

WAIROA DISTRICT COUNCIL

SPECIAL MEETING OF COUNCIL

Minutes of a Special Meeting of Council held in the Wairoa District Council Chambers, Coronation Square, Wairoa on Friday 21 September 2007 at 1:00 pm.

PRESENT: His Worship the Mayor, L Probert (Chair)

COUNCILLORS

D Eaglesome, S Birrell, G McIntyre, B Shortt, B McKinnon, and D Caves

IN ATTENDANCE: P Freeman (Chief Executive Officer)
T Cook (Administration Manager)
R Snow (Finance Manager)
N Cook (Engineering Manager)

CIVIC PRAYER

Councillor Eaglesome gave the Civic Prayer.

APOLOGIES

NIL

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

1. Late Item – Delegation – Warrant to Act (Administration Manager)
2. Late Item Confidential – CEO Performance Review (Chief Executive Officer)
3. Kaiwaitau Road – Issue of Trespass Notice (Councillor Caves)

GENERAL BUSINESS

NOTICE OF MOTION

G.01.01

His Worship the Mayor informed Councillors that the Notice of Motion would be heard in accordance with Model Standing Orders for Meetings of Local Authorities and Community Boards NZS 9202:2003. The Chief Executive Officer read from Section 3.8 Rules of Debate, detailing and clarifying the process that was to be followed.

His Worship the Mayor invited Councillor McIntyre to present and speak to his Notice of Motion.

Councillor McIntyre conveyed the content of the Notice of Motion as included in the Agenda, and conveyed additional concerns as related to the lack of consultation, and the need for Council to focus on the development of Waikokopu Harbour to the interest of all parties.

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| <u>Resolved:</u> | <i>That the Notice of Motion be received.</i> | <i>McIntyre/McKinnon</i> |
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His Worship the Mayor called for a mover and seconder for the motion to be tabled for discussion.

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| <u>Recommended:</u> | <i>That the resolution of 14 August 2007 be revisited and revoked.</i> | <i>McIntyre/Birrell</i> |
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Councillor Shortt advised of a personal 'Conflict of Interest' as related to the parking of large fishing boats, and further stated that he would not partake in any discussion or decision on the matter.

Councillor Birrell spoke in support of the Notice of Motion, stating that there had been a distinct lack of consultation on the area that had been selected for the parking of large fishing boats and being of the belief that the matter needed revisiting in all fairness to the people who lived in the area.

Councillor Caves spoke against the motion stating that there had been on-going consultation, with information provided to, and received from affected parties. Portfolio holders had spent a considerable amount of time on the matter in trying to determine the most positive outcome for all parties involved. To avoid utilising the recreational area that had been detailed in the Pohutukawa Reserves Management Concept Plan, portfolio holders had identified other options, with the unused road reserve being the most favourable. The objective, unanimously supported by Council, was to allow the use of the reserve until such time that development of the Waikokopu Harbour could proceed. The time for this to come to fruition had been deemed as being five years. The resolution passed by Council was to be a temporary solution to an on-going problem.

Councillor McKinnon spoke in support of the Motion, stating that by revoking the resolution it would enable a return to the status quo for all parties concerned. The parking of large fishing boats had been a controversial matter since day one and further consultation was likely to be required.

Councillor Eaglesome spoke against the Notice of Motion, stating that it was an issue that impacted on all commercial fishermen, not just the Dickson family, and that it was an issue that had been well consulted on. Revoking the resolution did not support Council's vision of encouraging economic development within the District.

His Worship the Mayor invited Councillor McIntyre to invoke his 'Right of Reply.'

Councillor McIntyre reiterated reasons for bringing the matter forward for discussion as highlighted in the Notice of Motion. Councillor McIntyre also re-emphasised the need for Council to focus their direction and efforts on the re-development of Waikokopu Harbour.

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| <u>Resolved:</u> | <i>That the resolution of 14th August 2007 'That the unformed road reserve at the end of Pohutukawa Drive, between sites three and five, be made available as a temporary parking area for twelve months, renewable annually for the next five years', be revoked.</i> | <i>McIntyre/Birrell</i> |
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SALE OF LAND 8-10 HUNTERBROWN STREET

H.01.03

The Chief Executive Officer spoke to the report informing Councillors that in accordance with Model General Standing Orders 3.9.18, support was being sought to revoke a resolution of 14th August 2007, 'That the Finance Manager disposes of the property by tender' , and replace it with an alternative resolution if so approved by Council.

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| <u>Resolved:</u> | <i>That Council revoke part of the resolution of 14th August 2007, 'That the Finance Manager disposes of the property by tender.'</i> | <i>McIntyre/McKinnon</i> |
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| <u>Resolved:</u> | <i>That the resolution of 14th August 2007 be replaced with: '</i> | |
| | <ol style="list-style-type: none"><i>1. Council declares that the 1487 square metre section at 8-10 Hunter-Brown Street, with the legal description Lot 1 DP 3226 COT L3/66 surplus to requirements, and put on the market for sale.</i><i>2. That the property be offered to Eastland Network at current capital value of \$15,000.</i> | <i>Birrell/McIntyre</i> |

VACANCY – QUALITY ROADING SERVICES (WAIROA) LIMITED BOARD

B.04.01

The Chief Executive office spoke to the report, informing Councillors that 'Policy' required a decision in Council as to whether or not they wished to advertise a vacancy on the Board of Director's of Quality Roding Services (Wairoa) Limited.

The process of advertising vacancies was lengthy and expensive. The receipt of Curriculum Vitae from suitable individuals, would result in the best applicants being considered at the least cost to Council

Resolved: That Council not advertise the Director vacancy of Quality Roading Services (Wairoa) Limited Board on this occasion and that the Sub-Committee report to Council with a recommendation for appointment at the earliest opportunity.
Caves/Shortt

LATE ITEM – DELEGATION – WARRANT TO ACT – CHUBB SECURITY

C.18.03

Resolved: That in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act, the item LATE ITEM – DELEGATION – WARRANT TO ACT – CHUBB SECURITY be considered given the item had not come to hand at the time of Agenda compilation and consideration of this item is required now in order to respond within the timeframe allowed.
McIntyre/Caves

The Administration Manager spoke to the report stating that it was an administrative matter that required addressing, in that changes to the management structure and personnel of Chubb Security had resulted in a number of 'Noise Enforcement Officers' acting on Council's behalf, without the delegation to do so. The following schedule specified those requiring delegation and a warrant of appointment, and associated powers of 'Enforcement Officers'.

Resolved: That the delegations and warrants of appointment as outlined in the schedule, be approved with immediate effect.
Caves/McIntyre

| NAME | DELEGATION/AUTHORITY |
|-------------------|--|
| Christine Peachey | 1. "Enforcement Officer" Under Section 38 of the Resource Management Act to carry out Noise Enforcement under Section 327 2. An "enforcement officer" appointed under Section 177 of the Local Government Act 2002 for the enforcement of bylaws and regulations. |
| Colin Edwards | 1. "Enforcement Officer" Under Section 38 of the Resource Management Act to carry out Noise Enforcement under Section 327 2. An "enforcement officer" appointed under Section 177 of the Local Government Act 2002 for the enforcement of bylaws and regulations. |
| Henry Matete | 1. "Enforcement Officer" Under Section 38 of the Resource Management Act to carry out Noise Enforcement under Section 327 2. An "enforcement officer" appointed under Section 177 of the Local Government Act 2002 for the enforcement of bylaws and regulations. |
| Morris McDonald | 1. "Enforcement Officer" Under Section 38 of the Resource Management Act to carry out Noise Enforcement under Section 327 2. An "enforcement officer" appointed under Section 177 of the Local Government Act 2002 for the enforcement of bylaws and regulations. |
| Peter Williams | 1. "Enforcement Officer" Under Section 38 of the Resource Management Act to carry out Noise Enforcement under Section 327 2. An "enforcement officer" appointed under Section 177 of the Local Government Act 2002 for the enforcement of bylaws and regulations. |

KAIWAITAU ROAD – TRESPASS NOTICE

B03.02.06.15

B03.02.06

Councillor Caves tabled correspondence as related to a letter received by all Councillors from a resident of Delhi Street, advising of there intent to issue a trespass notice to anyone found to be accessing Kaiwaitau 1.

The Chief Executive Officer informed Councillors that the road passing through Kaiwaitau 1 was not able to have a trespass notice issued as for all intents and purposes, it was a legal road. In addition surveyors had the right to cross any road or point whilst undertaking surveys of land.

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;

Shortt/McIntyre

EXCLUDED FROM: 1:37 PM

READMITTED FROM: 1:50 PM

RELEASE OF CONFIDENTIAL ITEMS

A06.09

NIL

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

MEETING CLOSED: 1:50 PM