



ORDINARY MEETING
OF COUNCIL

TUESDAY

13 OCTOBER 2009

10.00 am

WAIROA DISTRICT COUNCIL

ORDINARY MEETING OF COUNCIL

to be held in the Council Chambers,
Coronation Square, Wairoa

ON TUESDAY 13 OCTOBER 2009 AT 10.00 AM

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, D Evans

CIVIC PRAYER

APOLOGIES

CALLS FOR CONFLICT OF INTEREST

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

Presentation Bevan Pickett – QV Presentation – District Revaluation

Public Forum

General Items

1-8	<u>NEW ZEALAND MUTUAL LIABILITY RISKPOOL</u>	A11.01
9-10	<u>FIRE RISK REDUCTION – OPOUTAMA</u>	I05.06
11-13	<u>REPAIRS AND MAINTENANCE – TUAI HALL</u>	H06.02
14-15	<u>MAHIA AVENUE – PHOENIX PALMS</u>	B03.02.03
16-20	<u>ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES 2008-2009</u>	A04.04
21	<u>DOCUMENTS SEALED FOR THE PERIOD 20 AUGUST 2009 TO 1 OCTOBER 2009</u>	

Receipt/Confirmation of Minutes of Previous Council Meetings

22-30 **ORDINARY MEETING OF COUNCIL HELD 8 SEPTEMBER 2009**

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 13 OCTOBER 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

General Items

1-2 **QUALITY ROADING AND SERVICES (WAIROA) LIMITED -**
ANNUAL REPORT 30 JUNE 2009 **F02.13.02**

Quality Roding and Services (Wairoa) Limited to be in attendance

3-5 **KOPU ROAD LINK CONSTRUCTION** **B03.01.05 10/10**

Receipt/Confirmation of Minutes of Previous Council Meetings

6-9 **ORDINARY MEETING OF COUNCIL HELD 8 SEPTEMBER 2009**

REPORT TO: COUNCIL MEETING	
DATE: 13 OCTOBER 2009	
SUBJECT: NEW ZEALAND MUTUAL LIABILITY RISKPOOL	FILE REF: A 11.01
AUTHOR: R R SNOW, FINANCE MANAGER	ATTACHMENTS: Letters from NZ Mutual Riskpool
RELATED COMMUNITY OUTCOME (S): A Strong prosperous and thriving economy	RELATED COUNCIL ACTIVITY: Corporate Services

PURPOSE:

The purpose of this report is to consider a letter from New Zealand Mutual Liability Riskpool, and an unbudgeted account of \$20,142.

BACKGROUND:

Riskpool provides public liability and professional indemnity cover for Councils. It is mutual liability fund governed by a trust deed. The trustee is Local Government Mutual Funds Trustee Limited, a 100% subsidiary of Civic Assurance. Directors are appointed by Civic, and Civic also acts as fund manager. Riskpool commenced in 1997, and has 78 local authority members.

CURRENT SITUATION:

Riskpool has been involved in a number of claims relating to the Resource Management Act, and failure of infrastructure. It is now faced with a shortfall in the mutual pool's funds due to the "leaky" building issue. Riskpool wrote to Council on 30 June 2009 advising that there was a need for a call on funds to cover for the shortfall. We wrote back advising that we were unfairly subsidising the metropolitan centres, that we have not received any substantiation of the claims, and due to the timing of the letter we had not provided financial provision for the additional expense. Council has now received the attached letter and an invoice for \$20,142.00 being a call on funds 6 and 7.

ASSESSMENT OF OPTIONS:

Council has two options, one to approve the additional expenditure. The second option is to decline the additional expenditure.

PREFERRED OPTION:

The preferred option is option one to approve the expenditure of \$20,142.

FINANCIAL IMPACT:

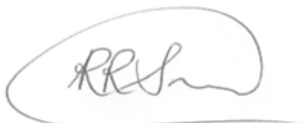
Should option one be followed there will be financial impacts in that funding hasn't been specifically provided for in the 2009/10 financial year.

SIGNIFICANCE & CONSULTATION:

There are no matters of significance related to this item.

RECOMMENDATION (S):

1. That Council receives the report.
2. That Council approves the request to fund the shortfall in Riskpool of \$20,142.00



R R Snow
FINANCE MANAGER



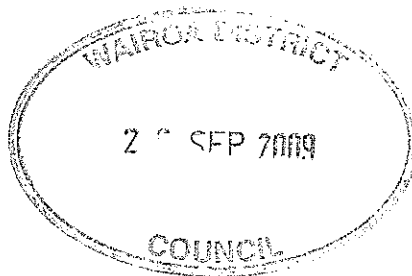
New Zealand Mutual Liability RiskPool

P O Box 11-145
Wellington
New Zealand

Telephone 0-4-4958228
DD 0-4-4958216
Facsimile 0-4-4958177

24 September 2009

Peter Freeman
Wairoa District Council
PO Box 54
Wairoa 4160



Dear Peter

THE CALL

Following our letter dated 30 June 2009, we have been engaged in communication with a number of Councils and it would appear that further information regarding the weathertightness issue and how it has affected Local Government and the advice of a call for Funds 6 and 7 might be helpful.

Background

RiskPool was established in 1997 principally because the commercial insurance market did not respond well to the difficulties that Local Government's liability risk profile and consequent claims present. The Fund sought to provide its Members with consistency in the availability and scope of cover and pro-active claims management.

RiskPool has managed a good number of challenging claims issues on behalf of Local Government ranging from potentially large claims arising from duties under the Resource Management Act to complex nuisance claims following the failure of Council owned infrastructure. The coordinated sector-wide management of these issues has been crucial because adverse precedent can have long lasting and costly implications for Local Government. The most challenging issue though, has been the weathertightness issue.

You will no doubt recall the 2002/03 media coverage of the experiences some property owners were having with moisture ingress. As the issue gained momentum, litigation against local authorities increased, both in the Weathertight Homes Resolution Service (now the Weathertight Homes Tribunal) and before the courts.

There are three main features of weathertight claims that have become apparent. Firstly, they are more concentrated in the Auckland region and other larger cities. Secondly, the ultimate number of claims in each of our Fund Years has become clearer and thirdly, the cost of these claims to Local Government has escalated reasonably significantly.



Territorial authorities have always faced building defect litigation, and that litigation has historically been quite manageable. RiskPool has a good record of resolving cases against Councils on the most favourable terms, or alternatively running cases to trial where there is a good prospect of achieving an improvement in the common law for Local Government.

Mindful of ensuring that the development of the common law and our experience with resolving building defect claims, RiskPool's Board resolved to continue to cover these claims. The Board has monitored the out-turn of weathertightness claims and the extent of the Fund's reinsurance arrangements (which being in the commercial market have changed as the issue has evolved) over the years and has made underwriting changes as thought appropriate at a number of points in time such as:

- *The application of a minimum \$50,000 excess on all WHRS/WHT claims effective 1 February 2006;*
- *The application of a multi-unit exclusion for a number of Councils from 30 June 2006;*
- *The application of a \$500,000 annual aggregate sub-limit for all weathertight claims for all Councils from 30 June 2007;*
- *Weathertight claims excluded for most Councils from 30 June 2009.*

The Claims Experience

In terms of claims it is fair to say that the frequency of claims have been against larger city Councils particularly in the Auckland region, and also those Councils elsewhere that had rapid development in the late 1990's and early 2000's.

Virtually all mid-sized territorial authorities have experienced claims albeit with a lower frequency than the larger cities. Very few Councils have avoided claims altogether. Indeed, there have been reasonably large claims against Councils that you would not necessarily expect to have weathertight claims.

Over the last 8 to 12 months though, the liability environment for Local Government has changed. Plaintiffs or claimants are generally no longer compromising their claims in return for avoiding litigation. Councils are increasingly exposed to joint and several liability for damages as other defendants are unable to pay their share of the liability. This is probably a consequence of the economic environment and in many more cases it is seeing the local authority left as "the last man standing".

This has meant that a disproportional cost of these claims is left resting with the Council only. This in turn has had a direct impact on RiskPool, particularly for the Fund Years prior to 1 February 2006 when the Board began to take action to address the emerging liability picture associated with weathertight claims.

The Call

The Trust Deed was drafted in 1997 and of course at that time no one anticipated an issue as complex as the weathertightness issue. Accordingly the call provision was drafted in a straight forward way as follows:



If during a Fund Year it becomes apparent to the Board that as a result of unexpected or exceptional circumstances the Fund for that Fund Year will be insufficient to meet Claims payable from the Fund, the Board may determine an Additional Contribution payable by each Member for the Fund Year (which will be in the same proportion to the Additional Contributions of all other Members for that Fund Year bears to the initial Contributions of all Members for that Fund Year).

You will see that a call is divided in direct proportion to Council's original Contribution to the total pool for that year. We understand that this may have the appearance of being inequitable given distribution of claims that have given rise to it.

Larger Councils (which are typically those with weathertight claims) did have larger original Contributions, and that causes a degree of equity. However as mentioned above, such a complex issue giving rise to claims that fall in a way that is less than uniform could not have been anticipated.

The Board has resolved to make a call of \$4m (or 6% of total Contributions from Funds 1 to 12) as a first step towards addressing the deficits in Funds 6 and 7 as those years are relatively mature and the results are reasonably certain. However, subsequent Fund Years are exhibiting deficits albeit with a greater proportion of outstanding claims provisions contributing to those anticipated deficits. Current accounts including reserved claims yet to be settled and other prudential provisions indicate a deficit of \$21m over all Fund Years.

Reserving for liability claims is a difficult task with so many variables and uncertainties. One significant uncertainty is the evolution of the common law. We have had a good deal of success narrowing the duty of care issue in favour of Local Government. Two appeals involving multi-unit developments were heard recently. A principal point on appeal was whether Councils owe a duty of care to "investor owners" as opposed to the *Hamlin*-type of owner-occupiers with limited means to otherwise protect their interests. If our arguments in these appeals are successful they will materially improve the currently forecast deficits.

Also unknown is the extent to which Central Government might address the weathertightness issue politically.

In the interim, the Board recommends that Council makes provision for a further Call in 2010. We suspect that there will be a variety of approaches taken to this and recommend that any query in this regard be discussed with the Scheme Manager.

Our invoice for this Call is attached. Please feel welcome to raise any matter you wish to discuss further.

Yours sincerely
LIABILITY RISKPOOL

Paul Carpenter
SCHEME MANAGER

3 August 2009

Mr Paul Carpenter
Scheme Manager
New Zealand Mutual Liability Riskpool
P O Box 11-145
WELLINGTON

FILE REF A 11 01

Dear Mr Carpenter

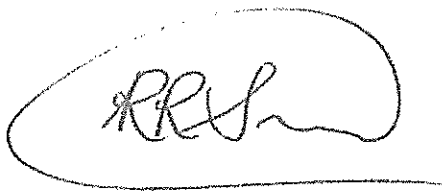
RISKPOOL – NEED FOR A CALL

Thank you for your letter of 30 June 2009, concerning the need for a call to cover for a shortfall in the mutual funds due to the "leaky" building issue.

We have not made any claims for leaky building to Riskpool, and we believe that we are unfairly subsidising the metropolitan centres. In addition you have not provided any information to substantiate these calls.

Council was in the final stages of finalising its LTCCP when we received your letter dated 30 June advising that a call would be made later in 2009. It would have been appreciated if this notice had been provided to Council prior to the adoption of the LTCCP to enable financial provision to be made for this additional expenditure. We are now placed in the position of having to commit additional expenditure without having a budget available.

Yours faithfully

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

Russell Snow
Finance Manager



New Zealand Mutual Liability RiskPool

P O Box 11-145
Wellington
New Zealand

Telephone 0-4-4958228
DD 0-4-4958216
Facsimile 0-4-4958177

30 June 2009

Peter Freeman
Wairoa District Council
PO Box 54
Wairoa 4160



Dear Peter

RISKPOOL – NEED FOR A CALL

The purpose of this letter is to give you advance notice that the Board of RiskPool, at its meeting on 29 June, resolved that in the coming year it will be making a Call on your Council for a shortfall in the mutual pool's funds. This has been caused predominantly by the "leaky" building issue which has significantly impacted the sector, including RiskPool.

Background

The purpose of RiskPool is to provide Public Liability and Professional Indemnity cover for its members. It was established in 1997 when this type of insurance cover was becoming difficult to obtain for the Local Government sector. The vast majority of Councils have been and still are members.

Since its inception RiskPool has been very successful in providing cover for, and managing claims on behalf of Councils. It has done this through managing litigation in a way to minimise liability to the sector.

The concept underpinning the mutual fund is that all Councils make an annual Contribution to each Fund Year and with the support of reinsurers, provides cover in the event of claims against its members. The Trust Deed provides that in any year if there is a shortfall, whereby claims exceed the Contributions of members and reinsurance recoveries, then the Board may make a Call on the members for that Fund Year. Such Calls must be in the same proportion as the initial Contribution for that year.

Impact of the Leaky Building issue

All Councils with responsibilities under the Building Act have, to varying extents, been impacted by the leaky building issue. Nationally, the extent of the issue is huge, with some estimates suggesting the broader industry faces liabilities into the billions of dollars.

Unfortunately, as the issue has evolved, other parties such as builders, sub-trades, developers and architects have vanished, Councils and RiskPool are increasingly finding that they are the only party responding to claims, and judgements against Councils are increasing. At this time, on average, about a third of any claim is



being met by the Council and RiskPool. When this trend is considered together with the average total cost of a claim increasing threefold in the past three years, to about \$230,000 per claim, it is presenting significant liabilities for both Councils and RiskPool.

As the leaky building issue has evolved, reinsurers have introduced changes to their cover and ultimately ceased cover. Despite RiskPool being very successful at gaining judgements in favour of, and beneficial to Local Government, it is becoming apparent that it does not have sufficient funds to cover all claims made against it.

The latest information indicates that claims against RiskPool's Funds 6 (2002-03) and 7 (2003-04) are now reasonably mature and those Funds are exhibiting deficits. RiskPool's Board is duty bound by the Trust Deed to ensure that each Fund of the Scheme is and remains financially viable and solvent.

Whilst significant reinsurance recoveries have been made and continue to be made for those years there are losses not covered by reinsurance that give rise to the deficits. The Board has resolved that those deficits must now be addressed and clause 11.3 of the Deed provides as follows:

If during a Fund Year it becomes apparent to the Board that as a result of unexpected or exceptional circumstances the Fund for that Fund Year will be insufficient to meet Claims payable from the Fund, the Board may determine an Additional Contribution payable by each Member for the Fund Year (which will be in the same proportion to the Additional Contributions of all other Members for that Fund Year bears to the initial Contributions of all Members for that Fund Year).

The Board has resolved to address the deficits by way of Calls of \$500,000 and \$3,500,000 for Funds 6 and 7 respectively. For your Council this means a Call of \$2,356 for Fund 6 and a Call of \$15,548 for Fund 7.

The Board has not finalised the timing for when it will make this Call, but it is likely to be made in the latter part of 2009. Under the Fund's rules Councils are obligated to fund a Call. How your Council wishes to account for the Call is a matter you may wish to discuss with your auditors.

RiskPool's Board is constantly evaluating the extent of its potential liability using sophisticated actuarial and other assessment techniques. While a Call has been made in 2009, given the continuing trend of significant claims against the sectors, and so far without Central Government participation, it is possible that over the next two years one or two further Calls of a similar size may also be made. Council may wish to consider providing for this now, or take it into account in the coming year's budget deliberations.

The Board has considered all options available to it and regrettably must make a Call. It is very conscious of the financial constraints currently facing the sector and has not made the decision lightly. It remains very supportive of Local Government's attempts to engage Central Government to contribute more substantially to the burden that is the result of the systemic failure that has befallen the building industry.



If you have any enquiries please feel free to contact the writer.

Yours sincerely
LIABILITY RISKPOOL

A handwritten signature in black ink, appearing to read "Paul Carpenter". The signature is written in a cursive style with a vertical line extending downwards from the end of the name.

Paul Carpenter
SCHEME MANAGER

REPORT TO: COUNCIL	
DATE: 13 OCTOBER 2009	
SUBJECT: FIRE RISK REDUCTION - OPOUTAMA	FILE REF: I05.06
AUTHOR: P J FREEMAN, CHIEF EXECUTIVE OFFICER	ATTACHMENTS:
RELATED COMMUNITY OUTCOME: An Environment That Is appreciated, Protected And Sustained For Future Generations	RELATED COUNCIL ACTIVITY: Planning and Regulatory

BACKGROUND:

Councillors will be aware of the devastating fire at Opoutama that destroyed several buildings including one dwelling in February of this year.

While the fire became the responsibility of the Department of Conservation because it was within their 1km fire safety margin, it apparently started on Council land and did significant damage to growth on that land.

REPORT:

The remaining saplings both burnt over, and not, still present a potential fire risk.

To mitigate this risk to a reasonable level the proposal is to cut and mulch an area of approximately 3.6 ha between the Ruawharawhara Urupa and the access track into the ex YMCA Camp.

This work could be done at the same time as D.O.C. and the Forest Restoration Trust are undertaking similar work and may also be coincident with work to meet Council's obligations to the urupa Trustees and also potential roading options in the area.

It should also be noted that D.O.C. have felled most if not all trees in their reserves along YMCA road and propose to do more.

FINANCE:

We are still firming up quotes with three providers but it seems that we could achieve what is required with \$20,000.

While this is not strictly "Disaster Recovery" I propose that we utilise some of the \$500,000 available in the Disaster Recovery Reserve on the basis that it is partial recovery from last year's fire and partially prevention of another fire this season.

OPTIONS:

1. Do nothing – risk would be no greater than in the past but Council would be seen as shirking its responsibilities to residents.
2. Approve the Work – at least some risk would be reduced but the area would still need close monitoring during the height of summer.

RECOMMENDATION(S):

That:

Council approve a sum of \$20,000 from the Disaster Relief Fund to form a fire break on plantation reserve YMCA Road, Opoutama between Ruawharawhara Urupa and the YMCA access track.

A handwritten signature in black ink, appearing to read 'P J Freeman', with a large, stylized flourish extending to the right.

P J Freeman
CHIEF EXECUTIVE OFFICER

REPORT TO: COUNCIL	
DATE: 13 OCTOBER 2009	
SUBJECT: REPAIRS AND MAINTENANCE – TUAI HALL	FILE REF: H06.02
AUTHOR: P J FREEMAN, CHIEF EXECUTIVE OFFICER	ATTACHMENTS: 1. Letter from Tuai Hall Committee
RELATED COMMUNITY OUTCOME: A Safe And Secure Community Safe And Accessible Recreational Facilities	RELATED COUNCIL ACTIVITY: Community Facilities

BACKGROUND:

The Tuai Hall is owned by Council and administered by a local committee. Apparently all funds derived from users are used in cleaning and supplies such as toilet paper etc.

The use of the hall is sporadic at best.

REPORT:

The attached letter requests certain work be undertaken before the November Lake to Lighthouse event to allow the Hall to be used as a Gallery for local artists.

Council owns the building and therefore has an obligation to maintain it.

Maintenance should be undertaken in a planned and ordered fashion and there should be an annual budget to support it.

The Convenor of the Committee has prioritised the work as follows:

1. Curtains
2. Pest Eradication
3. Floor
4. Paint

The exit door needs immediate attention and no longer has a chain around it.

A proposal to get things moving might be to:

1. Attend to exit door
2. Pest eradication

These are urgent works which must be done

3. Renew curtain tracks and curtains

Then programme further works for future years in next year's Annual Plan.

FINANCIAL:

Current budget for Repairs and Maintenance is \$2,000 only.

The work has not been costed but a rough order of cost would see about \$10,000 to undertake items 1-3.

PF Report – Repairs and Maintenance – Tuai Hall

RECOMMENDATION(S):

That:

Council approve a sum of up to \$10,000 from the Depreciation Fund to attend to urgent work on the Tuai Hall and that a full maintenance programme be prepared for inclusion in future Annual Plans through the LTCCP.



P J Freeman
CHIEF EXECUTIVE OFFICER

Tuai Hall Committee
 7 Rotten Row
 Tuai
 WAIROA 4195

Wairoa District Council
 64 Queen Street
 WAIROA

26TH August 2009

Re - Tuai Hall tidy pre Lake to Lighthouse

Tena koe Nicky

It was nice to talk to you the other day, please find a list enclosed of jobs that need to be done.

The Tuai Hall is a great asset for the locals to have access to unfortunately over a period of time it has deteriorated and needs repairs, some areas more urgent then others. Needless to say some repairs have been done.

3 The floor needs re-surfacing, polyurethane

1 Curtains and tracks need replacing URGENTLY

Exit door, what's with the chain, it is supposed to be an escape route

4 Paint internally and externally

2 Pest eradication programme (Rats and cockroaches) -

Thank you for your time and hope these jobs can be done before November as local and international artists will be displaying their art for viewing by the public.

Regards

Pauline Harmer
 Pauline Harmer



REPORT TO: COUNCIL	
DATE: 13 OCTOBER 2009	
SUBJECT: MAHIA AVENUE – PHOENIX PALMS	FILE REF: B03.02.03
AUTHOR: ENGINEERING STAFF	ATTACHMENTS: N/A
RELATED COMMUNITY OUTCOME: A Life Time Of Good Health And Wellbeing	RELATED COUNCIL ACTIVITY: Reserves

PURPOSE:

To advise Council on the situation and options for the Phoenix Palms issue in Mahia Avenue.

BACKGROUND:

A letter was received from a resident of Mahia Avenue requesting some action be taken with the Phoenix Palms to reduce the problem of starlings nesting in these trees and the perceived health problems created by these birds.

In an attempt to reduce the problem a number of trees in the vicinity of the residents' houses were pruned to restrict the resting area but the resident claims this hasn't fixed the problem.

A further letter was received requesting all the phoenix palms in Mahia Avenue be removed and this and other options were investigated.

CURRENT SITUATION:

Letters were forwarded to 20 residents of Mahia Avenue who were regarded as affected parties to gauge their reaction on removing the palms. Ten letters were returned with six being in support of the removal and four were against.

Pest control companies were contacted to discuss a possible action to remove the birds but it appears there is no long term solution to the problem.

An estimate was obtained for the felling and removal of the palms and this is \$800 per tree and there are 18 trees on Mahia Avenue.

OPTIONS:

1. Option 1 is to remove the trees and possibly replant with flowering gums to suit the opposite side of the road.
2. Option 2 is to leave the trees as is.

FINANCIAL IMPACT:

A budget of \$20,000 would be required for the palm removal and re-planting work to be undertaken.

RECOMMENDATION(S):

That:

1. The report be received.
2. Council advise the Operations Manager of how they wish to proceed.



Bill Lewis
OPERATIONS MANAGER

REPORT TO: COUNCIL	
DATE: 13 OCTOBER 2009	
SUBJECT: ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES 2008-2009	FILE REF: A04.04
AUTHOR: J BATY, ADMINISTRATION MANAGER	ATTACHMENTS: Nil
RELATED COMMUNITY OUTCOME: A Safe And Secure Community. An Environment That Is Appreciated, Protected And Sustained For Future Generations. A Life Time Of Good Health And Wellbeing.	RELATED COUNCIL ACTIVITY: Regulatory Dog Control

PURPOSE:

To adopt a report on Council's Dog Control Policy and Practices for the period 1 July 2008 to 30 June 2009 as required by section 10A of the Dog Control Act 1996 (DCA).

BACKGROUND:

Section 10A of the DCA requires territorial authorities to publicly report each financial year on:

- the administration of their dog control policy and their dog control practices (Section 10A(1)); and
- a variety of dog control related statistics (Section 10A(2)).

While not explicitly stated in the DCA, one of the primary purposes for preparing this report is to allow communities to see how Council is managing its dog control responsibilities.

PROCESS

In preparing this report, Council should note that section 10A(3) of the DCA requires that it must give public notice of the report by means of a notice published in:

- 1 or more daily newspapers circulating in the territorial authority district; or
- 1 or more other newspapers that have at least an equivalent circulation in that district to the daily newspapers circulating in that district; and
- by any means that the territorial authority thinks desirable in the circumstances

Section 10A(4) of the DCA also requires that a Council must also send a copy of the report to the Secretary for Local Government within 1 month after it has been formally adopted by the elected members of the Council.

LEGAL REQUIREMENT

Dog Control Act 1996

[10A Territorial authority must report on dog control policy and practices

- (1) A territorial authority must, in respect of each financial year, report on the administration of—
 - (a) its dog control policy adopted under section 10; and
 - (b) its dog control practices.

- (2) The report must include, in respect of each financial year, information relating to—
 - (a) the number of registered dogs in the territorial authority district;
 - (b) the number of probationary owners and disqualified owners in the territorial authority district;
 - (c) the number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made;
 - (d) the number of dogs in the territorial authority district classified as menacing under section 33A or section 33C and the relevant provision under which the classification is made;
 - (e) the number of infringement notices issued by the territorial authority;
 - (f) the number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints;
 - (g) the number of prosecutions taken by the territorial authority under this Act.
- (3) The territorial authority must give public notice of the report—
 - (a) by means of a notice published in—
 - (i) 1 or more daily newspapers circulating in the territorial authority district; or
 - (ii) 1 or more other newspapers that have at least an equivalent circulation in that district to the daily newspapers circulating in that district; and
 - (b) by any means that the territorial authority thinks desirable in the circumstances.
- (4) The territorial authority must also, within 1 month after adopting the report, send a copy of it to the Secretary for Local Government.]

CURRENT SITUATION:

Council is responsible for the enforcement of regulations relating to the keeping, welfare and control of dogs within the Wairoa District. Council is required under the DCA to make provision for the control of dogs and the damage they can cause. Impounding of dogs is an activity required by the provisions of the DCA and associated Wairoa District Council Public Safety Bylaw and Dog Control Policy. The Council has a responsibility to respond to complaints relating to dogs. Council's long term focus for dog control activities is to ensure a safe living environment is maintained through the monitoring and enforcement of legislation, regulations and bylaws.

Council adopted its "Dog Control Policy" on 9 November 2004. The policy provides a practical framework for the care and control of dogs throughout the District while minimising any danger, distress and nuisance to the community generally.

Wairoa District has 1,381 dog owners and 3,484 dogs. One full-time Dog Control Officer with the aid of part-time Officers are responsible for a small urban and large rural area covering 412,000 hectares with 896 kilometres of roadway.

Dog registration

Dog control fees are set by resolution.

DESCRIPTION		FEE
Dog Registration		
Class D – Dogs classified Dangerous		\$90.00 (\$10.00 discount if registered before 31 July)
Class M – Dogs classified Menacing		\$90.00 (\$10.00 discount if registered before 31 July)
Class S – being all other dogs, including working dogs		\$52.00 (\$10.00 discount if registered before 31 July)
Impounding Fees		
First Impounding		\$35.00
Second Impounding		\$45.00
Third and Subsequent Impounding		\$65.00
Dogs impounded after 6pm and before 6am		\$65.00
Daily Sustenance Charge		\$5.00
Replace Tag		\$3.00
Dog Control Officers time where rechargeable		\$60.00 per hour + GST
Motor Vehicle use		\$1.00 per km + GST (\$0.60 per km + GST from 23 July 2009 onwards per LTCCP)
Fines (GST inclusive) per Schedule 1 of the Dog Control Act 1996		
<i>Section</i>	<i>Brief description of offence</i>	<i>Infringement fee</i>
18	Wilful obstruction of dog control officer or ranger	\$750.00
19(2)	Failure or refusal to supply information or wilfully providing false particulars	\$750.00
19A(2)	Failure to supply information or wilfully providing false particulars about dog	\$750.00
20(5)	Failure to comply with any bylaw authorised by the section	\$300.00
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	\$300.00
24	Failure to comply with obligations of probationary owner	\$750.00
28(5)	Failure to comply with effects of disqualification	\$750.00
32(2)	Failure to comply with effects of classification of dog as dangerous dog	\$300.00
32(4)	Fraudulent sale or transfer of dangerous dog	\$500.00
33EC (1)	Failure to comply with effects of classification of dog as menacing dog	\$300.00
33F(3)	Failure to advise person of muzzle and leashing requirements	\$100.00
36A(6)	Failure to implant microchip transponder in dog	\$300.00
41	False statement relating to dog registration	\$750.00
41A	Falsely notifying death of dog	\$750.00
42	Failure to register dog	\$300.00
46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc	\$500.00

48(3)	Failure to advise change of dog ownership	\$100.00
49(4)	Failure to advise change of address	\$100.00
51(1)	Removal, swapping, or counterfeiting of registration label or disc	\$500.00
52A	Failure to keep dog controlled or confined	\$200.00
53(1)	Failure to keep dog under control	\$200.00
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	\$300.00
54A	Failure to carry leash in public	\$100.00
55(7)	Failure to comply with barking dog abatement notice	\$200.00
62(4)	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	\$300.00
62(5)	Failure to advise of muzzle and leashing requirements	\$100.00
72(2)	Releasing dog from custody	\$750.00

Education

From 1 July 2008 until 30 June 2009 three educational presentations were made. This included two schools being visited with approximately four hundred children taking part.

Educational brochures and videos are available and distributed, this includes "The Dog Box: A Resource Kit For Schools" and a number of dog owner brochures. The Dog Control Officer is available on request for speaking engagements and presentations.

Dogs Prohibited, Leash Only and Dog Exercise Areas

Council has made provision for areas where dogs are prohibited, permitted on leashes or allowed freedom for exercise purposes.

Areas are regularly patrolled.

Statistical Information

Category	For Period 01 July 2008 - 30 June 2009
1) Total # Registered Dogs	3,484
2) Total # Probationary Owners	0
3) Total # Disqualified Owners	0
4) Total # Dangerous Dogs	0
➤ <i>Dangerous by Owner Conviction Under s31(1)(a)</i>	0
➤ <i>Dangerous by Sworn Evidence s31(1)(b)</i>	0
➤ <i>Dangerous by Owner Admittance in Writing s31(1)(c)</i>	0
5) Total # Menacing Dogs	100
➤ <i>Menacing under s33A(1)(b)(i) - i.e. by Behaviour</i>	12
➤ <i>Menacing under s33A(1)(b)(ii)- by Breed Characteristics</i>	53
➤ <i>Menacing under s33C(1) by Schedule 4 Breed.</i>	35
6) Total # Infringement Notices.	5

7) Total # Complaints Received/Client Service Requests	259
➤ <i>Barking</i>	48
➤ <i>Dangerous</i>	14
➤ <i>Impounding</i>	1
➤ <i>Lost & Found</i>	110
➤ <i>Other</i>	6
➤ <i>Roaming</i>	26
➤ <i>Rushing</i>	9
➤ <i>Welfare</i>	13
➤ <i>Dog Attack - Animal</i>	23
➤ <i>Dog Attack - Person</i>	9
9) Total # Prosecutions Taken	0

RECOMMENDATION(S): That:

1. Council receives the report.
2. Pursuant to section 10A of the DCA, Council adopts the Annual Report on Dog Control Policy and Practices 2008-2009.
3. Council give public notice of the Annual Report on Dog Control Policy and Practices 2008-2009 by way of advertisement in the Wairoa Star.
4. Within one month of adopting this report a copy of it be sent to the Secretary for Local Government.



J Baty
ADMINISTRATION MANAGER

REPORT TO: COUNCIL	
DATE: 13 OCTOBER 2009	
SUBJECT: DOCUMENTS SEALED FOR THE PERIOD FROM 20 AUGUST 2009 TO 1 OCTOBER 2009	FILE REF:
AUTHOR: J BATY, 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 from 20 August 2009 to 1 October 2009.

20.08.09

Agreement

Wairoa District Council & Nga Kaitiaki Hauora O Waikaremoana Trust
Hiring of Reserves - Tuai Rugby Building and Grounds

04.09.09

Agreement

Wairoa District Council & Wairoa Friends of the Arts
Lease - Wairoa Friends of the Arts Centre Building, Alexander Park

09.09.09

Agreement

Wairoa District Council & Wairoa Senior Citizens Assn Inc
Lease Pt Lot 6 DP7933 - Senior Citizens Hall, Queen Street

14.09.09

Tenancy Agreement

Wairoa District Council & Walter & Ada Pulford
Outram Street, Wairoa

14.09.09

Agreement

Wairoa District Council & Wairoa Netball Assn
Stranding Park Netball Courts

01.10.09

Contract

Wairoa District Council & Fulton Hogan (Gisborne) Ltd
10/03 - Area Wide pavement Treatment 2009/10

RECOMMENDATION:

That the report be received.



pp J Baty

ADMINISTRATION MANAGER

Receipt/Confirmation of Minutes

REPORT TO:	COUNCIL	
DATE:	13 OCTOBER 2009	
SUBJECT:	CONFIRMATION OF MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD 8 SEPTEMBER 2009	FILE REF:
AUTHOR:	P J FREEMAN, CHIEF EXECUTIVE OFFICER	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 8 September 2009.

RECOMMENDATION:

That the minutes of the Ordinary Meeting of Council held on 8 September 2009 be confirmed as correct.

WAIROA DISTRICT COUNCIL

ORDINARY MEETING OF COUNCIL

Minutes of an Ordinary Meeting of Council held in the Council Chambers, Coronation Square, Wairoa on Tuesday, 8 September 2009 at 10.00am.

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

COUNCILLORS

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

IN ATTENDANCE: N Cook (Engineering Manager)
R Snow (Finance Manager)
J Baty (Administration Manager)

CIVIC PRAYER

The civic prayer was given by Councillor Eaglesome

APOLOGIES

An apology was received from the Chief Executive Officer.

<u>Resolved:</u>	<i>That the apology from the Chief Executive Officer be received.</i>	Caves/Evans
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CALLS FOR CONFLICT OF INTEREST

1. His Worship the Mayor and the Deputy Mayor raised Conflicts of Interest in respect of the agenda items relating to the Wairoa Community Development Trust.

Although not technically a Conflict of Interest, Councillor Cairns wished to have it noted her involvement with the Genesis Energy Lake to Lighthouse Challenge Strategic Partners Forum (Planning Committee).

Resolved:	<i>That the Conflicts of Interest be received.</i>	Evans/Heron
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URGENT GENERAL BUSINESS NOT INCLUDED IN THE AGENDA AND NOTICES:

1. Youth Projector Facilitator (Cr Caves)
2. LATE ITEM - Appointment of Interim Maori Standing Committee (Administration Manager)

PUBLIC FORUM

His Worship the Mayor welcomed the public to the meeting and asked if there were any items they wished to bring to Council's attention. There was not.

General Items

WATER CHARGES FOR FRASERTOWN & WAIROA RURAL F09.10

The Finance Manager spoke to the report.

He noted that Council had traditionally charged metered water charges to the Frasertown and Wairoa Rural (Peri-Urban) districts, at a rate to cover the costs for each of these areas. Council received submissions from residents in the Frasertown district in April 2008 concerned at the high level of charges for water, and as an interim measure reduced the charges for 2008-09 from \$600 to \$430.

Changes were made in the cost allocation model for 2009/10 to include Wairoa, Frasertown and Wairoa Rural as part of one supply area, and charge the same rate to all residents in the three areas. The water rate set was \$349.80, which provided a significant saving for residents in Frasertown and Wairoa Rural, with an increase of less than \$5 per annum for Wairoa residents.

There was a misunderstanding in that the Finance Department had considered that while the charges would be the same for all three groups the Frasertown and Wairoa Rural residents would continue to be charged by a separate water charge. Council required that all residents (except for commercial users, and high water users) are charged water as part of their rates account, that meters are not to be read for those residents that incur a UAC charge, and that those within 100 metres of any part of the reticulation system pay a half-charge of \$174.90.

In following the Council resolution, Council officers have introduced half charges for those residents that were previously connected to the supply but are now not connected, which is for 64 residents, 17 at Frasertown and 47 in Wairoa Rural. There are also residents that are within 100 metres of the line, have never been connected to the supply and have not been charged.

Residents were not consulted about the change in the cost allocation model, and we have received a number of queries from those affected by the introduction of half charges. For residents on the Main Road State Highway 38 - Frasertown Road, Tiniroto Road and Mangapoike Road there is unlikely to be any opportunity for additional water connections due to the limited availability of supply, and these ratepayers have been excluded from the half-charges.

Council has received and considered all submissions and set the rates to implement the Long Term Council Community Plan 2009-19. Included was the proposal to charge Frasertown and Wairoa Rural ratepayers UAC charges for all separately used or occupied parts of a rating unit, as provided in the Local Government (Rating) Act 2002.

The Finance Manager noted the options available to Council, namely either to confirm the current rates as approved at the Special Meeting of 23 July 2009, or to grant a remission of rates to the those ratepayers that have been invoiced for half-charges in the Frasertown, and Wairoa Rural areas. He noted that should Council remit half-charges to those residents in Frasertown, and Wairoa Rural, the financial cost would be \$2,973.30 for Frasertown, and \$8,220.30 for Wairoa Rural, a total of \$11,193.60.

His Worship the Mayor clarified that this issue was covered in the LTCCP process.

Councillor Caves in noting other communities in the Wairoa District, for example Tuai, Mahanga and Iwitea, enquired as to whether Council would be setting a precedent by remitting half charges. The Finance Manager noted that these areas are not affected by half charges. The Engineering Manager further noted that there is no water supply to Iwitea at the moment.

Councillor McKinnon noted that there are many properties near the main pipeline for whom it is impractical to connect yet they are required to pay a half charge. The Engineering Manager clarified that Council does not allow new connections to the water main.

Councillor Heron noted that Council had good intentions in making the decision it reached during the LTCCP process as it was an attempt to create equity.

Councillor Eaglesome enquired as to where the funding would come from as she was concerned that other ratepayers would have to cover the shortfall. The Finance Manager advised that these costs would not be recovered.

His Worship the Mayor stated that the matter was an anomaly and he agreed Council should remit on this occasion.

It was highlighted that Council was agreeing in these particular circumstances on this occasion to not recover the cost this year because of the lack of consultation as opposed to setting a blanket policy not to cover these costs long term.

<u>Resolved:</u>	<i>That the report be received.</i>	<i>McKinnon/Heron</i>
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<u>Resolved:</u>	<i>Council remit water half-charges for those residents in Frasertown, and Wairoa Rural that have been invoiced.</i>	<i>His Worship the Mayor/McKinnon</i>
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GENESIS ENERGY LAKE TO LIGHTHOUSE CHALLENGE, REQUEST FOR SERVICES A24.01.04

The Administration Manager spoke to the report in the Chief Executive Officer's absence.

He noted the various requests made and highlighted that the Event Director, Chris Joblin, understands that some of the grounds and facilities noted in the requests are under lease and as such there needs to be agreements with the respective leaseholders and administrative bodies. However, as part of this process it would be ideal to approach these organisations and/or individuals on the basis that Council does not have any issues.

The Administration Manager noted a change from last year's programme to utilise the Tapuae Rugby Grounds, excluding the use of Memorial Park.

Council discussed the requests at length.

Councillors Evans and Caves noted, in respect of the \$6000 contribution towards waste management services, whether or not this cost could be jointly funded by the event and Council. The Engineering Manager emphasised that based on last year's cost the \$6000 contribution is effectively a part contribution.

<u>Resolved:</u>	<i>That the report be received.</i>	McKinnon/Evans
<u>Resolved:</u>	<i>Bearing in mind that some of the grounds and facilities noted in the below requests are under lease and as such there needs to be agreements with the respective leaseholders and administrative bodies.</i>	
1.	<i>That Council agree to the use of the entire River Bank Reserve from Lockwood Point to Fitzroy Street on 21 November 2009 (including the Wairoa Township River Walkway and Cycleway).</i>	
2.	<i>That Council agree to the use of all Council reserves at Tuai Village on 19, 20 and 21 November, 2009.</i>	
3.	<i>That Council agree to the use of Council owned Tuai facilities. Specifically, Tuai Hall, Rugby Clubrooms and the former Play Centre building near Lake Whakamarino Lodge on 19, 20, and 21 November 2009.</i>	
4.	<i>That Council allow the use of Tuai rugby field as a camping ground during the event. Moreover, as a contingency, that Council allow the use of the Council Reserve between Rotten Row and Lake Whakamarino for the purposes of camping should the need arise (e.g. camper overflow).</i>	
5.	<i>That Council allow the use of Tapuae rugby grounds as a camping ground during the event, namely on 21 November 2009.</i>	
6.	<i>That Council provide assistance to the value of \$6000 for waste management surrounding the event, specifically on 19 and 20 November at Tuai and during and after the Festival on 21 November 2008.</i>	
		Heron/Cairns
		AGAINST: Caves (point 6 above)

GENESIS ENERGY LAKE TO LIGHTHOUSE CHALLENGE, REQUEST FOR DISPENSATION UNDER SECTION 4.6 OF THE WAIROA DISTRICT COUNCIL CONSOLIDATED BYLAW, PART 3 – PUBLIC SAFETY RELATING TO THE POSSESSION AND CONSUMPTION OF LIQUOR IN PUBLIC PLACES A24.01.04

The Administration Manager spoke to the report in the Chief Executive Officer's absence.

Council has received a request from Chris Joblin, Event Director of the Genesis Energy Lake to Lighthouse Challenge requesting a dispensation in relation to the liquor ban that exists in the CBD area of the township. The salient points of this request are:

- (a) As part of the event, we wish to hand each finishing competitor a can of beer. We can safely assume that the majority of competitors will wish to consume the contents at the finish line.
- (b) We will be placing a small marquee at the finish line adjacent the lighthouse to host our Sponsors/VIPs. We wish to be able to offer them wine or beer (with food) at that location only.

No alcohol would be sold. The areas where alcohol would be consumed would be the green area adjacent the lighthouse, bounded by the footpath to the South and the river to the North. The area would extend from the SH2 Bridge to the west to the children's' play equipment area to the east.

This would take place on Saturday November 21, between 1200hrs and 2100hrs (by which time the entire field shall have finished the Race).

In accordance with the Wairoa District Council Consolidated Bylaw, Part 3 – Public Safety, Council currently operates a 24 hour liquor ban in the area noted in this correspondence. However, Council has the ability to grant dispensations of the nature required under Section 4.6 of the same Bylaw, namely:

4.6 DISPENSATION

- 4.6.1** (a) The Council may, on application by any person grant a waiver, dispensation or licence to do or refrain from doing anything which would otherwise be in breach of Section 4 of this Bylaw for the purpose of enabling possession and/or consumption of liquor in a public place at the time of any special event.
- (b) Such a waiver, dispensation or suspension of operation of any part of Section 4 of this Bylaw shall be granted only in respect of specific time periods and specific locations associated with the special event, to enable better enjoyment of the event by members of the public.
- 4.6.2** (a) In considering any application as provided for in Section 4.6.1(a), the Council shall obtain and consider a response to the request from New Zealand Police, including the reason for that response.
- (b) When any such waiver, dispensation or suspension is granted, public notice of the waiver, dispensation or suspension shall be given by public notice at least 14 days prior to the commencement of the period when the waiver, dispensation or suspension commences.
- 4.6.3** The applicant may be required to pay the Council a fee or charge to cover any actual and reasonable costs associated with the public notice, processing the application or obtaining a Police response to the application under Section 4.6.

Council discussed the matter briefly and noted that last year there did not appear to be any concerns arising from the granting of the dispensation.

<u>Resolved:</u>	<i>That:</i>
	<ol style="list-style-type: none"> 1. Council receives the report. 2. Council grants the dispensation under Section 4.6.1 (a) of the Wairoa District Council Consolidated Bylaw, Part 3 – Public Safety, subject to a satisfactory response from the New Zealand Police as required under 4.6.2 (b) of the same Bylaw. 3. Council waives the cost recovery specified in Section 4.6.3 of the Wairoa District Council Consolidated Bylaw, Part 3 – Public Safety and meets these minor costs as part of Council's contribution to the event. 4. 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.
	Heron/Cairns

WAIROA SUMMER FESTIVAL

A24.11

Council has received a letter from the Wairoa Community Development Trust. Organising duties for the Summer Festival were taken up by the Trust after it was approached by the immediate past organisers of the event volunteers who are unable to carry it out this year.

The Summer Festival programme held over a weekend has traditionally included a Christmas Parade on a Friday evening, a family day on the Saturday and a carols evening on the Sunday.

The Trust indicated it would have difficulty in sourcing funding because of its Genesis Energy Lake to Lighthouse Challenge commitments.

The Trust was seeking Council guidance as to whether funding would be available if an ECCT application was unsuccessful. It might also make changes to the programme including dropping the family day. A budget had not been finalised for the festival, but Trust Management said it could cost around \$10,000 as in previous years.

Council has financially supported this event previously.

Councillor Heron was concerned that this was another funding request for yet more money that the Council had not budgeted for. He acknowledged that the event was important but that Council did not have a bottomless pit of money.

Councillor Caves in supporting Councillor Heron further noted this matter should have come before Council during the LTCCP process. He also noted that he believed the Trust was set up to fund these projects.

The Administration Manager provided context for the discussion by noting that the Trust was limited in terms of funding avenues available to it and that it was already supporting a huge number of projects, like the Genesis Energy Lake to Lighthouse Challenge, the Wairoa Social Development Project, CACTUS, Young Achievers Trust, Waka Ama and others. Hence, this was a classic case of huge demand and limited ability to access funding.

Councillor Eaglesome emphasised the support Council had given the Summer Festival in the past and was disappointed at how some councillors were unenthusiastic about supporting a traditional community event.

Councillor Benita Cairns said that perhaps a new approach was in order and Council needed to support the volunteers behind these events. However, she believed the ballpark figure of \$10,000 was too much, especially as some of the proposed costs included a Gisborne brass band for the parade and carols — approximately \$3000 and \$4000 respectively.

Councillor Brian McKinnon raised concerns over where the money would come from if Council funding was required.

His Worship the Mayor advised that perhaps the Trust could have another look at their budget.

Resolved: *That Council has all sympathy, but must decline the request for funding as it has not been budgeted for. Council welcomes further information from the Trust as plans for the event develop.* **Evans/Heron**

CREDIT POLICY

F06.01

The Finance Manager spoke to the report. He noted Council adopted the new credit policy on 13 December 2007, and included a procedure under E.13, that Wairoa District Council will initiate legal action to recover overdue accounts within thirty (30) working days of the account being overdue.

The current policy does not provide any flexibility for Council officers in referring accounts to Baycorp. Under E.13, “Wairoa District Council will initiate legal action to recover overdue accounts within thirty (30) working days of the account being overdue.”

There are some situations where some flexibility is desirable, where Council has no prospect of any recovery, and will waste resources in attempting to recover a debt. Council would therefore desire an amendment as follows: - “Wairoa District Council will initiate legal action to recover overdue accounts within thirty (30) working days of the account being overdue, unless the Chief Executive or Finance Manager authorises that an account is withheld from recovery, due to exceptional circumstances.”

There will need to be sound reasons in not sending the account to the debt collection agency, such as the debtor is bankrupt, the debtor cannot be located, and there is no prospect of recovery.

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

<u>Resolved:</u>	<i>That:</i>
	<ol style="list-style-type: none"> 1. Amend the Credit Policy for collection of debt to provide discretion to the CEO and Finance Manager in deciding in exceptional circumstances that a debt that is overdue may not be referred to a debt collection agency 2. Council make the following amendments to the Credit Policy: <ol style="list-style-type: none"> D.5 WDC will not charge annual rates for amounts less than or equal to \$20. E.8. Arrears less than \$20 will not be transferred to Council's appointed credit management company for collection. Heron/McKinnon

REPRESENTATION REVIEW

A10.01

The Administration Manager spoke to the report.

On 14 July 2009 the Wairoa District Council reviewed its representation arrangements and resolved that the following proposal apply to the Council for the elections to be held in October 2010:

Council Representation - it is proposed that the Council will retain the status quo of 6 members elected at large from the District, and the Mayor. There are no proposed community boards.

Public notice was served on 23 July 2009, in which public submissions were requested.

Submissions were to be received by Council no later than 24 August 2009. No submissions have been received.

As an aside, Council did receive as part of the LTCCP process a number of submissions referring to Council's representation arrangements. Submitters were referred to the representation review process in these instances; nonetheless, no submissions have been forthcoming.

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

ORDINARY MEETING OF COUNCIL HELD 11 AUGUST 2009

The minutes of an Ordinary Meeting of Council held on 11 August 2009 were presented.

<u>Resolved:</u>	<i>That the minutes of an Ordinary Meeting of Council held on 11 August 2009 be confirmed as correct.</i>	Evans/McKinnon
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The Engineering Manager fielded further questions from Council regarding the Collaborative 'Rotational' Cadetship Programme and noted the advert that had been published regarding the programme, specifically:

Wairoa District Council, Quality Roading & Services and Opus International Consultants are each offering the opportunity for the right candidate to undertake a cadetship leading towards a National Diploma in Civil Engineering. The positions are Wairoa-based and successful applicants will be required to travel away for 'block courses' several times each year. This is a fantastic opportunity for outstanding candidates to be supported through tertiary education for a well-respected qualification. Excellent grades in mathematics, science and english are a must. Preference will be given to Wairoa College students however students from Wairoa currently at school out of the district may also apply.

Heads of the respective Principal Associations have also been advised of the cadetship.

General Business

YOUTH PROJECTOR FACILITATOR

A24

The Administration Manager informed Council that the sub-contracting in relation to the YROA YNOT! Project which Council has received funding for from the Ministry of Youth Development has not eventuated. Council has now moved this in-house. It was necessary to move quickly to appoint the Youth Project Facilitator as this was one of many contractual obligations with the Ministry.

MAYORAL UPDATE

A06.03

His Worship the Mayor provided an overview of the various activities and meetings he had attended over the past month.

LATE ITEM - APPOINTMENT OF INTERIM MAORI STANDING COMMITTEE

A28.01

Resolved: *That in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act the item **APPOINTMENT OF INTERIM MAORI STANDING COMMITTEE** be considered given the item had not come to hand at the time of Agenda compilation and consideration of this matter is required now in order to respond within the time frame allowed.*

Cairns/Evans

The Administration Manager spoke to the report. He noted that over the past months a number of workshops have been held around the district in relation to the formation of a new Maori Standing Committee and review of the Maori Policy. This work has been incredibly important to strengthening the relationship between Council and tangata whenua and culminated in a major hui at Takitimu Marae on 29 August 2009.

The meeting was a joint drive between the Kahui Marae Chairpersons Forum and the Maori Liaison Officer. Some 27 marae representatives attended the strategic planning session which focused on the Wairoa District Council developing healthier and stronger relationships with tangata whenua.

One of the main purposes of this hui was to give all marae groups the opportunity to put forward candidates to serve on the new committee.

A proposed interim Maori Standing Committee has been formed and mandated by the marae representatives.

It is proposed that this committee will be temporary until the next Wairoa District Council local body elections in October, 2010. The proposed members of the interim Maori Standing Committee as mandated by the marae representatives are: Sonya Smith, Tara Quineville, Gary Cooper, Pera Nikora, Monica Watson and Graeme Symes. Mr Symes has been put forward as the Chairperson.

The Administration Manager noted the various statutory matters that Council needs to consider. He also added that the proposed Interim Maori Standing Committee have expressed a desire to meet with Council as part of the forthcoming Council Forum on 22 September 2009

Council discussed the recommendations.

Resolved: *That Council receives the report.*

Heron/Cairns

Resolved: *That Council appoints under Schedule 7, Part 1, Clause 30(1)(a) of the Local Government Act 2002: Sonya Smith, Tara Quineville, Gary Cooper, Pera Nikora, Monica Watson and Graeme Symes as the Interim Maori Standing Committee.*

Eaglesome/Heron

Resolved: *That the Interim Maori Standing Committee can appoint subcommittees that it considers appropriate per Schedule 7, Part 1, Clause 30(2) of the Local Government Act 2002.*

Evans/Heron

<u>Resolved:</u>	<p><i>That Council defers the appointment under Schedule 7, Part 1, Clause 31(4)(a) of the Local Government Act 2002 of at least 1 elected member of the local authority to the Interim Maori Standing Committee, pending a discussion on this matter with the Committee.</i></p> <p style="text-align: right;">Evans/Heron</p>
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ADJOURNED: 11:25 PM
RECONVENED: 12.05 PM

Exclusion of the Public

<u>Resolved:</u>	<p><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></p> <p style="text-align: center;"><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:</i></p> <p style="text-align: center;"><i>S7 (2)(b) Protect information where the making available of the information-</i></p> <ul style="list-style-type: none"> <i>(i) Would disclose a trade secret; or</i> <i>(ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;</i> <p style="text-align: right;">Caves/Evans</p>
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RE-ADMITTED: 12.05 PM

RELEASE OF CONFIDENTIAL ITEMS **A06.09**

The following resolutions were approved for release.

MAHIA COMMUNITY WASTEWATER SCHEME **B01.08 & F01.25**

<u>Resolved:</u>	<p><i>That an additional \$150,000 (bringing the total to \$250,000) as an advance from the District Development Fund be made available to progress the Mahia Community Wastewater Scheme to enable the Engineering Manager to meet the timeframe stipulated by the Minister of Health and meet the deadline for consent lodgement. This amount being recovered from the project funds if the scheme proceeds or the applicable ratepayers in the event that the scheme does not proceed.</i></p> <p style="text-align: right;">Heron/His Worship the Mayor</p>
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There being no further General Business, His Worship the Mayor, declared the meeting closed:

CLOSED: The meeting closed at **12.07pm**