

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 December 2009 at 10.00am.

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

COUNCILLORS

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

IN ATTENDANCE: P J Freeman (Chief Executive Officer)
N Cook (Engineering Manager)
J Baty (Administration Manager)
G Symes (Chairperson – Interim Maori Standing Committee)

CIVIC PRAYER

The civic prayer was given by Councillor Eaglesome.

APOLOGIES: Nil

CALLS FOR CONFLICTS OF INTEREST: Nil

His Worship the Mayor welcomed the public to the final Council meeting of the year.

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

1. Rate Payer Funded Promotion/Information Centre Business Promotion (Cr Caves/Cr McKinnon)
2. Community Max Applications (Cr Eaglesome/Chief Executive Officer)
3. Gang Insignia Legislation (Chief Executive Officer)
4. Abandoned Land (Chief Executive Officer)
5. Kopuawhara Anniversary (Chief Executive Officer)
6. Maori Committee Meeting (Chairperson – Interim Maori Standing Committee)
7. Mayoral Update (His Worship the Mayor)

General Items

EASTEND CAFÉ – EXEMPTION FROM COUNCIL BYLAW

I06.03

His Worship the Mayor welcomed Ms Whitworth, Proprietor of EastEnd Café, to the meeting and asked her to ask to speak to her letter.

Ms Whitworth spoke to her letter outlining the reasons for her request to have an exemption to the liquor ban contained in the Wairoa District Council Consolidated Bylaw Part 3 – Public Safety Bylaw.

She noted that she understood the reasons for the bylaw but wondered if they were now historical.

She highlighted the responsibility of the liquor licence holder and Manager of the premises. In this regard, she had discussed the matter with Senior Sergeant Tony Bates of Wairoa Police who had also received a copy of her letter.

She was keen to increase tourism in Wairoa and believed it was reasonable for clients to have a class of wine or beer with their meal outside on the path (alfresco), especially during the summer months when the river is at its most beautiful. Tourists often assume this is the case and Ms Whitworth often

finds herself having to disappoint people because of the liquor ban. Many licensed cafés in New Zealand offer this service and it is becoming commonplace in the café scene.

Councillor Heron enquired as to the opinion of Senior Sergeant Tony Bates. Ms Whitworth indicated that he was generally positive about an exemption for licensed cafés provided there were monitoring and control conditions in place, for example, that customers be seated, that there is a defined area and perhaps a trial period to begin with.

Councillor Caves was concerned with the number and positioning of tables on the public footpath. Additionally, he suggested a 6 month trial period apply to the exemption if granted.

Councillors Eaglesome and Cairns both supported a trial of the exemption.

The Chief Executive Officer advised that there were a number of concerns, he noted complaints regarding the number of tables on the footpath, the changes required in terms of the liquor licence if the exemption were granted, changes required to the bylaw, equity issues where other licensed premises were concerned, etc.

There was some work required if Council wanted the exemption to be permanent. However, if Council considered the trial period to be a special event, granting the exemption could likely proceed.

<u>Resolved:</u>	<i>That a trial period of 6 months be granted to licensed cafés to allow the consumption of alcohol on the public footpath as defined in front of these businesses, provided that this is possible within the confines of the Wairoa District Council Consolidated Bylaw Part 3 – Public Safety Bylaw.</i>	<i>His Worship the Mayor/Eaglesome</i>
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MEMORANDUM OF UNDERSTANDING – WAIROA COMMUNITY CENTRE

D03.100

The Chief Executive Officer spoke briefly to his report.

Since Council discussed the Draft Memorandum of Understanding at its meeting of 11 August 2009, Sport Hawke's Bay through the Wairoa Community Centre Trust has indicated that it is not profitable to open on statutory holidays.

Sport Hawke's Bay report losses averaging \$600+ per statutory holiday. The Chief Executive Officer noted the days on which it is proposed that the centre close.

Council has the option of accepting or not the proposed hours.

General discussion followed.

<u>Resolved:</u>	<i>That the report be received.</i>	<i>Eaglesome/Evans</i>
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<u>Resolved:</u>	<i>That Council approve the Memorandum of Understanding between the Wairoa District Council and Wairoa Community Centre Trust noting that the Community Centre will not be open on statutory holidays.</i>	<i>Heron/McKinnon</i>
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SURPLUS PROPERTIES TO BE INCLUDED AS PART OF NGATI PAHAUWERA SETTLEMENT

H01.03

The Chief Executive Officer spoke to his report which asked Council to consider whether it wished to declare properties specified in the report as surplus and to be returned to the Crown.

Council provided the details of properties that could be considered as part of the Treaty settlement with Ngati Pahauwera. The Office of Treaty Settlement's land team has investigated these properties and the results of their investigations are set out in the schedule below.

Wairoa District Council Sites Potentially Available to Ngati Pahauwera

Legal Description	Area	Location	Val Ref	Capital Value	Gazette Ref	Title Ref	Purpose	PWA Considerations	Core AOI
Section 17 Blk XIII Waihua SD	0.2176	Mohaka	8820/20100	\$1,500	NZGZ 1971 p491 K2529921	HB30/162	Held in trust by WDC as a reserve for a public pound	Former Land Act land	Yes
Section 18 Blk X Mohaka SD	2.085	SH2 Kotemaori	8820/2100	\$23,000	NZGZ 1933 p2559		Likely to be held in trust by WDC as a reserve/resting place for travelling stock	Former Land Act land	Yes
Section 11 Blk X Mohaka SD	0.8501	Raupunga	8820/18900	\$14,000	NZGZ 1963 p243 K177084		Held in trust by WDC as a reserve for a resting place for travelling stock	Former Land Act land	Yes
Section 15 Block XII Mohaka SD	4.1531	Mohaka Coach Rd	8820/3601	\$14,000	NZGZ 1956 p1477 GN131806		Held in trust by WDC as a reserve for plantation purposes	Former Land Act land	Yes
Section 1 Blk IV Mohaka SD	2.0234	Pūtere Rd	8820/6400	\$4,000	NZGZ 1935 p2950 NZGZ 1940 p285		Held in trust by WDC for a site for a roadmans cottage	Former Land Act land	Yes

Notes: Several of the sites are reserves held in trust by Wairoa District Council for a particular purpose. If the land is no longer held for that purpose, in other words it is no longer required or declared surplus, then the land will revert back to its previous owners. In the case of the former land Act land the ownership will revert back to the Crown (LINZ).

The properties appear to be Land Act land that, should the Wairoa District Council declare as surplus, would revert to the Crown. Such Crown land could then be included in the settlement.

If Council is of the opinion to declare the properties surplus, then a resolution to that effect needs to be passed.

The Chief Executive outlined the options available to Council.

Councillor Caves asked if the land would be rateable if returned. The Chief Executive Officer confirmed that the land would be rateable.

Resolved:	<i>That the report be received.</i>	Evans/McKinnon
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Resolved:	<i>That Council declares the properties detailed in the above schedule surplus to requirements, and that these be returned to the Crown to form part of the settlement package with Ngati Pahauwera.</i>	Eaglesome/Heron
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TUAI VILLAGE FOOTPATHS

B03.02.02

The Engineering Manager noted that the report identifies remedial work required within the Tuai Village on reserves that had not been identified when budgets were prepared and that funding is now sought to undertake the work.

Following reports of a collapsed fence along the footpath through the bush reserve in the Village and of deterioration of the footpath in the lake edge reserve, inspections showed urgent work is required.

In the 2006/2007 financial year a budget of \$40,000 for footpath renewal was approved but never used as at that time no work was necessary.

Both of these sites have become potential hazard sites for pedestrians and as such require urgent attention.

The fence is beyond the point of repair and the footpath requires upgrading work to eliminate the hazards and to prevent on-going maintenance costs.

It is possible the cost could be reduced slightly by using local labour rather than a contractor but the OSH requirements would need to be considered first.

The Engineering Manger outlined the options available to Council, namely:

1. Option 1 – Undertake the required work to avoid the possibility of pedestrian accidents.
2. Option 2 – Replace the fence and continue maintaining the footpath.

Council discussed the matter at length.

Councillor Caves enquired as to the length of the fence and was advised by the Engineering Manager the fence was approximately 100 metres long.

For this work to proceed Council are requested to approve the carry-over of the \$40,000 budget from the 2006/07 financial year to allow upgrading of the footpath.

Funding would also need to be made available for an additional \$7,000 for the fence replacement.

<u>Resolved:</u>	<i>That the report be received.</i>	Caves/Evans
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<u>Resolved:</u>	<i>That Council approve the carry-over of \$40,000 depreciation funds from the 2006/07 budget.</i>	Caves/Eaglesome
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<u>Resolved:</u>	<i>That Council approve an additional amount of \$7,000 depreciation funds for the fence replacement.</i>	Caves/Eaglesome
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WATER MAIN UPGRADING **B08.03.04**

The report from Council's Operations Manager outlined the requests for improved water supply to properties in the Iwitea/Ohuia areas and the request for financial assistance to upgrade the supply.

Under the former Wairoa County Council a 50 mm water supply reticulation was installed along State Highway 2 from the ex Clyde Orchards to a point on Ngamotu Road. This supply was installed and paid for by the users of this supply and then handed over to the County Council to maintain.

Approximately 15 years ago residents in the Kihitu area approached Council for approval to connect a 50 mm supply to the existing one to enable the properties in that area to be supplied.

Approval was given and that section of main installed by the residents remains in private control but is metered by Council.

Housing New Zealand require a water connection to enable water to be supplied to the Iwitea settlement. Originally this was to be supplied through the Ohuia Station property but it has now been determined the station is unable to supply the water due to their own increased demand due to a change in operation.

A model of the existing supply confirmed the only way to increase the supply to meet the needs of the users is to replace the Council owned section of 50 mm main (approx 2km) with a 100 mm diameter main.

This would also give a benefit to consumers include the marae along this section of main as fire hydrants could be installed as this is something not available at present.

An estimate for the work has been obtained and this could be provided at a cost of \$200,000. However if the project went ahead tenders would be sought to obtain the best price.

The Engineering Manager speaking on behalf of the Operations Manager noted the option available to Council, specifically:

1. Option 1 is to replace the existing main as detailed in the report.
2. Option 2 is retain the existing main.

Option 1 is the preferred option.

In terms of financial impact it was noted that Housing New Zealand has available \$60,000 to commit to this project and the administrators of Ohuia Station and the Kahungunu Executive are prepared to contribute a further \$20,000.

The depreciation reserve for the existing supply has been advised as being \$48,000 giving a total of \$148,000 leaving a shortfall of \$72,000 based on the estimate provided.

The report provided that should Council approve this project proceed then a total of \$100,000 would need to be made available from depreciation to fund this work.

The Chief Executive Officer noted that the additional \$100,000 required for this project could not be funded out of depreciation as this portion of the project is new and therefore new capital and not a renewal. The Engineering Manager concurred. As such the funding, if granted, would have to come out of the District Development Fund.

Councillor McKinnon emphasised Council's current financial position in terms of the District Development Fund, commenting that this fund was not bottomless. He suggested that it be deferred to the 2010-2011 Annual Plan process.

General discussion on the matter followed.

<u>Resolved:</u>	<i>That the report be received.</i>	<i>Eaglesome/Cairns</i>
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<u>Resolved:</u>	<i>That the matter of the Iwitea/Ohuia Water Main Upgrade be referred to the 2010-2011 Annual process for consideration.</i>	<i>Caves/Eaglesome</i>
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2010 MEETING SCHEDULE A06.09.01

The Administration Manager presented the 2010 Meeting Schedule for Council consideration.

With the exception of January, Council meets on the second Tuesday of each month. The meeting agenda closes on the last day of the preceding month, allowing time for compilation of reports, copying, and dispatch to Councillors within statutory timeframes.

Any additional meetings of Council, such as special meetings, resource consent hearings, or hearing of submissions to Council plans, will be scheduled throughout the year as required.

<u>Resolved:</u>	<i>That the report be received.</i>	<i>Cairns/Evans</i>
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Resolved: That Council adopts the 2010 Schedule of Meetings with minor alterations, namely, December Ordinary Council Meeting to be on the 14th and Maori Committee meeting in February is to be confirmed. **Caves/Eaglesome**

	Council (Tuesday)	Forum (Tuesday)	Maori Committee * Meeting to be held on a Marae
January			22*
February	9	23	19
March	9	23	12*
April	13	27	16
May	11	25	14*
June	8	22	11
July	13	27	16*
August	10	24	13
September	14	28	17*
October	2010 Local Body Elections		
November	9	23	12*
December	7		10

MAHIA RESERVES – GROUPED RESERVES MANAGEMENT PLAN

G01.01.06

Council's consultant Sue Dick of Eastern Earth Landscape Architects presented the draft plan for Council consideration.

A Draft Reserve Management Plan for the final group of Mahia reserves includes the following areas:

ESPLANADE, RECREATION, HISTORIC RESERVES

- #20 Mahanga Reserves
- #22-23 Oraka Reserves
- #25-27 Kaiuku Reserves
- #28 Tokaroa Reef Reserve
- #31 Coronation Reserve
- #33 Kinikini Esplanade Reserves
- #34 Mokotahi Hill Reserve
- #36 Ormond Memorial Reserve
- #39 Waikokpu Plantation
- #40 Waikokopu Harbour Reserves

ROAD RESERVES WITH AMENITIES

- #21 Kaiwaitau Beach Access
- #24 Road Reserve, Oraka Road
- #29 Road Reserve, Mahia East Coast Road
- #30 Road Reserve, Whangawehi Boat Ramp
- #32 Te Auroa Road Reserve (Crusher Point)
- #35 Road Reserve, Taylors Bay
- #37 Road Reserve, Ormond Drive
- #38 Road Reserve, Moana Drive

Council discussed each of the areas in turn noting the various options for each reserve area.

Council also noted the number of core value, objective and policies, specifically:

RESERVE VALUES

Much of the Mahia coast is assessed as being outstanding in quality with high natural character values.

OBJECTIVES AND POLICIES

- To develop, manage, promote and maintain the Mahia reserves as esplanade, recreation, historic and road reserves under the Reserves Act 1977.
- To preserve, protect, maintain and enhance the natural character and landscape values associated with the Mahia reserves coastal margin, recognising the diverse reserve coastal landforms present: sandy dunes/beach, rocky foreshore, coastal escarpments, grassed foreshore, small harbours, stream mouths etc.
- To preserve, protect and enhance the native vegetation within reserves in keeping with ecological habitat.
- To recognise the important recreational values associated with these reserves used by local and visiting community.
- To recognise the reserves for their cultural, archaeological and historical values.
- To provide public pedestrian access to the foreshore through the reserves creating, where appropriate, formed structures to enhance safe access.
- To ensure a high level of design and maintenance of facilities provided on reserves.

CULTURAL HERITAGE

- Several Mahia reserves were recorded as the location for the landing of Maori waka: the Takitimu and the Kurahaupo.
- The coastal margins are steeped in history associated with former Maori habitation and the collecting of kaimoana or fishing.

Council discussed the matters relating to freedom camping and Council's current policy regarding this.

As regards R40 Whangawehi Coronation Reserve, Mahia East Coast Road, Mahia Peninsula, Councillor Caves asked what protection can be given to the significant rock and bible recess in this location.

The reserve is noted as an historic site, commemorating the coronation of Queen Victoria. More significantly it is associated with the early Maori baptisms, performed by Anglican missionary William Williams in 1842. These took place here in a naturally formed font in a rock outcrop. There is a New Zealand Historic Places Trust plaque describing this history. A small rock recess is located in the bank on the opposite side of the road from the reserve. This was the place where a bible was stowed by the missionaries.

It was highlighted that many of the reserves have great historical value and that it would be ideal to organise a site visit to the reserves for Council.

<u>Resolved:</u>	<i>That the report be received.</i>	McKinnon/Evans
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<u>Resolved:</u>	<i>That Council adopt the Mahia Reserves – Grouped Reserves Management Plan for public consultation.</i>	Evans/McKinnon
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Receipt/Confirmation of Minutes of Previous Council Meetings

ORDINARY MEETING OF COUNCIL HELD 10 NOVEMBER 2009

The minutes of an Ordinary Meeting of Council held on 10 November 2009 were presented.

<u>Resolved:</u>	<i>That the minutes of an Ordinary Meeting of Council held on 10 November 2009 be confirmed as correct.</i>	Caves/Eaglesome
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General Business

RATE PAYER FUNDED PROMOTION/INFORMATION CENTRE BUSINESS PROMOTION

H11.03.03

Councillors enquired as to an email that was sent out from the Wairoa iSITE Visitor Information Centre regarding the availability of a shuttle service for people to go out of town shopping etc.

The Chief Executive Officer noted the background to the situation and acknowledged that there may have been some unawareness as to the effect the email would have on the retail sector in particular.

There have been several enquiries over the last year and many in the last fortnight about the availability of transport for people (including ratepayers) who cannot drive to go to either Gisborne or Napier for shopping and appointments which cannot be carried out in Wairoa.

The response has always been that we are unaware of any person offering this service. However, a new resident has recently arrived, bought a house in Wairoa and has various passenger licences. She wants to offer this service to others.

Some of the reasons people have enquired about a service of this nature are (as provided by them):

- Not all shopping and appointments can be carried out in Wairoa, e.g. buying footwear.
- Not everyone has a car or is able to join other organised trips out of town (e.g. Intercity Bus Service, etc).
- Not everyone has other family members who are able to take them out of town as required.

On the one hand Council has an obligation to the retail sector in terms of encouraging people to "buy local". This obligation must also be balanced with public choice and need about where they shop and the services they require.

One of the primary functions of the Wairoa iSITE Visitor Information Centre is to provide information to the public about available services; this is done across a whole range of services and activities most of which, for obvious reasons, promote Wairoa. However, there are some that promote the wider Hawke's Bay, Eastland and National scene.

It was noted that Council has obligations to a broad base of ratepayers in terms of the information we provide and this service has been met with both enthusiasm (locals wanting to use a service of this nature) and concern (locals wanting people not to use this service).

His Worship the Mayor emphasised that the email was not in any way intended to cause offence. He noted that the matter was not a governance issue and management would need to deal with it as appropriate.

COMMUNITY MAX APPLICATIONS

A24

Councillor Eaglesome noted a number of Community Max projects being undertaken by various Councils and noted that she did not want Wairoa to miss out. She was waiting on some information from Gisborne District Council about the scheme they are hoping to run.

Community Max provides a wage subsidy for six months for young people helping complete community-based projects. Projects could include initiatives such as renovating public buildings such as marae or public spaces, or improving access to local environment such as parks and reserves. It provides an opportunity for young people to build skills and work experience while contributing to the community.

Community Max subsidies are paid for up to six months, and are targeted to help prepare young people for further opportunities in the workforce.

To qualify for Community Max funding, your project must:

- be of benefit to the community or the environment
- not displace existing staff or contractors
- be additional to the normal work of the organisation (e.g. a teacher aide position is generally not additional to the normal work of a school)
- be non-commercial
- be at least 26 weeks in duration and
- provide 30 hours work per week.

Two Wairoa proposals have come to Council and the Chief Executive Officer spoke to these.

The Chief Executive Officer noted some concerns around becoming an umbrella organisation for Community Max schemes as in effect Council would be an employer in the process. As such, it would need to cover KiwiSaver, ACC levies, Health & Safety requirements etc. He suggested that he and Councillors Eaglesome and Cairns meet as soon as possible with Chrissie Hape from the Ministry of Social to discuss the matter further.

Councillor Eaglesome left the meeting at 12 NOON

ADJOURNED: 12:05 PM
RE-ADMITTED: 12.30 PM

GANG INSIGNIA LEGISLATION

A23.03

The Chief Executive Officer received correspondence from Local Government New Zealand about the prohibition of gang insignia legislation that Wanganui have in place. They are seeking support to investigate the possibility of having this legislation extending more broadly.

Council discussed the matter at length.

Council supported this move.

<u>Resolved:</u>	<i>Wairoa District Council support Local Government New Zealand's investigations into having the prohibition of gang insignia legislation that Wanganui have in place broadly extended to cover other local authority areas.</i>	Caves/Heron
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ABANDONED LAND

H01.01

The Chief Executive Officer noted that in future it may be necessary to refer abandoned land to the Maori Committee for assessment before passing to Council for ratification. A number of properties are classified as Maori Land.

The Chairperson of the Interim Maori Committee, in concurring with the Chief Executive Officer, noted some ideas that the Maori Committee had regarding the current process, for example, using its networks to establish communication with land owners. He noted that many people are not aware of what occurs in this process until it is too late.

The Chief Executive Officer is meeting with Te Puni Kokiri and the Maori Land Court about this process.

KOPUAWHARA ANNIVERSARY

A15.08

The Chief Executive noted that the Historic Places Trust were keen to organise a 75th Anniversary in 2013 for the Kopuawhara Disaster.

Twenty-one people were killed in the Kopuawhara flood of 1938 – the largest number of fatalities from a 20th-century flood in New Zealand.

In 1938, workers building the Wairoa to Gisborne railway near Mahia lived in huts and tents in public works camps along the banks of Kopuawhara Stream. No. 4 camp was in a river valley, but appeared

to be safely above the level of the tiny stream. In the early hours of 19 February, a cloudburst caused a flood that sent a wall of water nearly 5 metres high down the stream.

MAORI COMMITTEE MEETING

A28.01

The Chairperson of Interim Maori Standing Committee informed Council of matters raised at the most recent meeting of the Interim Maori Standing Committee.

The Chief Executive Officer noted his concerns about Friday night meetings, but at the same time was sure the committee had discussed the matter amongst themselves to find what day and time would suit its members.

MAHIA COMMUNITY WASTEWATER SCHEME

B01.08 & F01.25

OPOUTAMA COMMUNITY WASTEWATER SCHEME

B01.08

The Engineering Manager provided Council with a progress update on the Mahia and Oputama Community Wastewater Scheme. Both are tracking well and he expects resource consents to be filed before Christmas.

MAYORAL UPDATE

A06.03

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

Exclusion of the Public

Resolved:

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

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

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

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

Heron/Evans

ADJOURNED: 1:21 PM

RE-ADMITTED: 1.53 PM

RELEASE OF CONFIDENTIAL ITEMS

A06.09

NIL

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

CLOSED: The meeting closed at **1.55 PM**

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Chair