



SPECIAL MEETING

OF COUNCIL
Road Closures

TUESDAY

24 MARCH 2009

10.00am

WAIROA DISTRICT COUNCIL

SPECIAL MEETING OF COUNCIL

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

ON TUESDAY 24 MARCH 2009 AT 10.00AM

PART 1

A G E N D A

CHAIRMAN: His Worship the Mayor Mr L Probert

COUNCILLORS

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

CIVIC PRAYER

APOLOGIES

CALLS FOR CONFLICTS OF INTEREST

Public Forum

General Items

1-2

ROAD CLOSURES

B02.10.03

Exclusion of the Public

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

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

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

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

REPORT TO: SPECIAL COUNCIL	
DATE: 24 March 2009	
SUBJECT: ROAD CLOSURES	FILE REF: B03.02.10.03
AUTHOR: P J FREEMAN, CHIEF EXECUTIVE OFFICER	ATTACHMENTS:
RELATED COMMUNITY OUTCOME: A Safe and integrated transport network A prosperous and thriving economy	RELATED COUNCIL ACTIVITY: Roothing

PURPOSE:

1. To remedy an error of process relating to a resolution passed during a Special Meeting of Council on 12th February 2009.
2. To confirm Council's approval for road closures for the purpose of holding a car rally.

BACKGROUND:

Rally Hawke's Bay sought and obtained Council's approval for various road closures to enable them to hold the annual round of the New Zealand Rally Championship. Council's initial decision on 10th February 2009 was that the road closures could proceed subject to all residents of affected roads being agreeable. As it turned out all but 3 residents of the 5 roads were agreeable and this information was brought back to Council at the Budget Workshop on 12th February.

After discussion the consensus of Council was that while there would undoubtedly be some inconvenience, and while 3 residents had expressed their objection to the rally, in the interests of the district at large the rally should be allowed to proceed. The Mayor then convened a Special Meeting of Council at which the motion of 10th February was rescinded and a new resolution was carried to the effect that the rally could proceed (ie the road closures were approved by Council).

At the full Council meeting of 10th March 2009 Councillor Mckinnon raised the issue that the decision of 12th February was contrary to Standing Orders. The CEO confirmed that this was correct based on the fact that Councillors had not received 2 days notice of the intention of the Mayor or CEO to bring the matter to Council for reconsideration.

CURRENT SITUATION:

At the meeting of 10th March 2009 Council confirmed by resolution that their decision of 12th February was invalid. This effectively means the decision of 10th February holds – ie that road closures can occur if all residents agreement is obtained.

Council staff have already taken action based on the decision of 12th February – ie the road closures have been advertised.

Rally Hawke's Bay have been advised of the error in procedure and are aware that this matter must be brought back to Council before confirmation that all roads can be used.

Council requested at the meeting of 10th March that a report be brought to Council in order to rectify the procedural error that invalidated the desired outcome of the decision of 12th February.

OPTIONS:

1. Resolve to proceed with road closures as per the decision of 12th February 2009
2. Not resolve to proceed with road closures as per the decision of 12th February 2009

ASSESSMENT OF OPTIONS:

Option 1 will allow the rally to proceed as intended by Council's decision of 12th February.

Option 2 means the rally will be unable to use Hereheretau Road or Mohaka Coach Road and may mean the organisers decide not to hold a Wairoa leg of the rally. Given that the invalid Council decision was acted upon by Council and notified to the organisers they have been proceeding on the understanding that the rally would be held in Wairoa. There may be some liability for costs incurred by the organisers if Council now advises the organisers differently.

FINANCIAL IMPACT:

There is no financial impact of proceeding with Option 1. There may be an as yet undetermined claim for costs from the rally organisers if Council settles on Option 2. Even if a claim were disputed by Council and ultimately found in Council's favour, a claim for costs would by its nature incur cost through legal fees.

RECOMMENDATION(S):

That:

1. Council receives the report.
2. Council rescind the Resolution of 12 February 2009.
3. Council approve closures (as listed below) as per the Operation Manager's report of 10 February 2009.

WAIREKA ROAD

From the intersection of Putere Road to the intersection of Waihi Road
9.15am to 2.00pm

WAIHI ROAD

All of the gravel section, from the intersection of Waireka Road to the start of the seal.
9.15am to 2.00pm

HEREHERETAU ROAD

From the intersection of Mangapoike Road to the intersection of Harrison Road
10.50am to 3.00pm

CRICKLEWOOD ROAD

All of the gravel section from the end of the seal to the intersection of Putere Road, covering approx. 27kms.
12.00am to 4.00pm

WOODLANDS ROAD

All of Woodlands Road
12.30pm to 4.30pm

MOHAKA COACH ROAD

From the intersection of SH2 to the intersection of Mohaka Coast Road.
1.20pm to 5.30pm



P J Freeman
CHIEF EXECUTIVE OFFICER