



ORDINARY MEETING
OF
COUNCIL

TUESDAY

11 MARCH 2008

10.00AM

WAIROA DISTRICT COUNCIL

ORDINARY MEETING OF COUNCIL

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

ON TUESDAY 11 MARCH 2008 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, J Petersen

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

General Items

1-2	<u>RIVER BANK WALKWAY AND CYCLEWAY (STAGE 2)</u>	<u>B03.02.02.01</u>
3	<u>CLYDE DOMAIN SPORTS PAVILLION</u>	<u>G02.01</u>
4-5	<u>CLYDE DOMAIN PUBLIC TOILETS</u>	<u>H03.01</u>
6	<u>SALE OF SURPLUS PROPERTY</u>	<u>H01.03</u>
7	<u>LOCAL GOVERNANCE STATEMENT 2008</u> (Governance Statement under Separate Cover)	<u>A06.20.01</u>
8	<u>TRIENNIAL AGREEMENT</u> (Under Separate Cover)	<u>A26.04</u>
9	<u>DOCUMENTS SEALED FOR THE PERIOD</u> <u>5 FEBRUARY 2008 TO 19 FEBRUARY 2008</u>	
10-11	<u>QRS SIX MONTHLY REPORT</u> (Report under Separate Cover)	<u>B04.01</u>

Receipt/Confirmation of Minutes of Previous Council Meetings

12-22	<u>ORDINARY MEETING OF COUNCIL HELD 12 FEBRUARY 2008</u>
23-26	<u>SPECIAL MEETING OF COUNCIL HELD 28 FEBRUARY 2008</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 11 MARCH 2008

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.

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Receipt/Confirmation of Minutes of Previous Council Meetings

1-15

ORDINARY MEETING OF COUNCIL HELD 12 FEBRUARY 2008

REPORT TO: COUNCIL	
DATE: 11 MARCH 2008	
SUBJECT: RIVER BANK WALKWAY AND CYCLEWAY (STAGE 2)	FILE REF: B03.02.02.01
AUTHOR: BILL LEWIS, OPERATIONS MANAGER	ATTACHMENTS:
RELATED COMMUNITY OUTCOME: A Life Time Of Good Health And Wellbeing	RELATED COUNCIL ACTIVITY: Rooding

PURPOSE:

This report outlines the current situation with the funding application for the next stage of the Walkway/Cycleway to be constructed along Kopu Road. The report also requests funding input from Council.

BACKGROUND:

In October 2006 Council formally adopted the Walking and cycling Strategy for Wairoa and Mahia.

Through the efforts of a Walking and Cycling Committee funds were raised and the first section along Marine Parade from the Lighthouse to Spooners Point was constructed.

CURRENT SITUATION:

The Committee are keen to construct the next two stages of this project which will be from Spooners Point to Pilot Hill.

To develop this asset an application has been made to Land Transport New Zealand for funding. Should the application be successful LTNZ will provide 76% of the funding application and the Committee are seeking the remainder from Council.

This would not only show Council's commitment to the Walking and Cycling Strategy but would assist in the encouragement for people to become more active and improve their health and well being.

OPTIONS:

There are two options.

Option 1 is for Council to support their Walking and Cycling Strategy by providing the required share of the funding.

Option 2 is to decline or defer the request.

FINANCIAL IMPACT:

Funding of \$450,000 has been applied for to LTNZ. This is split into \$250,000 in the 2007/2008 financial year and \$200,000 in the 2008/09 financial year.

Council's share of this amount would be \$60,000 in the 2007/08 financial year and \$48,000 in the 2008/09 financial year.

*Council Agenda
11 March 2008
BL Report – Stage 2 Walkway & Cycleway*

Council's Policy is to construct a footpath on one side of every road so it is worth considering that to construct a footpath over this length of road would cost in the region of \$310,000. This then represents a saving to Council of \$207,000 by constructing the footpath within the cycleway.

RECOMMENDATION(S):

That:

1. The report be received.
2. Council approve the funding of \$103,000 over the two financial years.



Bill Lewis
OPERATIONS MANAGER

REPORT TO: COUNCIL	
DATE: 11 MARCH 2008	
SUBJECT: CLYDE DOMAIN SPORTS PAVILLION	FILE REF: G02.01
AUTHOR: B LEWIS, OPERATIONS MANAGER	ATTACHMENTS:
RELATED COMMUNITY OUTCOME: Safe And Accessible Recreational Facilities	RELATED COUNCIL ACTIVITY: Parks & Reserves

PURPOSE:

This report is to advise Council of the situation with the Clyde Domain sports pavilion and to propose the disposal of the building.

BACKGROUND:

This pavilion was constructed, as far as can be determined, approximately 50 years ago and was used by various sports organisations as changing and clubrooms.

Following the decisions of these organisations approximately ten years ago the building has suffered vandalism and graffiti attacks. In the last six months almost \$2,000 has been spent on repairs.

CURRENT SITUATION:

The building remains closed and a target for vandalism and graffiti until a decision is made on its future use.

OPTIONS:

Option 1 is to do nothing and continue to incur vandalism and repair costs.

Option 2 is to demolish the building and tidy the area.

Option 3 is to advertise the building for sale and removal. This is the preferred option.

FINANCIAL IMPACT:

To demolish the building would cost in the region of \$10,000 while the cost of maintaining the building is unknown.

RECOMMENDATION(S):

That:

1. The report be received.
2. Council approve Option 3 and advise the Operations Manager to proceed.

Bill Lewis
OPERATIONS MANAGER

REPORT TO: COUNCIL	
DATE: 11 MARCH 2008	
SUBJECT: CLYDE DOMAIN PUBLIC TOILETS	FILE REF: H03.01
AUTHOR: BILL LEWIS, OPERATIONS MANAGER	ATTACHMENTS:
RELATED COMMUNITY OUTCOME: Safe And Accessible Recreational Facilities	RELATED COUNCIL ACTIVITY: Parks and Reserves

PURPOSE:

This report is to update Council on the present situation with the Clyde Domain Public Toilets and to seek a resolution.

BACKGROUND:

In May 2007 a report was presented to Council outlining the Clyde Domain Public toilets had been closed due to on-going vandalism and graffiti problems.

In that report two options were presented and these were:

- Option 1 Carry out repairs and re-open the facility and repair future vandalism as it occurs.
- Option 2 Do nothing and leave the facility closed and gauge complaints received regarding the closure before making a decision on the future of this facility.

Option 2 was recommended and approved.

CURRENT SITUATION:

To date no complaints have been received regarding the closure of the facility (however approximately \$1500 has been spent on vandalism and graffiti during this closure). It is suggested it is now an appropriate time to make a decision on the future of this facility.

OPTIONS:

Option 1 is to carry out the report and re-open the facility and repair future vandalism and graffiti.

Option 2 is to demolish the facility and reinstate the sealed area.

Option 3 is to leave the building as is and repair future vandalism and graffiti.

Option 2 is the preferred long term solution.

FINANCIAL IMPACT:

The cost to demolish the building and reinstate the sealed area is now estimated at \$12,000.

Future vandalism and graffiti costs could realise a minimum of \$5,000 per annum based on previous costs.

At this time it is looking possible to fund this from the 2007/2008 Reserves Maintenance Budgets.

RECOMMENDATION(S):

That:

1. The report be received.
2. Council consider the report and advise the Operations Manager of their decision.



Bill Lewis
OPERATIONS MANAGER

REPORT TO: COUNCIL	
DATE: 11 MARCH 2008	
SUBJECT: SALE OF SURPLUS PROPERTY	FILE REF: H 01.03
AUTHOR: RUSSELL SNOW, FINANCE MANAGER	ATTACHMENTS: Nil
RELATED COMMUNITY OUTCOME: Nil	RELATED COUNCIL ACTIVITY: Property Management

PURPOSE:

To consider whether the Council wishes to sell a property currently owned by the Council.

BACKGROUND:

Council has received interest in the sale of a 6.65 hectare property on State Highway 38, with legal description Lot 4 & 5 of Section 5 Tamaramarama SD Plantation. The property has a capital value of \$31,000, with a timber plantation that is not included in the capital value. The timber has been valued at \$9,478 for accounting purposes as at 30 June 2007, with estimated recovery of \$23,000 when the timber is processed. These values are conservative, and it would be advisable to have a current valuation prior to any possible sale process.

CURRENT SITUATION:

If Council is of the opinion to proceed with disposal then a resolution to that effect needs to be passed.

Council has the option of listing the property with a local real estate agent, or conducting its own sale process. If Council decides to conduct its own sale process, a tender procedure is preferred as there may be an opportunity to gain some price increase in the event of tenderers submitting below what Council believes is the market value.

OPTIONS:

The first option is to retain ownership of the property.

The second option is to put the property on the market for sale.

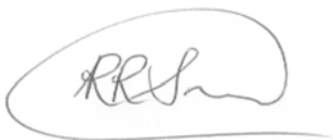
PREFERRED OPTION:

There is no preferred option for sale of this property. Council will need to carefully consider the merits of sale, against the recovery of proceeds from harvesting of the wood.

SIGNIFICANCE & CONSULTATION: Not Significant

RECOMMENDATIONS: That:

1. The report be received.
2. Council declares the 6.65 hectare property on State Highway 38 with legal description Lot 4 & 5 of Section 5 Tamaramarama SD Plantation, surplus to requirements, and will put it on the market for sale.



R R Snow
FINANCE MANAGER

REPORT TO:	COUNCIL	
DATE:	12 MARCH 2008	
SUBJECT:	LOCAL GOVERNANCE STATEMENT 2008	FILE REF: A06.20.01
AUTHOR: T COOK, ADMINISTRATION MANAGER	ATTACHMENTS: Local Governance Statement 2008	
RELATED COMMUNITY OUTCOME: All Community Outcomes	RELATED COUNCIL ACTIVITY: Community Representation	

PURPOSE:

To present the Wairoa District Council Local Governance Statement 2008 for adoption.

BACKGROUND

Under Section 40 of the Local Government Act 2002 (the Act), a local authority must prepare and make publicly available a local governance statement within six months after a triennial election.

The intention is to ensure that principles in the Act relating to local authorities (s14), governance principles (s39), and obligations relating to contributions to decision making processes, are set out in a transparent manner.

A Local Governance Statement must include information concerning, functions, powers, electoral matters, members roles, governance structures, meeting processes, consultation policies, policies in relation to Maori, management, and employment policies.

CURRENT SITUATION

The Local Governance Statement has been reviewed and updated to reflect legislated requirements imposed following the enactment of the Local Government Law Reform Bill in 2006. The 2006 amendment required the inclusion of information on local authority bylaws within a Local Governance Statement.

Further changes include the addition/withdrawal of statutes under which Council exercises its powers, advising of dates where Maori Wards and Constituencies, and Community Boards, can be reviewed, and advising of the current review of Council's Maori Policy.

RECOMMENDATION:

That

1. The report be received.
2. Council adopt and make publicly available the Wairoa District Council Local Governance Statement 2008.

T Cook
ADMINISTRATION MANAGER

REPORT TO: COUNCIL	
DATE: 11 MARCH 2008	
SUBJECT: TRIENNIAL AGREEMENT	FILE REF: A26.04
AUTHOR: P J FREEMAN, CHIEF EXECUTIVE OFFICER	ATTACHMENTS: Triennial Agreement
RELATED COMMUNITY OUTCOME: Strong Regional Leadership and A Sense of Belonging	RELATED COUNCIL ACTIVITY: Leadership & Governance

PURPOSE:

This report is prepared so that Councillors may consider and adopt the Hawke's Bay Region 2008 Triennial Agreement.

REPORT:

The Appendix on Page 6 sets out the legal requirements of a Triennial Agreement.

RECOMMENDATION(S):

That Council receive, consider and adopt the Hawke's Bay 2008 Triennial Agreement.



P J Freeman
CHIEF EXECUTIVE OFFICER

REPORT TO: COUNCIL	
DATE: 12 FEBRUARY 2008	
SUBJECT: DOCUMENTS SEALED FOR THE PERIOD 17 DECEMBER 2007 TO 18 JANUARY 2008	FILE REF:
AUTHOR: T COOK, ADMINISTRATION MANAGER	ATTACHMENTS: Nil
RELATED COMMUNITY OUTCOME: All Community Outcomes	RELATED COUNCIL ACTIVITY: Community Representation

PURPOSE:

Presented for Council's information is the following Schedule of documents sealed for the period 5 February 2008 to 19 February 2008.

05.02.08

Tenancy Agreement
Wairoa District Council & George Weastall
49D Hillneath Flats, 49-53 Black Street, Wairoa

19.02.08

Contract
Wairoa District Council & Quality Roading and Services (Wairoa) Limited
Contract 08/03 – Structural Bridge Repairs 07/08

RECOMMENDATION:

That the report be received.



T Cook
ADMINISTRATION MANAGER

REPORT TO: COUNCIL	
DATE: 11 MARCH 2008	
SUBJECT: QRS SIX MONTH REPORT 31 DECEMBER 2007	FILE REF: F 02.13.02
AUTHOR: RUSSELL SNOW, FINANCE MANAGER	ATTACHMENTS: Six Month Report December 2007
RELATED COMMUNITY OUTCOME: Nil	RELATED COUNCIL ACTIVITY: Nil

PURPOSE:

To review the Six Month Report for year ended 31 December 2007.

BACKGROUND:

Council is required to monitor the CCO, reviewing the performance of the CCO against the key performance targets disclosed in the Statement of Corporate Intent.

CURRENT SITUATION:

Attached is a copy of the Six Month Report for the year ended 31 December 2007.

The financial report discloses a very disappointing result for company, with an operating loss of \$440,169. The target return for the year ended 30 June 2008 as per the statement of corporate intent was \$804,000 on estimated opening equity of \$5,017,638. This target has not been met.

The Statement of Financial Performance discloses a decrease in revenue of \$1,316,584 or 22.6% from \$7,912,779 for the six-months ended 31 December 2006 to \$5,949,319 for the six-months ended 31 December 2007, and a reduction in expenditure of \$358,374 or 10.7% from \$3,352,031 to \$2,993,657 for comparable periods. As a result the profit before tax has decreased from a profit of \$1,022,530 to loss of \$440,169, a decrease of \$1,462,669.

The liquidity position of the company has worsened with the current ratio decreasing from 1.72 to 1.38. A minimum of Current Assets/Current Liabilities of 1:1 is one of the targets set for the year, and this target has been achieved.

The equity ratio has reduced from 59.5% for the six-months ended 31 December 2006 to 47.7% for the current six-month period. The target equity ratio of 45% has been achieved.

The cost of debt servicing for the six-months ended 31 December 2007 is 1.3% of revenue, compared with 0.5% for the six months ended 31 December 2006, which is well within the target of less than 20% of revenue.

Overall the financial result for the six-months is disappointing, with one of the performance targets not achieved.

OPTIONS:

The first option is to accept that the Six Month Report has achieved the desired results, as set out in the statement of corporate intent.

The second option is to advise that the performance is not adequate.

PREFERRED OPTION:

The preferred option is the second option.

SIGNIFICANCE & CONSULTATION:

Not Significant.

RECOMMENDATIONS: That:

1. The report is received.
2. That the Council advise that the Six-Month Report for the period ended 31 December 2007 has not achieved the desired results, as set out in the statement of corporate intent.

A handwritten signature in black ink, appearing to read 'R R Snow', enclosed within a large, hand-drawn oval shape.

R R Snow
FINANCE MANAGER

Receipt/Confirmation of Minutes

REPORT TO:	COUNCIL		
DATE:	11 MARCH 2008		
SUBJECT:	CONFIRMATION OF MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD 12 FEBRUARY 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 12 February 2008.

RECOMMENDATION:

That the minutes of an Ordinary Meeting of Council held on 12 February 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 12 February 2008 at 10:00 am.

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

COUNCILLORS

D Eaglesome, D Caves, J Heron, C, Cairns and J Petersen.

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

CIVIC PRAYER

Councillor Eaglesome gave the Civic Prayer.

APOLOGIES

An apology was received from Councillor McKinnon.

Resolved: *That the apology received from Councillor McKinnon be accepted.*

Caves/Heron

CALLS FOR CONFLICTS OF INTEREST

NIL

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

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

PUBLIC FORUM

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

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

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

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

GENERAL BUSINESS

POHUTUKAWA RESERVE MANAGEMENT PLAN

G.01.01.02

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

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

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

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

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

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

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

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

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

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

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

<u>Resolved:</u>	<i>That Council receive the report and adopt the Pohutukawa Reserve Management Plan as presented.</i>	<i>Petersen/Heron</i>
		<i>AGAINST: Councillors Caves & Cairns</i>

<u>Resolved:</u>	<i>That Council rescind all previous resolutions made during the development of the Pohutukawa Reserve Management Plan.</i>	<i>Petersen/Heron</i>
		<i>AGAINST: Councillors Caves</i>

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

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

POLICY OPTIONS DOG CONTROL ACT

A.04.04

<u>Resolved:</u>	<i>That the report be received.</i>	<i>Eaglesome/Heron</i>
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Councillors Caves and Petersen expressed concern at the time given to read the discussion document that was provided with the Council Agenda, believing it was a matter that should be discussed at a Council workshop.

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

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

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

MAORI POLICY REVIEW

A.28.01

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

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

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

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

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

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

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

MAHANGA BEACH SEAWALL

B.11.02

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

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

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

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

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

AGAINST: Councillor Caves

LAND DISPOSAL MOHAKA COACH ROAD

H.01.03

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

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

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

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

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

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

<u>Resolved:</u>	<i>That Council:</i>
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- 1. Confirm that the land is surplus to requirements, and further;*
- 2. Confirm its intention to dispose of Pt Waipapa A13 to the adjoining owners, and further;*
- 3. Enter into agreements with the adjoining owners to reimburse Council for all costs involved.*

Caves/Heron

INTERSECTION CONTROLS**B.02.10.01**

Resolved: *That the report be received.*

Caves/Heron

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

Resolved: *That Council approve the installation of intersection controls as listed below.*

Eaglesome/Heron**MAHIA***Rautau Street/Lochiel Street**Install "Give Way" controls on Rautau Street.**Blakes Approach/Mahanga Road**Install "Give Way" controls on Blakes Approach***WAIROA***Brian Avenue/Campbell Street**Install "Stop" controls on Brian Avenue**Harker Avenue/Lahore Street**Install "Give Way" controls on Harker Avenue**Victoria Avenue/Lahore Street**Install "Give Way" controls on Victoria Avenue**Jellicoe Avenue/Lahore Street**Install "Give Way" controls on Jellicoe Avenue**Victoria Avenue/Black Street**Install "Give Way" controls on Victoria Avenue**Kowhai Place/Black Street**Install "Give Way" controls on Kowhai Place**Karaka Street/Black Street**Install "Give Way" controls on Karaka Street**Jellicoe Avenue/Black Street**Install "Give Way" controls on Jellicoe Avenue**Sidney Street/Black Street**Install "Give Way" controls on Sidney Street**Kauri Place/Kitchener Street**Install "Give Way" controls on Kauri Place**Hillcrest/Fraser Street**Install "Give Way" controls on Hillcrest**Scott Street/Grant Street**Install "Give Way" controls on Scott Street**Scott Street/Kitchener Street**Install "Give Way" controls on Scott Street**McLean Street/Grant Street**Install "Stop" controls on McLean Street**Apatu Street/Marine Parade**Install "Give Way" controls on Apatu Street**Queen Street/Apatu Street**Install "Give Way" controls on Queen Street**McLean Street/Outram Street**Install "Give Way" controls on McLean Street**Rose Street/McLean Street**Install "Give Way" controls on Rose Street**Corkill Avenue/Kabul Street**Install "Give Way" controls on Corkill Avenue**Murrae Street/Marine Parade**Install "Give Way" controls on Murrae Street**King Street/Marine Parade**Install "Give Way" controls on King Street**Lockwood Point/Marine Parade**Install "Stop" controls on Lockwood Point**Churchill Avenue/Mitchell Road**Install "Give Way" controls on Churchill Avenue**Rimu Drive/Mitchell Road**Install "Give Way" controls on Rimu Drive**Hunterbrown Street/Carroll Street**Install "Give Way" controls on Hunterbrown Street**Te Rato Road/Ormond Drive**Install "Give Way" controls on Te Rato Road**Te Rato Road/Ruataniwha Road**Install "Give Way" controls on Te Rato Road*

PIPING OF OPEN DRAINS 2007/2008**G.01.01.02**

<u>Resolved:</u>	<i>That the report be received.</i>	Petersen/Cairns
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The Engineering Manager spoke to the report informing Councillors that he was seeking additional funding to complete the piping of an open drain project. The project had commenced as agreed to under contract, however a number of unexpected expenditures had occurred, resulting in a shortfall in available expenditure.

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

<u>Resolved:</u>	<i>That additional funding of \$29,000 be provided from the District Development Fund to complete the piping of open drains.</i>	Cairns/Eaglesome
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MOU WAIROA DISTRICT COUNCIL & WAIROA COMMUNITY DEVELOPMENT TRUST A.24.01.04

<u>Resolved:</u>	<i>That the report be received.</i>	Cairns/Heron
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His Worship the Mayor spoke to the report, stating that the Memorandum between the Trust and Council was straightforward with there being no pecuniary interest to either parties.

<u>Resolved:</u>	<i>That Council approve the Memorandum of Understanding and presents it to the Trust for ratification.</i>	Cairns/Heron
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Councillor Caves sought clarification as to what was meant by 'the provision of office space.' The Chief Executive Officer informed Councillors that office space was being provided at the Information Centre, with operational costs to be apportioned accordingly.

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

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

COUNCIL REMUNERATION**A.06.06.01**

<u>Resolved:</u>	That the report be received.	Heron/Cairns
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The Administration Manager spoke to the report, advising Councillors of an amendment to the sum provided in the Adjusted 2008/09 Indicative Pool, which should have read \$197,815

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

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

<u>Resolved:</u>	<i>That the Deputy Mayor receive an annual salary of \$32,810.54, being 1.5 times the salary received by Councillors, and that Councillors receive an annual salary of \$21,873.89, being the remaining pool split equally among Councillors.</i>	<i>His Worship the Mayor/Cairns</i>
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DELEGATION OF AUTHORITY TO SIGN CHEQUES

F.01.03

<u>Resolved:</u>	<i>That the report be received.</i>	<i>Cairns/Heron</i>
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The Administration Manager spoke to the report advising that it was merely an administrative matter to bring the policy of Delegation of Authority to Sign Cheques in line with requirements of the Local Government Act 2002.

<u>Resolved:</u>	<p><i>That:</i></p> <p><i>Pursuant to Schedule 7, Section 32(1) of the Local Government Act 2002 Council's Policy in respect to the signing of cheques and authorities to debit Council's Bank Account is:</i></p> <p><i>(a) That 2 signatories are required on all bank authorisations.</i></p> <p><i>(b) That one of the signatories must be either:</i></p> <p style="margin-left: 40px;"><i>(i) Chief Executive Officer</i></p> <p style="margin-left: 40px;"><i>(ii) Finance and Property Manager</i></p> <p style="margin-left: 40px;"><i>(iii) Administration Manager</i></p> <p style="margin-left: 40px;"><i>(iv) Engineering Manager</i></p> <p><i>(c) That the following signatories may sign in conjunction with (b) above:</i></p> <p style="margin-left: 40px;"><i>(i) His Worship the Mayor</i></p> <p style="margin-left: 40px;"><i>(ii) Councillors</i></p> <p style="margin-left: 40px;"><i>(iii) Accountant</i></p> <p><i>In the event of an emergency and none of those persons scheduled under (b) above being available to sign then both signatories may be drawn from those scheduled under (c).</i></p>	<i>Cairns/Heron</i>
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SALE OF SURPLUS PROPERTY

H.01.03

<u>Resolved:</u>	<i>That the report be received.</i>	<i>Heron/Eaglesome</i>
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The Finance Manager spoke to the report advising that a request had been received to list for sale 9 Locke Street, Wairoa, with legal description Lot 2 DP 4298 COT H2/160.

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

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

Heron/Eaglesome

AGAINST: Councillor Petersen

HAWKES BAY MEDICAL RESEARCH FOUNDATION INC - NOMINATION

A.06.03

Resolved: *That the report be received.*

Petersen/Caves

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

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

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

Caves/His Worship the Mayor

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

Resolved: *That the report be received.*

Caves/Petersen

Receipt/Confirmation of Minutes of Previous Council Meetings

ORDINARY MEETING OF COUNCIL HELD 11 DECEMBER 2007

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

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

Eaglesome/Cairns

ADJOURNED: 12:25 PM

RECONVENED: 1:37 PM

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

B.03.01.03

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

Cairns/Heron

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

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

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

Resolved: *That the Engineering Manager make a submission to Transit New Zealand, re-iterating concerns raised in the previous year's submission, with additional comments to be included as pertained to the sealing of SH38, and safety improvement at the Willowflat Road/SH2 intersection.*
Heron/Cairns

MEETINGS – COUNCIL AND ZONE 3

A13.03

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

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

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

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

EXTREME EVENTS/CIVIL DEFENCE

A22.02

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

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

COUNCIL WORKSHOPS

A06.09

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

WAIROA CEMETERY

G03.03

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

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

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

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

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

Petersen/Heron

RELEASE OF CONFIDENTIAL ITEMS

A06.09

NIL

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

MEETING CLOSED:

2:37 PM

REPORT TO:	COUNCIL	
DATE:	11 MARCH 2008	
SUBJECT:	CONFIRMATION OF MINUTES OF A SPECIAL MEETING OF COUNCIL HELD 28 FEBRUARY 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 the Special Meeting of Council held on 28 February 2008.

RECOMMENDATION:

That the minutes of the Special Meeting of Council held on 28 February 2008 be confirmed as correct.

WAIROA DISTRICT COUNCIL**SPECIAL MEETING OF COUNCIL**

(Hawke's Bay District Health Board)

Minutes of a Special Meeting of Council held in the Wairoa District Council Chambers, Coronation Square, Queen Street, Wairoa on Thursday 28 February 2008 at 9:00am.

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

COUNCILLORS

D Eaglesome, D Caves, J Heron, B Cairns, and J Petersen

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

CIVIC PRAYER

Councillor Eaglesome gave the Civic Prayer.

APOLOGIES

An apology was received from Councillor McKinnon.

Resolved: *That the apology received from Councillor McKinnon be accepted.*

Eaglesome/Cairns

CALLS FOR CONFLICTS OF INTEREST

NIL

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

NIL

General Items

HAWKE'S BAY DISTRICT HEALTH BOARD

A.20.02

<u>Resolved:</u>	<i>That the report be received.</i>	<i>His Worship the Mayor/Heron</i>
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His Worship the Mayor spoke to the report informing Councillor's that the call for a Special Meeting of Council had arisen in anticipation of the Minister of Health, Mr David Cunliffe, dismissing the Hawke's Bay District Health Board and appointing a Commissioner.

His Worship the Mayor informed Councillors of the forwarding of a joint letter of all Territorial Authorities in Hawke's Bay to the Minister, advising of their support of the Hawke's Bay District Health Board and its Chairperson. Despite concerns raised within the letter as to concerns raised by the Board that had not been previously addressed, and other matters that had been brought to fore by media, the Minister's response was that the Board had two working days to provide acceptable answers to questions he had raised under separate correspondence, the result being that the Minister dismissed the Board and appointed a Commissioner for the remainder of the elected term as of Wednesday 27th February 2008.

His Worship the Mayor advised that the Minister had stated that the Board was dysfunctional, however it was the opinion of all Mayors within Hawke's Bay, and the Chairman of the Hawke's Bay Regional Council, that as they were a newly elected Board, with a Chairman and representatives yet to be appointed, they had not yet been given an opportunity to operate as a Board, and as such could not be defined as being dysfunctional.

The Chief Executive Officer advised that the Minister of Health had every right to dismiss a Health Board, however he could only do so in line with conditions set out in legislation. In the past, the Minister of Health had appointed a Chairman and Crown Monitor to manage and oversee the operations of Health Boards and as such, the Minister's current action seemed extreme.

In terms of current legislation there are two ways that the Minister of Health can remove a Board, or members of a Board.

1. The Minister has to be seriously dissatisfied with the performance of the Board and put forward reasonable grounds for dissatisfaction.
2. The Minister can remove an elected member/s who may be part of the following list:
 - Disqualified (criminal conviction etc)
 - Failed to declare an interest
 - Absent for four meetings
 - Breached their duties under the Crown Entities Act
 - Seriously compromised the integrity of the Board

In response to the Minister's actions, Napier City Council was seeking the support of all Territorial Authorities within Hawke's Bay to join them in court action that calls the Minister to account through a judicial review of his actions and decision.

For legal proceedings to be undertaken, Councils are required to pass a resolution on the matter by way of an Extraordinary Meeting, which has been notified in accordance with Standing Orders and the Local Government Official Information Act.

Councillor's expressed concern at the actions of the Minister and the resulting impact that it would have on the provision of health services in the Wairoa District, particularly with the Minister making public comment that services were likely to be cut.

Concern was also raised as to the effect that would be had on the Wairoa Public Health Organisation, as they were reliant on receipt of funding through the Health Board, and at present had no conduit between themselves and the Commissioner.

Given the actions of the Minister and the effects upon delivery of health services that were likely to result, Councillors unanimously supported the seeking of a judicial review.

Resolved: *That Council in conjunction with all Hawke's Bay Territorial Authorities, support the seeking of a judicial review of the decision of the Minister of Health to dismiss the Hawke's Bay District Health Board on the premise that the Minister of Health has acted in an unreasonable and irrational manner, and in isolation of legislated statutory requirements.*
Eaglesome/Heron

His Worship the Mayor raised the importance of preparing a press release which outlined Council's concerns as to the potential impacts of the Minister's decision to dismiss the Board, particularly in light of public concern as to the consequences as related to the delivery of health services within the Wairoa District.

Resolved: *That His Worship the Mayor prepare a press release outlying Council's concerns.*
Eaglesome/Heron

ANNUAL PLAN 2008/2009 INDICATIVE RATING LEVELS

The Finance Manager and Chief Executive Officer presented Councillors with a number of additional scenarios for consideration as related to indicative rating levels to be applied to the draft 2008/2009 Annual Plan.

Scenario three maintained existing differential, with \$15,000 deducted from Tuai Sewerage reserves, and \$250,000 transferred from Rural Roding Reserves to offset the rates. This reduced the projected farming and forestry increases of 9-10% to 2-3%. Scenario four took account of the above and removed the \$100,000 Emergency Works from the proposed budget, reducing farming and forestry rates to the negative. Scenario five maintained existing differential, with \$15,000 deducted from Tuai Sewerage reserves, and removed the \$100,000 Emergency Works, reducing farming and forestry increases of 9-10% to 6-7%. In all instances, large increases in rates would still apply to those in Mahia as a result of Sewerage and Wastewater projects, and to industrial, commercial, and utilities in the Wairoa urban area.

The recommendation of Management to Councillors was that Scenario three should be taken forward for inclusion in the Draft Annual Plan 2008/2009.

Councillors agreed that scenario three appeared to have achieved and covered the concerns of Council as related to the financial impact on ratepayers. Councillors also acknowledged that in off setting the rate with transfers from reserves funds that at some time in the future they would have to play catch up, meaning that ratepayers would have to meet the funded increases of the past, as well as additional increases in subsequent years.

The Finance Manager was instructed to incorporate scenario three into the Draft Annual Plan 2008/2009 and bring the plan back to Council for release for public consultation.

ROADING ISSUES – QUALITY ROADING SERVICES (WAIROA) LTD.

B04.01

The Chief Executive Officer informed Councillors of a number of roads which had had oversized metal placed on them by contractors. Council had contacted the Wairoa Star and asked that an article be prepared advising people of the error and that steps were being taken to remedy the problem. A meeting had taken place with Quality Roding Service (Wairoa) Limited, where it had been made clear that Council was unhappy with services provided. The problem was to be rectified at the cost of the Contractor, with the oversized metal to be removed, and the appropriate sized metal to be laid down.

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

MEETING CLOSED: 9:30 AM