

**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.

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**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.

<b><u>Resolved:</u></b> That the apology from the Chief Executive Officer be received. <b>Caves/Evans</b>
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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).

<b><u>Resolved:</u></b> That the Conflicts of Interest be received. <b>Evans/Heron</b>
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**CALLS FOR ITEMS OF URGENT GENERAL BUSINESS NOT INCLUDED IN THE AGENDA AND NOTICES:**

1. Youth Project 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.

<b><u>Resolved:</u></b>	<i>That the report be received.</i>	<b>McKinnon/Heron</b>
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<b><u>Resolved:</u></b>	<i>Council remit water half-charges for those residents in Frasertown, and Wairoa Rural that have been invoiced.</i>	<b>His Worship the Mayor/McKinnon</b>
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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.

<b><u>Resolved:</u></b>	<i>That the report be received.</i>	<b>McKinnon/Evans</b>
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<b><u>Resolved:</u></b>	<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>
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- 1. 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).*
- 2. That Council agree to the use of all Council reserves at Tuai Village on 19, 20 and 21 November, 2009.*
- 3. 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.*
- 4. 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).*
- 5. That Council allow the use of Tapuae rugby grounds as a camping ground during the event, namely on 21 November 2009.*
- 6. 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.*

**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.

**Resolved:**

*That:*

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**

**Resolved:** *That:*

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:*
  - 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.

<b>Resolved:</b> That the report be received.	<b>Evans/Cairns</b>
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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.

<b>Resolved:</b> That the minutes of an Ordinary Meeting of Council held on 11 August 2009 be confirmed as correct.	<b>Evans/McKinnon</b>
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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 PROJECT 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

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**

<b>Resolved:</b> That in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act the item <b>APPOINTMENT OF INTERIM MAORI STANDING COMMITTEE</b> 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.	<b>Cairns/Evans</b>
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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.

<b><u>Resolved:</u></b>	<i>That Council receives the report.</i>	<b>Heron/Cairns</b>
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<b><u>Resolved:</u></b>	<i>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.</i>	<b>Eaglesome/Heron</b>
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<b><u>Resolved:</u></b>	<i>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.</i>	<b>Evans/Heron</b>
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<b><u>Resolved:</u></b>	<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>	<b>Evans/Heron</b>
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**ADJOURNED: 11:25 PM**  
**RECONVENED: 12.05 PM**

## **Exclusion of the Public**

<b><u>Resolved:</u></b>	<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>  <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>  <i>S7 (2)(b) Protect information where the making available of the information-</i>  <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>	<b>Caves/Evans</b>
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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**

<p><b>Resolved:</b></p>	<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><b>Heron/His Worship the Mayor</b></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**

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Chair