



ORDINARY MEETING

OF COUNCIL

TUESDAY

14 JULY 2009

10.00 am

WAIROA DISTRICT COUNCIL

PART OF AN ORDINARY MEETING OF COUNCIL

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

ON TUESDAY 14 JULY 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.

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Receipt/Confirmation of Minutes of Previous Council Meetings

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ORDINARY MEETING OF COUNCIL HELD 09 JUNE 2009

REPORT TO: COUNCIL	
DATE: 14 JULY 2009	
SUBJECT: REPRESENTATION REVIEW APPOINTMENT OF ELECTORAL OFFICER	FILE REF: A10.01
AUTHOR: J BATY, ADMINISTRATION MANAGER	ATTACHMENTS: Nil
RELATED COMMUNITY OUTCOME(S): Strong district leadership and a sense of belonging.	RELATED COUNCIL ACTIVITY: Democracy

PURPOSE:

The purpose of this report is for Council to consider its representation arrangements and to appoint a new Electoral Officer.

BACKGROUND:

There must at all times be an Electoral Officer appointed by the local authority to exercise the powers and carry out the duties conferred on the Electoral Officer by the Local Electoral Act 2001 (the Act).

Moreover, local authorities are required to review their representation arrangements at least every six years. Council's last review was conducted in 2003.

As defined by the Act, representation reviews are reviews of the particular representation arrangements for a local authority. In the case of territorial authorities, they include the basis of election (at large, wards or a mix of both) and establishment of community boards. The review determines for each local authority the detailed arrangements on the number of electoral subdivisions (if any), their boundaries, names and number of members.

The Act also provides for local authorities and communities to choose between the first past the post (FPP) and the single transferable vote (STV) electoral system for local elections. The electoral system applying for a territorial authority election also applies in respect of the election of members of any constituent community boards.

Please note, options around the choice of electoral system and the establishment of M ori wards or constituencies are not formally part of the representation review process. However, for fullness it is worth noting what the status of these matters is.

Council resolved at its Ordinary Meeting of 9 September 2008 to maintain the status quo of first past the post (FPP) and to public notify the right for 5% of electors to demand a poll on the electoral system. This is published by 19 September 2008 as required. Electors of the Wairoa District Council had until 16 December 2008 to demand a poll on the electoral system to be used at the next triennial local elections which will be held in October 2010.

At a Special Meeting of Council held on 22 August 2003 Council resolved not to establish Maori wards a decision supported by the Maori Committee. The Act provides that a local authority may resolve to establish Maori wards or constituencies and, if made no later than 23 November two years before the next triennial local election, the resolution takes effect for the next triennial local election (section 19Z). This can be achieved either by way of a local authority resolution or as the outcome of a poll of electors. Given the statutory timeframes, the establishment of Maori wards in relation to the forthcoming triennial local election is not possible.

CURRENT SITUATION:

The Wairoa District Council currently has no wards and comprises of 6 Councillors (plus the Mayor) elected at large using the first past the post (FPP) electoral system. Community boards are not currently constituted in the District.

Council's Finance Manager (Russell Snow) is currently the Electoral Officer but wishes to vacate this position as the timing of the triennial local election clashes with his commitments relating to the preparation of the Annual Report.

LEGISLATION:

The following are the relevant provisions of the Local Electoral Act 2001:

- Sections 19H, 19I and 19J require each council to review its membership and basis of election.
- Section 19M(1) requires public notification of each council's proposals.
- Section 19M(2)(d) states any person or organisation may lodge a written submission regarding a council's proposals.
- Section 19O allows anyone who lodged a submission and is not satisfied with the council's decision to then lodge a written appeal against the decision.
- Section 19D allows any person or organisation to lodge a written objection to any amended proposal.
- Section 19R requires the Local Government Commission (the Commission) to complete determinations before 11 April in the year of the triennial elections.
- Sections 19T, 19U, 19V and 19W lists the factors to be considered by local authorities and the Commission.

Where appropriate some of these provisions are set out in full below.

APPOINTMENT OF ELECTORAL OFFICER:

Section 12(1) provides:

12 Electoral Officer

- (1) *For every local authority there must at all times be an Electoral Officer appointed by the local authority to exercise the powers and carry out the duties conferred on the Electoral Officer by this Act and any other enactment, in relation to that local authority.*

As such, Council must ensure there is at all times an Electoral Officer. The current Electoral Officer wishes to vacate this position for the aforementioned reasons. As such, it is proposed that the Administration Manager be appointed to this role.

REPRESENTATION REVIEW:

In general terms, the representation review process involves the following steps:

Procedure	Legislative provision	Deadline
Local authority determines proposed representation arrangements	Section 19H for territorial authorities, section 19I for regional councils, and section 19J relating to community boards (Schedule 1A if M ori wards or constituencies are to be established)	No specific deadline, except that <ul style="list-style-type: none"> • determinations must be made by 31 August in the year prior to election where Maori wards/constituencies are to be established • determinations must be made in time for the deadline for public notice

Local authority gives public notice of "initial" proposal and invites submissions	Section 19M(1)	Within 14 days of resolution, and not later than 8 September in the year prior to election
Submissions close	Section 19M(2)(d)	Not less than one month after public notice
If no submissions then proposal becomes final	Section 19Y(1)	Public notice to be given when there are no submissions but no date fixed for doing this
Local authority considers submissions and may amend proposal	Section 19N(1)(a)	Within 6 weeks of closing date for submissions
Local authority gives public notice of its "final" proposal	Section 19N(1)(b)	Within 6 weeks of closing date for submissions
Appeals and objections close	Sections 19O and 19P	Not less than 1 month after the date of the public notice issued under section 19N(1)(b), and not later than 20 December in the year prior to election
If no appeals or objections then proposal becomes final	Section 19Y(1)	Public notice to be given when there are no appeals/objections, but no date fixed for doing this
Local authority forwards appeals, objections and other relevant information to the Commission	Sections 19Q and 19V(4)	As soon as practicable, but not later than 15 January in election year
Commission considers resolutions, submissions, appeals and objections and makes determination	Section 19R	Before 11 April in election year
Determination subject to appeal to High Court on a point of law ¹	Clause 2, Schedule 5, Local Government Act 2002	Appeals to be lodged within 1 month of determination

The salient statutory provision in relation to this matter is section 19H, set out in full for your information below:

19H Review of representation arrangements for elections of territorial authorities

- (1) A territorial authority must determine by resolution, and in accordance with this Part,—
- (a) whether the members of the territorial authority (other than the mayor) are proposed to be elected—
 - (i) by the electors of the district as a whole; or
 - (ii) by the electors of 2 or more wards; or
 - (iii) in some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and
 - (b) in any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and
 - (c) in any case to which paragraph (a)(iii) applies,—
 - (i) the proposed number of members to be elected by the electors of the district as a whole; and
 - (ii) the proposed number of members to be elected by the wards of the district; and
 - (d) in any case to which paragraph (a)(ii) or paragraph (a)(iii) applies,—
 - (i) the proposed name and the proposed boundaries of each ward; and
 - (ii) the number of members proposed to be elected by the electors of each ward.

¹ Commission determinations may also be subject to judicial review.

- (2) *The determination required by subsection (1) must be made by a territorial authority,—*
- (a) *on the first occasion, either in 2003 or in 2006; and*
- (b) *subsequently, at least once in every period of 6 years after the first determination.*
- (3) *This section must be read in conjunction with section 19ZH and Schedule 1A.*

When applying the principles detailed above, the principles of the Act (set out in section 4 of the Act) need to be taken into account, particularly the principle of fair and effective representation for individuals and communities.

Additionally, Council must consider when deciding the basis of election, i.e. whether the Council should be elected at large, or by wards, or partly by wards and partly at large, the criterion to be met within the terms of section 19T, that is, the provision of effective representation of the various communities of interest within the District.

In considering the appropriate basis for election of the Wairoa District Council the following factors may provide a context for the decision making process:

- the ongoing trend of population decline in the District (The District's usually resident population at the time of the 2006 Census was 8487, compared with 8916 in 2001, 9900 in 1996 and 10125 in 1991).
- the rural nature of the District – the Wairoa urban community has a strong focus on rural servicing and is a focal point for the rural community.
- in the previous ward structure five of the six existing wards electors could only vote for one member of the Council.

With the exception of the 2006 Census data, these matters were taken into account by the Local Government Commission in its 'Representation Review Determination of the membership and basis of election for the general election of the Wairoa District Council to be held on 9 October 2004'. After considering the information presented to it, and noting the strong support amongst submitters for an at large basis of election, the Commission was satisfied that an at large basis of election would provide effective representation for communities of interest in the District.

Nonetheless, communities of interest may alter over time. Local authorities need, therefore, to give careful attention to identifying current communities of interest within their district or region when undertaking representation reviews.² The representation review ensures that Council considers these matters at least every six years.

Key factors and considerations

In reviewing representation arrangements, local authorities are required to provide for 'effective representation of communities of interest' (sections 19T and 19U) and 'fair representation of electors' (section 19V). As a result, there are three key factors that must be carefully considered by local authorities when determining their representation proposals. They are:

- communities of interest (key driver)
- effective representation of communities of interest
- fair representation of electors.

Communities of interest

The term 'community of interest' is not defined in the Act. It is a term that can mean different things to different people. Giving proper consideration to defining local communities of interest is, however, an essential part of the representation review process. It is a necessary precursor to determining effective representation.

² Local Government Commission, Guidelines To Assist Local Authorities in Undertaking Representation Reviews, November 2008 (3rd Ed), p21.

In short, a particular community of interest can be defined in terms of the following characteristics:

- a sense of community identity and belonging reinforced by:
 - similarities in the demographic, socio-economic and/or ethnic characteristics of the residents of a community
 - similarities in economic or social activities
 - physical and topographical features
 - the history of the area
- dependence on shared facilities and services in an area, including:
 - schools, recreational and cultural facilities
 - retail outlets
 - transport and communication links

Decisions relating to the representation of communities of interest (the political aspect) will need to take account of the extent that distinct geographical communities of interest can be identified i.e. a physical boundary is able to be defined below the district or region level for the community of interest.

Effective representation of communities of interest

Section 19T of the Act provides that territorial authorities must ensure:

- effective representation of communities of interest
- ward boundaries coincide with boundaries of meshblocks
- so far as is practicable, ward boundaries coincide with community boundaries

Effective representation must be achieved within the following statutory limits on the minimum and maximum number of members:

- 5 and 29 (excluding the mayor) for territorial authorities

While not a prescribed statutory consideration, local authorities should consider the total number of members, or a range in the number of members, necessary to provide effective representation for the district or region as a whole. This consideration will be in light of such factors as the size, nature and diversity of the district or region.

Achievement of effective representation requires consideration of the identified communities of interest and the extent these are geographically distinct and warrant specific representation. Effective representation for these communities of interest determines the basis of election for territorial authorities (regions must be divided into constituencies).

The basis of election chosen for territorial authorities (at large, by ward, or partly by ward and partly at large), is required to be in the view of the territorial authority or, as the case may be the Commission, that which best provides for effective representation of communities of interest.

The Commission notes that all members elected under a ward or mixed system make a declaration on coming into office to act in the best interests of the whole district. In other words, even where the use of a ward or mixed system will achieve more effective representation, the members under that system have the same obligation to the district as members elected at large. Therefore, in terms of the duties of elected members there is no functional difference in the decision-making role of members elected at large and members elected by way of a ward system.

Fair representation of electors

The Act does not define 'effective representation'.

Section 19V of the Act details the factors to be applied in determining the membership for wards and constituencies in order to achieve fair representation of electors.

Under this provision, membership of wards/constituencies is required to provide approximate population equality per member i.e. all votes are of approximately equal value (referred to as the ‘+/- 10% rule’) unless there are good (prescribed) reasons to depart from this requirement.

In a nutshell, section 19V(2) requires that the population of each ward divided by the number of members to be elected by that ward produces a figure no more than 10% greater or smaller than the population of the district divided by the total number of elected members.

In respect of territorial authorities, section 19V(3)(a) provides two grounds for not complying with the fair representation requirements of section 19V(2). These grounds are to provide for effective representation of communities of interest within island communities or within isolated communities.

OPTIONS:

Please note, there is a wide range of possible outcomes resulting from this review the options below represent the more obvious opportunities but a number of combinations could be considered and adopted at Council’s will.

1 Status Quo - No Wards (Election At Large)

Council has the option of maintaining the status quo. This option is based upon the premise that there will be no wards and that all councillors will be elected at large, each having the general interests of the District as their driving force.

According to the Local Government Commission³, the characteristics that have generally been evident for those territorial authorities that have opted for elections at large include:

- the district having a relatively compact geographic area and/or
- very strong commonalities of interest among identified communities of interest i.e. a shared common community of interest at the district level and/or
- distinct communities of interest are not geographically located but spread across the district.

In cases where district-wide communities of interest are seen to prevail, elections at large may be appropriate. On the other hand, wards are likely to be appropriate in circumstances where a territorial authority district contains a number of distinct, geographically identifiable communities of interest best served by separate representation.

The advantages include:

- General interests of community as a whole drive councillors decision-making.
- Every elector gets a vote.
- Decision-making of councillors elevated to higher level.

The disadvantages include:

- Elector’s loss of “representation” association/relationship with councillors.
- Ability of electors to influence councillors and obtain advocacy may be diminished.
- Potential to isolate councillors from community.

2 Wards

Urban and Rural Wards Only

On a population basis the urban and rural communities are split as evenly as is realistic to achieve. Therefore the basis of this option is to get an equal representation of “rural” and “urban” councillors.

³ Local Government Commission, Guidelines To Assist Local Authorities in Undertaking Representation Reviews, November 2008 (3rd Ed), p24.

The urban ward boundary would be the same as the Wairoa ward boundary that was previously in existence and the rural wards of that same period would be merged into one Wairoa rural ward with the councillors elected at large by the voters within each ward.

Table 1 - Proposed Rural/Urban Split

WARD	RURAL COMBINED	WAIROA URBAN
Total Population	4215	4272
6 Councillors	1405	1424
8 Councillors	1053	1068
10 Councillors	843	854

Slight adjustments to the fringe of either the rural or urban ward would bring these numbers into exact alignment but the disparity is well within the limits of representation and calculation tolerances.

In terms of ward boundaries this is the easiest of the ward configurations for the community to understand and to redraw.

The strength of this option lies in the following:

1. It recognises that the issues facing the urban and rural communities are different and therefore retains a “community of interest” relationship and representation;
2. It is simple to understand; and
3. It is highly likely to ensure there will be an election within each ward thereby ensuring each elector gets to exercise a vote.

1 Urban and 4 Rural Wards

This option would see the number of Councillors increased (per the ‘+/-10% rule’). On a population basis the urban and rural communities are split as evenly as is realistic to achieve. Therefore the basis of an increase in councillor numbers would logically see equality in terms of numbers of “rural” and “urban” councillors.

This option proposes 4 rural councillors and wards and 4 urban councillors representing the urban ward. The question may be asked “how is this any different to having 8 councillors, 4 rural, 4 urban as provided in the ‘Urban and Rural Wards Only’ option above”. The salient point of difference is that the rural councillors are elected in respect of the 4 rural wards as opposed to a Rural Combined ward in the example above.

Table 2 - Proposed Rural/Urban Split

WARD	RURAL COMBINED	WAIROA URBAN
Total Population	4215	4272
Councillors	4	4
Population/ Councillor	1054	1068
Average	1061	1061
Limits – Upper/Lower	1167/955	1167/955

Slight adjustments to the fringe of the Wairoa urban ward could bring these numbers into better alignment but the disparity is within the limits of representation and calculation confidences.

Under this proposal rural ward boundaries would have to be established with a Mahia-Nuhaka Ward, a Frasertown-Tuhara Ward, a Waikaremoana-Ruakituri Ward and a Mohaka-Waiiau Ward emerging as the most likely outcomes. Some degree of “community” would remain.

The population targets for the 4 rural wards would be:

Table 3 - Proposed Rural Wards

PROPOSED WARDS	TARGET POPULATION PER WARD
Mahia-Nuhaka	1143
Frasertown-Tuhara	1122
Waikaremoana- Ruakituri	957
Mohaka-Waiiau	993
Total	4215

3 Mix Of Both (Partly By Wards And Partly At Large)

Council may also consider a mix of wards and at large representation. This option may provide rural voters with more opportunity for representation than a ward system alone and at the same time provide opportunities for enhanced diversity of opinion around the Council table, which can only be to the benefit of effective representation of the district’s communities. Councillors elected by the district as a whole will also help address some of the arguments in favour of an at large system, such as improving accountability to all sectors of the community, and promoting unity between urban and rural populations.

COMMUNITY BOARDS:

A territorial authority is required by section 19J of the Act, whenever reviewing its representation arrangements, to consider whether there should be communities and community boards in the district and, if so, their nature and structure. This requirement applies to all territorial authorities carrying out representation reviews, not just those territorial authorities that currently have community boards.

This means that every territorial authority must, as part of its representation review, consider whether community boards would be appropriate to provide fair and effective representation for individuals and communities in its district. The review provides a process for a territorial authority to propose the constitution of new boards, alterations to existing boards, or disestablishment of existing boards.

In carrying out a review two levels of decisions are required:

- whether there should be communities and community boards within the territorial authority's district
- if the territorial authority considers that one or more communities should be established (or retained), the nature of the community and the structure of the community board.

Section 19F provides for the minimum and maximum number of community board members (4 and 12 members respectively with at least 4 to be elected members) and the appointment of members by the parent territorial authority (appointees must total less than half the total number of members).

Section 19G prescribes that the area of a community board may be subdivided for electoral purposes. This includes provision for the community board members to be elected by wards if the community board area comprises two or more whole wards of a district.

The division of a community board area into electoral subdivisions may be appropriate when the community board area is made up of a number of distinct communities of interest and the formation of subdivisions will provide effective representation of these communities of interest.

The issues to be considered when deciding whether or not a community board area should be subdivided for electoral purposes are similar to those which apply in respect of the division of a territorial authority district into wards. The mixed system of representation, however, is not available for community boards.

The fair representation requirements of section 19V (the '+/-10% rule') also apply in respect of subdivisions of communities. The permitted exceptions to compliance with the '+/-10% rule' for territorial authorities, in respect of isolated and island communities, also apply in respect of subdivisions of communities.

The following table sets out specific decisions that need to be made in reviews of community boards under section 19J of the Act.

Section	Decision
19J(1)	Whether: <ul style="list-style-type: none"> • there should be communities and community boards • the nature of any community and the structure of any community board
19J(2)(a)	Whether 1 or more communities should be established
19J(2)(b)	Whether any community should be abolished or united with another community
19J(2)(c)	Whether the boundaries of a community should be altered
19J(2)(d)	Whether a community should be subdivided for electoral purposes
19J(2)(e)	Whether the boundaries of a subdivision should be altered
19J(2)(f)	The number of members of a community board
19J(2)(g)	The number of members of a community board who should be elected and the number who should be appointed
19J(2)(h)	Whether the members to be elected should be elected: <ul style="list-style-type: none"> • from the community as a whole • from subdivisions • where the community comprises two or more whole wards, from those wards
19J(2)(i)	Where members are to be elected from subdivisions: <ul style="list-style-type: none"> • the name and boundaries of subdivisions • the number of members to be elected from each subdivision (in

	accordance with the '+/-10% rule' set out in section 19V(2))
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In undertaking this review, Council is required by section 19W to have regard to such of the criteria as apply to reorganisation proposals under the Local Government Act 2002 as the territorial authority considers appropriate. Those criteria are detailed in clause 3 of Schedule 3 of the Local Government Act. Applying those criteria for reviews relating to community boards means that the following matters should be considered:

- Will the proposal promote the good local government of the parent district and the community area concerned?
- Will the district and the community have the resources necessary to enable them to carry out their respective responsibilities, duties and powers?
- Will the district and the community have areas that are appropriate for the efficient and effective performance of their role?
- Will the district and the community contain a sufficiently distinct community of interest or sufficiently distinct communities of interest?
- Will the district and the community be able to meet the decision-making requirements of section 76 of the Local Government Act 2002, to the extent that they are applicable?

ASSESSMENT OF SUSTAINABILITY:

This review contributes to the sustainability of the Wairoa District by helping to achieve the specified community outcome noted above.

FINANCIAL IMPLICATIONS:

At this stage the cost of this review will be met from existing budgets. There is a wide range of possible outcomes resulting from this review. Consequently, any ongoing financial implications will depend on the specific options determined by Council.

RECOMMENDATION(S): That:

1. Council receives the report.
2. Council appoints the Administration Manger (James Baty) as the Electoral Officer pursuant to section 12(1) of the Local Electoral Act 2001.
3. Council determines a preferred electoral representation option.
4. Council determines whether there should be communities and community boards and if so the nature of the community and the structure of the community board.
5. Council publicly notifies the preferred electoral representation option and other relevant matters on or before the 8 September 2009.



J Baty
ADMINISTRATION MANAGER



P J Freeman
CHIEF EXECUTIVE OFFICER

REPORT TO: COUNCIL	
DATE: 14 JULY 2009	
SUBJECT: DELEGATION – LIMITED NOTIFICATION RESOURCE CONSENTS	FILE REF: D01.10
AUTHOR: P J FREEMAN, CHIEF EXECUTIVE OFFICER	ATTACHMENTS: <i>1. Planners Report dated 14 April</i>
RELATED COMMUNITY OUTCOME: An Environment That Is appreciated, Protected And Sustained For Future Generations	RELATED COUNCIL ACTIVITY: Resource Planning

BACKGROUND:

Attached is the original report from the District Planner and Council's resolution.

The Council chose not to take either of the options in the report. The result of the resolution is that only the District Planner and the Chairman of the Resource Committee may now approve all Non – notified and non opposed notified applications.

The District Planner is on maternity leave until next year and I have been required to appoint a Consultant as acting District Planner in order to facilitate approval of consents.

The previously noted Policy Statement dated 2003 is a confirmation of previous practice in place for almost 20 years.

The changes to the delegations have had the following effects.

1. The current system has no oversight by the Chief Executive Officer nor will the CEO be accountable for any decisions made under this delegation.
2. The system relies on the availability of the Chairperson of the Committee.
3. The Chairman is now required to approve all consents, 99% of which are routine.

OPTIONS:

1. Make no change to Policy
2. Revert to previous Policy while making provision for the Chairperson to countersign any notified applications that are not contested.

ANALYSIS OF OPTIONS:

If changes are not made the following risks pertain.

1. Unavailability of either District Planner or Chair may delay routine applications.
2. Lack of peer review. The Chairperson may not have the working knowledge of the RMA and/or District Plan to critically review the Planner's Report.

RECOMMENDATION(S): That Council adopt the following Policy in relation to Delegations to Staff for Resource Consents:

‘That the Chief Executive Officer, District Planner, Chairman of the Resource Management Committee be given delegated authority, subject to that authority only being exercised by a minimum of any two (2) meeting in agreement, to:

- (a) Consider and make decisions on resource consent applications:
- i. not requiring notification in accordance with Section 94 of the Act; or
 - ii. requiring notification in accordance with Section 94 of the Act but where no submissions opposing the application are received
 - iii. in the case of “Notified” applications to which there have been no objections or all objections are satisfied the Report **must** be countersigned by the Chairperson of the Resource Management Committee.



P J Freeman
CHIEF EXECUTIVE OFFICER

COPY

REPORT TO: COUNCIL		
DATE: 14 APRIL 2009		
SUBJECT: DELEGATION – LIMITED NOTIFICATION RESOURCE CONSENTS	FILE REF: D01-10	
AUTHOR: LINDA COOK, DISTRICT PLANNER	ATTACHMENTS: Nil	
RELATED COMMUNITY OUTCOME: An environment that is appreciated protected and sustained for future generations.	RELATED COUNCIL ACTIVITY: Resource Planning	

PURPOSE:

The purpose of this report is to seek the authority of Council for the Chief Executive Officer, District Planner and/or Chairman of the Resource Management Committee (RMC) to be given delegated authority to consider and make decisions on resource consents for which limited notification is required under Section 94 of the RMA but where no submissions opposing the application are received.

BACKGROUND AND DISCUSSION

Council's current delegations manual includes the following (part) Policy Statement (dated 2003) with regard to the Resource Management Act 1991:

'POLICY STATEMENT

1. *That the Resource Management Committee be given delegated authority to carry out all of the Councils functions, powers or duties under the Resource Management Act other than*
 - (i) *The approval of a District Plan or any change to a District Plan.*
2. *That the District Manager, District Planner, Chairman of the Resource Management Committee be given delegated authority, subject to that authority only being exercised by a minimum of any two (2) meeting in agreement, to:*
 - (a) *Consider and make decisions on resource consent applications not requiring notification in accordance with Section 94 of the Act;*

Under this Policy Statement, any resource consent application that requires limited or public notification requires the RMC to 'consider and make decisions' on that application.

As has been noted previously (a recent example being the Otoki Farm subdivision where notice was served on three (3) parties and only one (1) submission was made, that one being in favour of the proposal), where notice of the application is served by limited notification and no submissions are received or where only submissions in favour of the application are received, it would seem logical that the decision be made without the need to hold a full RMC meeting.

This would save processing time for a limited notification consent as the need to schedule and hold a meeting of the RMC would be removed. There would also be consequent cost savings in not requiring a RMC meeting.

It is not proposed that such an amendment to the delegations manual be applied to resource consent applications that are publicly notified under Section 93 of the RMA.

OPTIONS:

1. Do nothing;
2. Amend Section 2(a) of the Policy Statement for 'Delegations – Resource Management Act' to read:

'That the District Manager, District Planner, Chairman of the Resource Management Committee be given delegated authority, subject to that authority only being exercised by a minimum of any two (2) meeting in agreement, to:

- (a) Consider and make decisions on resource consent applications:
 - i. *not requiring notification in accordance with Section 94 of the Act; or*
 - ii. *requiring notification in accordance with Section 94 of the Act but where no submissions opposing the application are received*

PREFERRED OPTION:

In my opinion option 2 is most preferred. This option will avoid the need to call a full meeting of the RMC to consider and make decisions on resource consent applications that do not require full public notification and where no opposing submissions have been made.

RECOMMENDATION(S):

1. That the report be received.
2. That Section 2(a) of the Policy Statement for 'Delegations – Resource Management Act' be amended in accordance with Option 2 above.

L J Cook
DISTRICT PLANNER

P J Freeman
CHIEF EXECUTIVE OFFICER

EXTRACT FROM MINUTES OF AN ORDINARY MEETING OF COUNCIL

HELD 14 APRIL 2009

DELEGATION – LIMITED NOTIFICATION RESOURCE CONSENTS**D01.10****Resolved:**

That Section 2 the Policy Statement for ‘Delegations – Resource Management Act now read:

“That the District Planner and Chairman of the Resource Management Committee be given delegated authority to:

- (a) Consider and make decisions on resource consent applications*
- (i) Not requiring notification in accordance with Section 94 of the Act;*
 - (ii) Requiring notification in accordance with Section 94 of the Act but where no submissions opposing the application are received.*

or

McKinnon/Caves

REPORT TO: COUNCIL	
DATE: 14 JULY 2009	
SUBJECT: DOCUMENTS SEALED FOR THE PERIOD FROM 6 MAY 2009 TO 12 JUNE 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 6 May 2009 to 12 June 2009.

06.05.09

Esplanade Strip Agreement

Wairoa District Council & John Wilby Burgess & Lyneen Mere Burgis
RM070065 - Burgiss Esplanade Strip Agreement

12.06.09

Tenancy Agreement

Wairoa District Council & Robert William Walton
4/74 Lucknow Street, Wairoa

12.06.09

Tenancy Agreement

Wairoa District Council & George Anthony Weastell
49-53 Black Street, Wairoa

RECOMMENDATION:

That the report be received.



J Baty

ADMINISTRATION MANAGER

REPORT TO: COUNCIL		
DATE: 14 JULY 2009		
SUBJECT: CONFIRMATION OF MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD 9 JUNE 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 09 June 2009.

RECOMMENDATION:

That the minutes of the Ordinary Meeting of Council held on 09 June 2009 be confirmed as correct.

WAIROA DISTRICT COUNCIL**ORDINARY MEETING OF COUNCIL**

Minutes of a meeting of Council held in the Council Chambers, Coronation Square, Wairoa on Tuesday, 9 June 2009 at 10.00am.

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

COUNCILLORS
D Caves, D Eaglesome, J Heron, D Evans

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

CIVIC PRAYER

The civic prayer was given by Councillor Eaglesome.

Council held a moment of silence for Gordon Tait who recently passed away.

APOLOGIES

Apologies were received from Councillors Cairns and McKinnon.

<u>Resolved:</u>	<i>That the apologies from Councillors Cairns and McKinnon be received.</i> Caves/Eaglesome
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CALLS FOR CONFLICT OF INTEREST - Nil

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

- | | | |
|----|---|--------------------------|
| 1. | Pensioner Housing Heating Update | (Administration Manager) |
| 2. | Review of the Local Government Act 2002 | (Administration Manager) |
| 3. | LTCCP - Use of Reserve Funds to Offset Rates Increase | (Finance Manager) |
| 4. | East Coast Road Beyond Tuahuru Marae | (Councillor Caves) |
| 5. | Mayoral Update | (His Worship the Mayor) |

PUBLIC FORUM – Nil

General Items

INVESTMENTS AS AT 31 MARCH 2009

F 02.10.01

The Finance Manager presented his report. He reported on the Schedule of Investments as at 31 March 2009.

He reported that there have been some significant changes in the fixed interest market over the quarter ended 31 March 2009. A number of bonds have had their rates reset at interest rates considerably lower than previously, including Rabobank, Fonterra, Credit Agricole and ANZ perpetual bonds. This is primarily due to timing issues, rather than any inherent risk factors. Credit Agricole and ANZ will be repaid at 100%, while Rabobank and Fonterra will show lower returns over the next two years, but will show a gain on redemption.

Councillor Caves enquired as to whether the economy would stabilise. The Finance Manager advised that he believed the market would stabilise over the long-term.

<u>Resolved:</u>	<i>That the report be received.</i>	<i>Eaglesome/Heron</i>
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REPORT TO 31 MARCH 2009

F 02.10.01

The Finance Manager reported on the performance of Council against the annual budget of 2008-09 as at 31 March 2009. He also added that Council was in a strong financial position going forward. The Statement of Financial Performance discloses a deficit of \$292,807 against a budgeted surplus of \$5,782,928 projected for the year to 30 June 2009.

The Balance Sheet discloses total current assets of \$20.557 million and current liabilities of \$0.565 million, working capital of \$19.990 million, and net assets of \$187.163 million.

Councillor Heron gave an overview of the Statement of Financial Performance.

Councillor Caves asked a number of points of clarification in respect of the financial information provided in the report. The Finance Manager provided clarification on each of the questions raised.

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

ORDINARY MEETING OF COUNCIL HELD 12 MAY 2009

The Minutes of the Ordinary Meeting of Council held on 12 May 2009 were presented.

<u>Resolved:</u>	<i>That the Minutes of the Ordinary Meeting of Council held on 12 May 2009 be confirmed as correct.</i>	<i>Eaglesome/Evans</i>
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General Business

PENSIONER HOUSING HEATING

H07.03

At Council's request the Administration Manager provided a brief update on the heating solutions for Pensioner Housing.

REVIEW OF THE LOCAL GOVERNMENT ACT 2002

A25

The Administration Manager provided a number of handouts to Council by way for information including:

- A media statement from Hon Rodney Hide, Minister of Local Government, Minister of Regulatory Reform and Associate Minister of Commerce entitled "Local government faces serious spending issues";
- A media release from Local Government New Zealand in response to the abovementioned media statement, entitled "Funding, not spending, is the issue for councils";
- A Cabinet Paper, proactively release by the Minister of Local Government – Report of the Cabinet Economic Growth and Infrastructure Committee; and
- SOLGM memo, a commentary on the Cabinet Paper "Improving Local Government Transparency, Accountability and Fiscal Management".

Council discussed these documents briefly and His Worship the Mayor encouraged Councillors to take the time to review them as the issued covered would likely come before Council at some stage in the future.

LTCCP - USE OF RESERVE FUNDS TO OFFSET RATES INCREASE

A06.11.08

The Finance Manager, in referring to the 'use of reserve funds to offset rates increase' significant issue covered in the draft LTCCP, tabled three scenarios, two of which are contemplated in the draft plan, namely:

- The status quo (1.05% reduction in 2009-10, increases of 12.64% in 2010-11 and 9.74% in 2011-12);
- A balanced budgeting approach (e.g. equal increases of 7.11% in each of the three years 2009-10, 2010-11 and 2011-12); and
- A balanced adjust reserves only (e.g. increases of 2.4% in 2009-10, 8.01% in 2010-11 and 8.04% in 2011-12).

The Finance Manager supported by Councillor Heron outlined the various pros and cons relating to each of the scenarios.

This matter will be discussed in more depth during the LTCCP submissions hearing and deliberations.

EAST COAST ROAD BEYOND TUAHURU MARAE

B19.01

Councillor Caves enquired with the Engineering Manager as to the status of work relating to East Coast Road beyond Tuahuru Marae in respect of concerns relating to dropouts and speeding vehicles.

The Engineering Manager highlighted the general consent process and noted that any delays likely related to consents as opposed to design issues.

MAYORAL UPDATE**A06.03**

His Worship the Mayor gave a brief overview of his activities since the last Council meeting;

- Land Transport meeting and the Matahorua Gorge project.
- Ngati Pahauwera Claim and co-management of the Mohaka River.

His Worship the Mayor noted the need for Council to send information to our Local Member of Parliament to support infrastructure development in our region. He also noted that tourism was one of the criteria.

The Engineering Manager made some brief comments on the Ngati Pahauwera Claims process and the co-management framework that is being developed in respect of the Mohaka River.

ADJOURNED: 10:50 AM

RECONVENED: 11.35 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><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="padding-left: 40px;"><i>S7 (2)(b) Protect information where the making available of the information-</i></p> <p style="padding-left: 40px;">(i) <i>Would disclose a trade secret; or</i></p> <p style="padding-left: 40px;">(ii) <i>Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;</i></p> <p style="text-align: right;"><i>Heron/Evans</i></p>
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RE-ADMITTED: 11.35pm

RELEASE OF CONFIDENTIAL ITEMS**A06.09**

NIL

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

CLOSED: The meeting closed at **11.37pm**