 2008 be confirmed as correct.

WAIROA DISTRICT COUNCIL

**SPECIAL MEETING OF COUNCIL
(Submissions Hearing – Draft Maori Policy)**

Minutes of the Special Meeting of Council to Hear Submissions to the Draft Maori Policy held in the Council Chambers, Queen Street, Wairoa on Tuesday 16th December 2008 at 9:00 AM.

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

COUNCILLORS

D Caves, B McKinnon, B Cairns, and J Heron

IN ATTENDANCE: P J Freeman (Attended from 10:30am) (Chief Executive Officer)
T Cook (Administration Manager)
R Snow (Attended from 11:30am) (Finance Manager)

CIVIC PRAYER: **Councillor Cairns gave the Civic Prayer**

APOLOGIES

An apology was received from Councillor Eaglesome

Resolved: *That the apology from Councillor Eaglesome be received.* **McKinnon/Heron**

CALLS FOR CONFLICTS OF INTEREST

NIL

General Items

The Chief Executive Officer introduced Council's Maori Liaison Officer, Mr Ropata Ainsley to elected members of Council and those in attendance. The Chief Executive Officer informed Council that while Mr Ainsley did not commence employment with Council until January 2009 he had expressed an interest in attending today's meeting as he would be responsible for implementing the Maori Policy once adopted. The Chief Executive Officer then excused himself from the meeting.

SCHEDULE OF SUBMISSIONS

A06.14.02.02

His Worship the Mayor welcomed Council's Maori Liaison Officer and those in attendance explaining the procedure for the Hearing of Submissions and subsequent deliberations by Council. Submitters in attendance were advised verbal submissions were not to take the form of personal attacks, particularly as related to media reports, and as such were not to be offensive or derogatory in language or behaviour.

His Worship the Mayor read aspects of the former Maori Liaison Officer's report as pertained to the receipt of submissions

Verbal submissions were then heard.

SUBMITTER: Mr Garry Cooper – Ruataniwha

In addressing Council, Mr Cooper paid respects to the ancestors, those who had passed before this time, and those who had passed recently, including Councillor John Petersen. In speaking to the submission before Council, Mr Cooper advised that he was representing those of Ruataniwha Marae and Te Kapua Ma-te-toru hapu.

Mr Cooper was grievously concerned with wording in the policy and was against the word 'involving' being replaced with 'consulting'. He supported comments previously made in the media by Council's Chief Executive Officer in that Maori were to be 'involved' in decision making processes. To move forward Council needed a policy that was strong and robust.

Mr Cooper expressed concern at the reduction of number of representatives proposed in the new structure. Maori were not in a position to give authority to someone to represent all marae/hapu within a cluster in which they had no direct affiliation. This was unethical and would be an imposition on the 'tikanga tuturu' of all Maori. Neither did the qualification of submitting curriculum vitae hold importance with Maori. This was not the means by which authority was given to an individual to represent and speak for Maori.

Mr Cooper objected to the reference that the Maori Committee would take an active role in carrying out Council's objectives. This gave Maori a sense of being dictated to 'do as I say boy' and as such gave reference to the Committee being a 'taurekareka' slave to Council.

In referring to a whakatauki, Mr Cooper stated that 'The food of chiefs is to talk, to discuss, to come to amiable decisions. Tikanga Maori says that you welcome your guests; you feed them, sup with them, and then welcome them to the table to speak. While there was an objection from Councillors to Maori sitting at their table, Maori representatives were voted to their positions by Maori, just as elected members were voted to their positions by the people, many of whom were Maori. There was a need to break down the 'you – me' barrier and work toward an 'us'. If the interest in maintaining a separation were to continue, then Council would be touching on racism. Mr Cooper sought a new Council understanding of partnership, reiterating the words of James Busby, He iwi kotahi tatou, we are one people. Partnership, since the signing of the Treaty of Waitangi, was based on equal terms, and as such Maori had a right to sit at the table with Councillors.

Mr Cooper thanked Council for allowing him to speak to the submission.

His Worship the Mayor thanked Mr Cooper for his words and acknowledged that people often found it difficult to come to Council with their concerns. He then explained the history behind, and intention of the Draft Maori Policy, as presented for consultation by Council's previous Maori Liaison Officer.

Council had various responsibilities imposed on it by legislation and as such they were bound by what legislation required. Council would take on board and consider all that had been said, including the request to increase the number of representatives on the Maori Committee.

SUBMITTER: Julie Amato/Tara Querneville – Ngati Makoro

Miss Querneville thanked Council for being given the opportunity to speak to their submission, and asked Council whether they had any questions as pertained to the Ngati Makoro submission. Miss Querneville acknowledged the difficulty that Council had before them in doing work for the community to the benefit of the community. The Ngati Makoro submission emphasised those things within the Draft Maori Policy that they supported, and expressed concern that what was missing from the policy was the need for unity, which needed to be a vision for the entire district.

Mrs Amato, in acknowledging the newly appointed Maori Liaison Officer, stated that whomever was in that role, needed to be really active within the Maori Community, and needed to be seen to be liaising with the people. Mrs Amato also sought an assurance that the new Maori Committee would not be able to be put into abeyance as the previous committee had, as despite the failings of the previous members, they should have been the primary group consulted with in developing the draft Maori Policy thereby securing their support in any resulting restructure.

His Worship the Mayor acknowledged concerns raised by Mrs Amato. Consultation was always difficult for Council and the intention of the Draft Maori Policy was allow for the new Maori Committee to provide a bridge of communication between Council and the Maori Community as a whole. There was no intention to do away with the Maori Committee, and perhaps in hindsight, involving former Maori Committee members should have been considered when reviewing the Maori Policy.

SUBMITTER: Pat Hohepa – Te Reinga

Mr Hohepa stated that being a member of the former Maori Committee had been an exhilarating experience for him in that he found he had to do things he had no previous knowledge of, such as considering resource consent applications, participating in the formulation of bylaws, and the development of policy. He expressed disappointment that the Maori Committee of the time had not been given the opportunity to participate in the process, and disagreed with the proposed clusters and limitation of representation to six. If this were to be applied, and he was to be appointed as a representative, he would be required to speak for ten marae, all with different hapu and different views on what was important to Maori. It would be inappropriate to expect one person to fairly represent the views of so many.

SUBMITTER: Kathleen Mato

Mrs Mato advised that she was speaking as Chairperson of the Mahia Maori Committee. Mrs Mato supported statements made by previous speakers, and requested that clause two be reinserted into the Policy to enhance the relationship between Maori and Council.

Mrs Mato expressed concern at statements that had been made by Councillors at previous meetings as related to the Draft Maori Policy, as she believed those statements to be of racist tones. There was a need for Councillors to change their attitudes if Council and Maori were to work together as one. Mrs Mato commended the work done on the Draft Maori Policy by the previous Maori Liaison Officer, expressing concern at what appeared to be a limited budget for the activity, and asking that an appropriate budget be applied to future years, and looked forward to the new Maori Liaison Officer being a bridge of communication for Maori.

His Worship the Mayor thanked Mrs Mato for her comments, stating that there had been no intentional racism, with comments made in the heat of the moment by some Councillors, inaccurately reported by media.

Councillor Cairns made reference to the Maori Liaison Officer as being the bridge, the connection, the umbilical chord between Maori and Council. To reach the potential aspiration of that role, Maori should sit alongside Council, not to the side.

SUBMITTER: Te Hira Whaiti

Mr Whaiti supported the intent of the Draft Maori Policy stating that the sooner it was adopted in its final form, the sooner Maori would be able to move forward, in that it was a stepping stone toward achieving a partnership.

There being no further attendees to speak to their submissions, His Worship the Mayor thanked those submitters who had attended, advising that Council would take all comments and submissions into consideration in determining how to progress with finalising the Draft Maori Policy in a manner that would be acceptable to both Maori and Council.

ADJOURNED: 10:25 AM

RECONVENED: 10:32 AM

His Worship the Mayor advised Councillors that his wish was to move the Maori Policy forward to enable the establishment of a Maori Committee and sought guidance on how that should progress given the number of concerns that had been raised by submitters.

<u>Resolved:</u>	<i>That the report be received.</i>	<i>Heron/Caves</i>
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The primary concern of submitters was the clustering of marae into zones and the subsequent reduction of number of representatives to six.

The Chief Executive Officer informed Councillors that the original Maori Policy allowed for representatives of fourteen marae committees to be nominated, two Councillors and the Mayor as ex-officio. The fourteen representatives had directly represented hapu concerns as against the intended purpose of their representing Maori interest as a whole. As a result, the Maori Committee focussed more on Council business than issues that directly affected Maori. Councils of the past elected under a ward system had conducted business in a similar manner. The question put to Council was why were more needed to represent less, given that Council had been reduced to a Mayor and six Councillors elected at large, who in turn represented the entire district. In reviewing the Maori Policy, the Maori Liaison Officer of the time had advised that the Tai Whenua operated six cluster groups, and as such the policy was developed around that representation.

Councillor Caves believed that the intention was to focus on zonings that would enable hapu in those zones to liaise as a cluster, with a representative of all hapu in that cluster then bringing matters forward for discussion to the Maori Committee for discussion.

Councillor Cairns stated that geographical spread was also an issue, particularly where one member was representing a hapu beyond their area of affiliation. Council were trying to engage Maori in what was effectively a Western process which didn't recognise the impact on what was 'tikanga Maori'. Whakapapa links should be the basis for clustering, not the zoning of Marae in neighbouring areas.

His Worship the Mayor invited Council's Maori Liaison Officer forward to offer his thoughts on the best way forward.

Mr Ainsley believed that there were four contentious issues that needed to be addressed, being; the ability of Committee members to vote on matters pertaining to Maori, fair and clear representation, the view that Council was waving a stick, and the reduced number of representatives. Mr Ropata believed that it was timely to put the responsibility for moving forward back in the hands of Maori. One means of doing this was to have Maori identify a kuia and kaumatua that sat outside of the Maori Committee to represent Maori at a formal level with Council. As these people would have mana in the district, Maori would listen to what they had to say.

In respect to representatives of the Maori Committee, Mr Ropata believed that this could be achieved by seeking representation from existing Maori bodies/organisations that already represented Maori in

the district in varying form. The Waikaremoana Trust Board, Tai Whenua, Ti Ore, Ngati Pahuwera, Rongomaiwahine, Kahungunu Executive, and Maori Women's Welfare League should be approached to gauge their interest in nominating a representative to sit on Council's Maori Committee.

The Chief Executive Officer saw benefit in the seven groups identified forming the basis of a Maori Committee prior to the actual adoption of the Draft Maori Policy, and as such an approach should be made to each of the groups identified, while also making provision for additional representation from other groups if required. The actual mechanics of the Maori Committee could be identified by the members themselves.

His Worship the Mayor sought support and guidance to be given to the Maori Liaison Officer to move the process forward. Councillor Cairns expressed her interest in being involved in moving the process forward.

Resolved: *That the Maori Liaison Officer take the Draft Maori Policy to the Waikaremoana Trust Board, Tai Whenua, Ti Ore, Ngati Pahuwera, Rongomaiwahine, Kahungunu Executive, and Maori Women's Welfare League, for discussion, assisted by Councillor Cairns, and that a representative group be in place by February 2009.*
Cairns/Heron

ADJOURNED: 11:25 AM

RECONVENED: 11:30 AM

DIRECTORS'- QUALITY ROADING SERVICES (WAIROA) LIMITED B.04.01

The Chief Executive Officer spoke to the report advising that it was an administrative matter that required addressing in that while he had been reappointed as Chairman, and recently congratulated by Council, Mr Munro needed to be retrospectively appointed to the Board of Directors.

Resolved: *That Council confirm the appointment of Mr Dennis Leonard Munro as Chairman of the Board of Directors for Quality Roading Services (Wairoa) Limited for a term of three years from 01 January 2008 to 31 December 2010.*
McKinnon/Heron

Councillors discussed the need for future planning in relation to ensuring people with specific skill sets were identified for future appointment to the Board, particularly in light of the term of three of the Directors, including the current Chairman, would expire in 2010.

MAHIA HEIGHTS – GRANT OF EASEMENT OVER LAND TO BE VESTED IN COUNCIL RM030066

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

The Chief Executive Officer spoke to the report advising that it was an administrative matter that required a resolution of Council in accordance with Section 48 of the Reserves Act 1977.

Resolved: *That*

1. *Council in accordance with Section 48 of the Reserves Act 1977 and acting under the delegation to Territorial Authorities from the Minister of Conservation consents to the easements in the attached schedule.*
2. *This be a decision of Council.*

Caves/McKinnon

PUTAHI MARAE – REQUEST FOR FUNDING F.07.02

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

Councillors expressed concern that any approval of funding would set a precedent for applications to be made from the remaining 33 marae that were also registered as Civil Defence Centres for Council. Schools and Community Halls were also utilised during emergencies.

Resolved:	<i>That Council receive the information and take no further action.</i>	Caves/Heron
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INSULATION PENSIONER HOUSING

H.07.03

Resolved:	<i>That the report be received.</i>	Cairns/Heron
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Councillor Caves questioned the process that was being undertaken in that he was of the belief that Council had decided to engage local Contractor's to undertake any work required on Pensioner Houses.

Councillor Cairns informed Councillor Caves that his perception of what had been agreed was not correct. Council had approved the installation of heating pumps and quotes had been obtained as requested, however installation had been put on hold as Council had also requested that alternative forms of heating and the insulation of flats be investigated. The document provided in the report detailed what was required to insulate the flats, and the subsidised cost to do so. Local contractors were not in a position to offer an alternative quote as they could not obtain subsidy from ECA. Once insulated Council could then determine which flats still required heat pumps, and which would be better serviced by an alternative form of heating such as space savers.

Resolved:	<i>That Council approve the quote received from Energy Options to insulate Council owned Pensioner Flats, and that the funds be made available from the District Development Fund as previously approved by Council for the installation of heat pumps.</i>	His Worship the Mayor/Cairns
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WAIROA COMMUNITY DEVELOPMENT TRUST

A.24.01.04

Resolved:	<i>That the report be received.</i>	McKinnon/Cairns
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The Chief Executive Officer spoke to the report informing Councillors that an approach had been made to the Trust by Gisborne Concert Band Inc to organise a public concert in Wairoa on 21 February 2009. As part of the concert, the Trust was seeking a dispensation as related to the Central Business District liquor ban.

Given the number of dispensations sought and approved over recent months the Chief Executive Officer pointed out to Councillors that there was the potential for conflict to arise with café and bar owners should such events and request become even more frequent in that one group was permitted to drink in the public arena and the other was not. Councillors agreed and questioned whether it was appropriate to allow a dispensation for what was supposed to be a family orientated event.

Resolved:	<p><i>That:</i></p> <ol style="list-style-type: none"> 1. <i>Council grants the dispensation under section 4.6.1(a) of the Wairoa District Council Consolidated Bylaw, Part 3 – Public Safety, subject to satisfactory response from the New Zealand Police as required under section 4.6.2(b) of the same bylaw.</i> 2. <i>Council waive the costs associated with granting this dispensation as outlined in section 4.6.3 of the bylaw.</i> 3. <i>Council give public notice of the dispensation by way of advertisement in the Wairoa Star at least 14 days prior to the commencement of the period when the dispensation commences.</i> 	McKinnon/Cairns
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BY-ELECTION 2009-01-13

A.10.14

Resolved:	<i>That the report be received.</i>	McKinnon/Cairns
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The Finance Manager and Chief Executive Officer spoke to the report informing Councillors that with the recent passing of Councillor Petersen, Council was required to hold a by-election. While acknowledged that little time had passed, legislated requirements were such that Council had to notify

of and hold a by-election within a specified timeframe. No disrespect to Councillor Petersen was intended.

<u>Resolved:</u>	<p><i>That:</i></p> <ol style="list-style-type: none"> 1. <i>The returned voting documents for the 2009 Wairoa District by-election be processed during the voting period, such early processing to be taken in accordance with Section 79 of the Local Electoral Act 2001, the Local Electoral regulations 2001 and the Society of Local Government Manager's Code of Best Practice.</i> 2. <i>The names of the candidates at the 2009 Wairoa District by-election be arranged on the voting documents in alphabetical order of surname.</i> <p style="text-align: right;"><i>His Worship the Mayor/McKinnon</i></p>
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CHIEF EXECUTIVE OFFICER'S CONTRACT

His Worship the Mayor advised that following a meeting of Councillors with the Consultant engaged to assist in the appointment of a Chief Executive Officer, that there was a need to alter their earlier resolution of appointment to change the commencement date to 19th February 2009. This was as a result of Councillors requirement for the current Chief Executive Officer to utilise accumulated leave prior to the commencement of his new five year contract with Council.

<u>Resolved:</u>	<p><i>That the resolution of 11 November 2008 be amended to: "Council confirm the Contract of the Chief Executive Officer as tabled, and offer the Contract of Employment to Mr Peter Freeman to commence 19th February 2009."</i></p> <p style="text-align: right;"><i>His Worship the Mayor/McKinnon</i></p>
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There being no further General Business, the His Worship the Mayor, declared the meeting closed:

MEETING CLOSED: 11:59 AM