



**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;



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

**PURPOSE:**

1. To remedy an error of process relating to a resolution passed during a Special Meeting of Council on 12<sup>th</sup> 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 10<sup>th</sup> 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 12<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> March 2009 Councillor Mckinnon raised the issue that the decision of 12<sup>th</sup> 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 10<sup>th</sup> March 2009 Council confirmed by resolution that their decision of 12<sup>th</sup> February was invalid. This effectively means the decision of 10<sup>th</sup> 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 12<sup>th</sup> 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 10<sup>th</sup> March that a report be brought to Council in order to rectify the procedural error that invalidated the desired outcome of the decision of 12<sup>th</sup> February.

**OPTIONS:**

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

**ASSESSMENT OF OPTIONS:**

Option 1 will allow the rally to proceed as intended by Council's decision of 12<sup>th</sup> 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**