

WAIROA DISTRICT COUNCIL

ORDINARY MEETING OF COUNCIL

Minutes of an Ordinary Meeting of Council held in the Wairoa District Council Chambers, Coronation Square, Wairoa on Tuesday 14 August 2007 at 10.00 am.

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 – Plan Change 1B Reports for Notification (Chief Executive Officer)
2. Late Item – Radio Communication Network (Administration Manager)
3. Graffiti (Councillor Birrell)
4. Car Rally (Councillor Birrell)

PUBLIC FORUM – RAUPUNGA RESIDENTS

His Worship the Mayor welcomed Mr Colin Culshaw and residents of Raupunga to the meeting of Council.

Mr Culshaw expressed the concern of Raupunga residents on a number of issues at Raupunga. Of greatest concern was the intent of Transit to increase the current speed limit to 100kms. Mr Culshaw had been advised that Transit had recommended the increase following a request to do so from Wairoa Police. The speed of logging trucks on State Highway Two and Putere Road were also of concern, particularly in relation to school bus parking and school aged children. Correspondence had been entered into with Pan Pac, with a reply received and an assurance given that all logging truck contractors would be advised that the speed on the Putere Road was to be reduced to 50kms/hour, and no more than 90kms/hour on the main highway.

Residents sought support in the beautification of Raupunga, wishing to eliminate the graffiti on the public toilets, old post office, and former picture theatre. Council had previously stated that paint would be provided to assist, and this offer was appreciated. Mr Culshaw also sought support in seeking Transit's assistance in cleaning up the entrances into Raupunga by spraying gorse and blackberry.

Mr Culshaw also acknowledged the youth problem at Raupunga, with many driving unwarranted and unregistered vehicles, and their unacceptable behaviour towards visitors. Whilst intervention had been sought through the local Police, concerned residents had been advised that in all instances of youthful disorder, they should dial 111.

The Chief Executive Officer thanked Mr Culshaw for the effort that was being put in by residents of Raupunga. A meeting had been held earlier in the week to discuss the fencing, spraying and clearing of the rest area, the remedying of public facility issues, and the provision of paint for specified local buildings. In addition, a Community Plan, specific to Raupunga, was being developed. This Plan would identify who was responsible for engaging in identified works, when, and resources to be provided.

PRESENTATION – TMS SPORT’S PROMOTIONS LTD.

Mr Terry Sheldrake presented findings of a feasibility study carried out on the proposed sporting venture ‘Lake to the Lighthouse’. The suggested date for hosting this event was 22nd November 2008.

The feasibility report suggested that the proposed course consist of five disciplines, over six stages. It was estimated that conditioned athletes would complete the course within eleven hours. Less experienced competitors were expected to complete the course within eighteen hours. Positive feedback had been received from athletes who competed in the Motu Challenge, and the Coast to Coast, all welcoming the possibility of an additional challenge coming to fruition.

Mr Sheldrake stressed the importance of a partnership between the Wairoa Community Development Trust and the Wairoa District Council if community ‘buy-in’ to such an event was to be achieved. Preliminary discussions with residents of Lake Waikaremoana and Tuai had been positive, as had discussions with the Department of Conservation.

Mr Sheldrake emphasised the need of event organisers to have a sound understanding and commitment to event management, as well as identifying budgetary provisions, with the feasibility study identifying forty-five operational expense items for consideration. A Marketing Plan would need to be developed, as would a Health & Safety Plan, and Media Plan. The Trust would be responsible for submitting a completed Event Management Plan to the local authority for approval.

His Worship the Mayor thanked Mr Sheldrake for his presentation, and looked forward to the event becoming a reality.

ADJOURNED: 11:00 AM

RECONVENED: 11:05 AM

RECEIPT/CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

SPECIAL MEETING OF COUNCIL HELD 29 JUNE 2007

The Minutes of a Special Meeting of Council held on 29 June 2007 were presented.

<u>Resolved:</u>	<i>That the Minutes of the Special Meeting of Council held on 29 June 2007 be confirmed as correct.</i>	<i>Birrell/McKinnon</i>
-------------------------	---	--------------------------------

ORDINARY MEETING OF COUNCIL HELD TUESDAY 12 JUNE 2007

The Minutes of an Ordinary Meeting of Council held on 10 July 2007 were presented.

<u>Resolved:</u>	<i>That the Minutes of the Ordinary Meeting of Council held on 10 July 2007 be confirmed as correct.</i>	<i>Caves/McIntyre</i>
-------------------------	--	------------------------------

GENERAL BUSINESS

ORMOND MEMORIAL PROPERTY - MAHIA

H.09.03

Resolved: *That the report be received.*

Shortt/McKinnon

Councillors discussed the lack of progress in the establishment of lawn tennis courts on the Ormond Memorial property at Mahia. Despite assurances of the project being initiated and completed within established timeframes, the Mahia Social Club continued to present revised timeframes and excuses for the project not having been completed.

Councillor Caves strongly believed that the lease agreement should be terminated and that the property be made available for other potential users and had lost confidence in the current lessees meeting expected outcomes. Councillor Shortt was of the same opinion, having heard excuse after excuse, which had gone on for far too long.

Councillor McIntyre stated that it was his belief that once a lease agreement was struck, unless there was a breach of conditions of that lease, the management of the land rested in the hands of those with whom the agreement was signed. Councillor McKinnon agreed that the lease would be difficult to terminate, as previous advice had already determined that even a green esplanade could be considered as being 'recreational'.

Councillor Eaglesome acknowledge that the vision of the establishment of tennis courts at Mahia was not coming to fruition as fast as some would like, and that perhaps there was a need to talk with lessees as to other options of use more suited to the land. Councillor Birrell expressed concern that despite promises, nothing had eventuated, however he noted that latest correspondence received suggested the project would be completed by Labour Weekend.

His Worship the Mayor stated that it was a matter of whether there were any conditions attached to the agreement that would allow Council to terminate the ten-year lease.

The Chief Executive Officer informed Councillors that at their direction he had served notice on the tenants a year ago. Whilst there were no conditions within the agreement as to what was defined as recreational use, the notice had been specific in that there be some tangible use of the land by now as detailed in project plans submitted to Council. The content of correspondence received suggested that materials had been ordered and that the tennis courts would be established in the near future.

Resolved: *That the Mahia Social Club be advised that the terms of the lease agreement would be revisited if the tennis courts were not established on the Ormond Memorial property by Labour Weekend.*

Birrell/McKinnon

LAND MAHIA BEACH – PARKING OF BOATS

G.01.01

Resolved: *That the report be received.*

McIntyre/McKinnon

The Chief Executive Officer spoke to the report presenting a schedule of all available Council land to be considered by Councillors as potential parking areas for large/commercial fishing vessels. Sites five, seven, and ten were identified as those having the greatest potential for the required activity.

Discussion ensued as to the viability of utilising the identified sites and potential impacts upon neighbouring properties with a further potential site identified between sites three and five, being unformed road reserve. Discussion also ensued as to the viability of revisiting the potential re-development of Waikokopu Harbour.

The Chief Executive Officer informed Councillors that in respect to the unformed road reserve, they could enter into a 'right to occupy' agreement with interested parties, renewable on an annual basis.

Mr Dickson sought permission from His Worship the Mayor to speak, stating that he was not a private individual seeking to acquire land for the parking of his boats alone. He wished to secure parking for the future use of all with large fishing vessels and would like to see a plan come to fruition that supported the continuation of the fishing industry at Mahia for years to come.

<u>Resolved:</u>	<i>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.</i>	Birrell/McIntyre
-------------------------	--	-------------------------

The Engineering Manager and Mr Dickson were to enter into discussions as to the requirements to form a hard stand on the unformed road reserve, thereby minimising damage.

HBCDEM GROUP – TRIENNIAL ELECTIONS

A.22.02

<u>Resolved:</u>	<i>That the report be received.</i>	Caves/Eaglesome
-------------------------	-------------------------------------	------------------------

<u>Resolved:</u>	<i>That as provided for by Clause 30(7) of Schedule 7 of the Local Government Act 2002, that the Hawke's Bay Civil Defence Emergency Management Group and any sub-committee constituted by that group, shall not be deemed to be discharged on the coming into office of the members of the Council elected or appointed at the next, and subsequent, triennial general election of members.</i>	McIntyre/McKinnon
-------------------------	--	--------------------------

ADJOURNED: 11:59 AM

RECONVENED: 12:45 PM

COMPUTER EQUIPMENT UPGRADE – VISITOR INFORMATION CENTRE

H.11.03.01

<u>Resolved:</u>	<i>That the report be received.</i>	Caves/Birrell
-------------------------	-------------------------------------	----------------------

The Administration Manager informed Councillors of the need to upgrade computer equipment at the Wairoa Information Centre to ensure data was maintained securely, and that a quality service was provided to those who utilised the Information Centre.

<u>Resolved:</u>	<i>That funding of \$12,229 be approved from the District Development Fund to enable the upgrade of computer equipment at the Visitor Information Centre.</i>	
-------------------------	---	--

ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES 2006/2007

A.04.04

<u>Resolved:</u>	<i>That the report be received.</i>	Caves/McKinnon
-------------------------	-------------------------------------	-----------------------

The Chief Executive Officer spoke to the report, informing that the provision of detailed data was a legislative requirement of the Dog Control Act.

His Worship the Mayor informed Councillors that he had received correspondence from the Associate Minister of Local Government, Nanaia Mahuta, wishing to pursue the implementation of tougher dog registration requirements through the registration of owners. As Council and Councillors had previously expressed their desire to see dog owners registered, in conjunction with dogs being micro-chipped, His Worship the Mayor sought Councillor's support in his responding to the letter and advising of Council's support of the proposal.

<u>Resolved:</u>	<i>That His Worship the Mayor respond to correspondence received from the Associate Minister of Local Government, advising of Council's support.</i>	Caves/McIntyre
-------------------------	--	-----------------------

<u>Resolved:</u>	<i>That</i>
	<ol style="list-style-type: none">1. Pursuant to 10A of the Dog Control Act, Council adopts the Annual Report on Dog Control Policy and Practices 2006/2007.2. Council give public notice of the Annual Report on Dog Control Policy and Practices 2006/2007 by way of advertisement in the Wairoa Star.3. Within one month of adopting this report, a copy be sent to the Secretary for Local Government.
	Caves/McIntyre

BYLAWS REVIEW

A.04.07

<u>Resolved:</u>	<i>That the report be received.</i>	Birrell/Eaglesome
-------------------------	-------------------------------------	--------------------------

Council's Policy Analyst spoke to the report, informing Councillors of the process that had been undertaken to date, meetings facilitated, engagement of a consultant, and the preparation of draft documents for public consultation.

<u>Resolved:</u>	<i>That</i>
	<ol style="list-style-type: none">1. Council determines that the proposed Part 1 (Introductory), Part 2 (Land Transport) and Part 3 (Public Safety) of the Wairoa District Council Consolidated Bylaw 2007:<ol style="list-style-type: none">a. are the most appropriate way of addressing the perceived problems (pursuant to Section 155(1) of the Local Government Act 2002);b. are the most appropriate form (pursuant to Section 155(2)(a) of the Local Government Act 2002); andc. do not give rise to any implications under the New Zealand Bill of Rights Act 1990 (pursuant to Section 155(2)(b) of the Local Government Act 2002).2. Council resolves to undertake due process for the passing of the proposed Part 1 (Introductory), Part 2 (Land Transport) and Part 3 (Public Safety) of the Wairoa District Council Consolidated Bylaw 2007.3. Council resolves to revoke the Bylaws in Appendix 1 with effect from the date of operation of Part 1 (Introductory), Part 2 (Land Transport) and Part 3 (Public Safety) of the Wairoa District Council Consolidated Bylaw 2007.4. In accordance with Sections 83 and 87 of the Local Government Act 2002, the proposed Part 1 (Introductory), Part 2 (Land Transport) and Part 3 (Public Safety) of the Wairoa District Council Consolidated Bylaw 2007, with amendments if necessary, be adopted as the Statement of Proposal and approved for public consultation and submission.
	Birrell/McIntyre

2007/2008 FOOTPATH PROGRAMME

B.03.02.02

Resolved: That the report be received. **Caves/Eaglesome**

The Engineering Manager spoke to the report informing Councillor's that the programme submitted for the previous year was to complete footpaths in identified areas where piping of open drains was not required. The report submitted an extended list to that programme, as other streets requiring footpaths, but no piping of drains, had been identified.

Councillor Caves asked that consideration be given to the laying of footpaths in Murrae Street. The Engineering Manager advised that he would instruct the Operations Manager to determine whether any piping of drains was required in Murrae, and if not, it could be added to the programme. Councillor Shortt was of the belief that the footpath programme was not equitable, as rural areas were not included in the programme.

Resolved: That

1. Council approve the programme as listed below

31/7/07

Footpaths Forward Works Programme

Footpath Name	Footpath Section	Length Estimated	Cost
(To nearest 10m)			
Grey Street	McLean Street – Apatu Street	100	\$ 12,800
Grey Street	Apatu Street – Kopu Road	100	12,800
Lockwood Point	Marine Pde – End	50	4,750
Scott Street	Kitchener St – Grant St	480	45,6000
Kitchener Street	Kauri Pl – McLean	230	21,800
McLean Street	Scott St – Browne St	120	11,400
McLean Street	Browne St – Grant St	320	30,400
	Total	1400	139,550
	Design and Supervision @ 10%		13,950
	Total Project Estimate		\$153,500

2. Should the programme require rationalisation due to funding pressure, the sites to be deferred be at the discretion of the Engineering Manager but that the Portfolio Holders will be consulted prior to the decision being finalised.

Eaglesome/McIntyre

AGAINST: Councillor Shortt

PUTERE ROAD CLOSURE

B.03.02.10.03

Resolved: That the report be received. **Caves/Shortt**

The Engineering Manager spoke to the report, informing Councillors that an objection to the closure had been received. Whilst there had been no compulsory requirement upon the organisers to obtain written agreement from all property owners, they had stated that they would obtain agreement.

Councillor's recognised that 'roads' were about access to properties and not for recreational use. There was a need for some form of mediation to take place between the organisers and those who use the road, whether privately, or for their own operational requirements. Councillor's expressed their desire for agreement to be attained from all owners prior to their authorising the temporary closure of Putere Road.

Resolved: *That upon attainment of agreement from all affected landowners, Council approve the closure of Putere Road.* **Birrell/McIntyre**

RAUPUNGA TOILETS

H.03.02

Resolved: *That the report be received.* **Caves/Eaglesome**

The Engineering Manager spoke to the report, indicating that as a result of meetings at Raupunga, and the concerns expressed by Mr Culshaw during the public forum, it was clear that the residents of Raupunga believed that there was a need for the public toilets to be retained. There had been resurgence in local pride, with residents wanting to eliminate graffiti, offering to repaint the toilets and other identified buildings with paint supplied by Council. The estimated cost to restore the public facility to its intended level of functionality was \$3,000.

Resolved: *That the Raupunga Public Toilets be restored to the intended level of functionality.* **Caves/McIntyre**

RIVERBANK EROSION – KOPU ROAD

B.09.01.02

Resolved: *That the report be received.* **Eaglesome/McKinnon**

The Engineering Manager spoke to the report stating that he had been instructed by Council to undertake a 'trial' on a section of Kopu Road, as related to erosion of the riverbank. Prior to any works being carried out, Council needed to apply for a resource consent from the Hawke's Bay Regional Council, with the cost of preparation of the consent estimated to be \$5,000.

Resolved: *That Council approve funding in the amount of \$5,000 from the District Development Fund to enable resource consent to be prepared for protection of approximately 200m of riverbank at the southern end of Kopu Road.* **Eaglesome/McIntyre**

SAFETY MANAGEMENT SYSTEM

B.03.02.24

Resolved: *That the report be received.* **McIntyre/McKinnon**

Resolved: *That Council adopts the Road Safety Strategy and endorses the Safety Management System.* **McIntyre/Birrell**

SUBSIDISED ROAD FUNDING 2006/2007

B.03.01.01 06/07

Resolved: *That the report be received.* **Shortt/Eaglesome**

The Engineering Manager spoke to the report, informing Councillor's that there had been over expenditure in subsidised roading costs, attributed to price increases throughout the year. All contracts entered into have a 'cost fluctuation' clause enabling contractors to look back over the year for any increases on cost, and claim the difference in contract price accordingly.

Following a query from Councillor's the Engineering Manager was to determine, if any, components of work carried out that could be funded from the Depreciation Reserve, as against all funds being allocated from the District Development Fund.

Resolved: That Council approve \$95,540 from the District Development Fund, and Depreciation Reserves as its share of the total additional costs for 2006/2007.
Shortt/Caves

POLICY ON FRAUD

A.06.11.01

The Chief Executive Officer informed Councillor's that legal advice had since been received as to items that should be considered for inclusion in the proposed Fraud Policy, and as such, sought that the report be deferred to the next meeting of Council

Resolved: That the report be deferred to Septembers meeting of Council.
Shortt/McKinnon

SALE OF 8 – 10 HUNTERBROWN STREET

H.01.03

Resolved: That the report be received.
Shortt/McIntyre

The Finance Manager informed Councillor's that interest had been expressed to purchase a property currently owned by Council in Hunter Brown Street. The Finance Manager sought Council's direction as to how the wished to proceed with the matter.

Resolved: That

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.
2. The Finance Manager disposes of the property by a tender.

Shortt/Eaglesome

LATE ITEM – PLAN CHANGE 1B REPORTS FOR NOTIFICATION

D.01.25.07

Resolved: That in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act, the item LATE ITEM – PLAN CHANGE 1B REPORTS FOR NOTIFICATION 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.
Eaglesome/Caves

The Administration Manager spoke to the report advising that it was an administrative requirement for Councillors to adopt reports and maps received as pertained to the amended Plan Change 1B, prior to their decision on the same being notified.

Resolved: That Council confirms as correct and adopts the Plan Change 1B reports: Final Annotated Text, Reasons for Decisions, Subdivision Section 32, and Coastal Protection Section 32, and the Planning Maps.
Caves/Eaglesome

LATE ITEM – RADIO COMMUNICATION NETWORK - PUTERE

B.07.07.02

Resolved: That in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act, the item LATE ITEM – RADIO COMMUNICATION NETWORK - PUTERE 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.
McKinnon/McIntyre

The Emergency Management Officer spoke to the report informing Councillor's of an initiative undertaken by residents of Putere in establishing a communications network. Putere was often an isolated community during adverse events, and the establishment of a communications network was aimed at ensuring that the community was in contact with all residents, as well as being able to

communicate with Council on the civil defence channel. To date the Putere Community had raised a sum of \$8810.00 towards the cost of installation, leaving a shortfall of \$2250.

Resolved: <i>That funding of \$2250 be provided from the District Development Fund to enable the completion of the communications network installation at Putere.</i> Shortt/Caves

GRAFFITI **B13.01**

Councillor Birrell expressed concern at the 'bombing' of graffiti that had occurred throughout Wairoa over the weekend. Councillor Birrell acknowledged that all present were well aware of what had occurred, and extended an invitation to fellow Councillors to attend a meeting with the Community Portfolio Holders and the Senior Sergeant of Police, at Council at 3pm on Wednesday 15th August 2007.

The meeting was to determine actions that could be pursued in dealing with the rising graffiti and general criminal element about the town and wider district.

HAWKE'S BAY CAR RALLY **B03.02.10.03**

Councillors advised that a complaint had been received from the business sector as pertained to the closure of Marine Parade for the Hawke's Bay Car Rally, and the resulting impact on business turnover. The Chief Executive Officer informed Councillors that a survey was being conducted by Council's Economic Development Officer to ascertain the impact on businesses, the results of which would be brought back to Council.

Resolved: <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> McIntyre/Eaglesome
--

EXCLUDED FROM: 2:12 PM

READMITTED FROM: 2:24 PM

RELEASE OF CONFIDENTIAL ITEMS **A06.09**

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

MEETING CLOSED: 2:24 PM

.....
Chair