

WAIROA DISTRICT COUNCIL

ORDINARY MEETING OF COUNCIL

Minutes of an Ordinary Meeting of Council held in the Wairoa District Council Chambers Queen Street, Wairoa on Tuesday, 14 October 2008 at 10.00am.

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

COUNCILLORS

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

IN ATTENDANCE: P J Freeman (Chief Executive Officer)
N Cook (Engineering Manager)
R Snow (Finance Manager)
M Jones (Secretary)

CIVIC PRAYER

The civic prayer was given by Councillor Eaglesome

APOLOGIES

NIL

CALLS FOR CONFLICTS OF INTEREST

NIL

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

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| 1. | LATE ITEM – Ormond Drive – Ruawharawhara Urupa | (Engineering Manager) |
| 2. | Update Mahanga Urupa | (Engineering Manager) |
| 3. | Blue Bay – Confidential | (Councillor Caves) |
| 4. | Hawke's Bay Anniversary | (Chief Executive Officer) |
| 5. | Park Bench | (Chief Executive Officer) |
| 6. | Summit Update | (Chief Executive Officer) |
| 7. | Quality Roading and Services (Wairoa) Limited – Confidential | (Chief Executive Officer) |

Public Forum

General Items

DRAFT MAORI POLICY

A06.14.02

The Chief Executive Officer presented the Draft Maori Policy stating that Council had technically approved the formal adoption of the Draft Policy for consultation and today's meeting would cement that process.

<u>Resolved:</u> <i>That the report be received.</i>	<u>Cairns/Heron</u>
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While some Councillors were agreeable to releasing the document for consultation on the grounds that it would come back to Council again after the submission period for further review, others were not.

It was suggested by the Mayor and Chief Executive that due to the concerns expressed on this matter that perhaps it would be a wise choice to refer the policy back to a sub-committee for further consideration. Councillor Cairns was of the opinion that Council should show commitment to Maori

and release the Policy for Consultation stating that Council was not doing any favours to Maori by having such a Policy but instead meeting its obligations under the Local Government Act.

Several members were still reluctant to release the Draft Policy and after vigorous debate it was agreed to proceed through the document page by page and note the amendments. The most contentious issues were primarily centred around the wording of some clauses.

Pg 3 RELATIONSHIP PRINCIPLES

- Clause 1 (bottom of Pg 3) and Clause 2 (top of Pg 4) – use of the word “*involving*”. Felt by some Councillors that these clauses, or more specifically the use of the word “*involving*” in these clauses takes authority away from Council and gives the impression that Council would have to get approval from the Maori Committee for everything they did.
- Removal of Clause 2 (from Pg 4)
- Suggestion to replace the word “*involving*” with “*consulting*”

The Chief Executive clarified the use of the word “*involvement*” in the Act advising it was very specific in its intent on Maori being involved in decision making. The full wording is as below:

A local authority must—

- (a) establish and maintain processes to provide opportunities for Maori to contribute to the decision-making processes of the local authority; and
- (b) consider ways in which it may foster the development of Maori capacity to contribute to the decision-making processes of the local authority; and
- (c) provide relevant information to Maori for the purposes of paragraphs (a) and (b).

<u>Resolved:</u>	<i>That Clause 2 “Ongoing commitment by Wairoa District Council to involving the Maori Committee of Council in all decisions that have the potential to impact on the district as a whole” be deleted.</i>	Heron/Caves
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Pg 5 POLICY IMPLEMENTATION

Concern:

- Wording of Item 3.3 “2 Councillors – to be recommended by the Maori Committee”.

<u>MOTION:</u>	2 Councillors – to be appointed by Council.	Petersen/Caves
		LOST

<u>Resolved:</u>	<i>The wording of Item 3.3 should read “2 Councillors to be recommended by the Maori Committee for appointment by Council</i>	Heron/McKinnon
		CARRIED
		Cr Cairns voted Against

Councillor Caves sought an indication as to what is proposed regarding a meeting allowance and travel costs to which the Chief Executive responded that the budget for the Maori Committee was set by Council at its budget meeting.

Considerable discussion took place regarding the clauses on page 7 of the Policy with several motions being put by members but ultimately withdrawn. The issue of a Maori Committee representative being seated at the Council table was discussed at length. It was felt that this could be seen as a backward step. Councillors Heron and Petersen suggested a better avenue would be for the Maori Committee being present at a Councillors’ Forum, a suggestion endorsed by Councillors Caves.

The Chief Executive explained to Council that the granting of the seat at the Council table did not give the Maori Representative voting rights.

His Worship reminded Councillors that the district was predominantly Maori and as such have a right to have decision-making powers under the Treaty of Waitangi. He also noted that he did not see them attending every meeting but would invite them to sit at the table when necessary.

Other items identified by Councillors for change/inclusion in the Policy were:

- Spelling of the word Hurumua – to be changed to Huramua.
- Suggestion from Councillor Caves that Putere Marae be included in the Marae Clusters list, possibly placed with Te Huki, Waipapa A Iwi, Waihua and Kahungunu.
- Subsequent drafts of the policy to be numbered and all changes highlighted.

The question was asked by the Chief Executive of Council as to how do we recognise Maori as having a special right stating they were not just spectators or commentators any more.

Resolved:	<i>In accordance with Sections 83 and 87 of the LGA 2002, the proposed Purongo Maori – Maori Policy 2008, with amendments if necessary, be adopted as the Statement of Proposal and approved for public consultation and submission.</i>
	His Worship the Mayor/Eaglesome

TERMS OF REFERENCE WAIROA DISTRICT YOUTH COUNCIL

A24.11

Councillor Eaglesome spoke to her report and said it had come about after discussions she had had with people while attending the Local Government Conference. She believed Wairoa should get on board with the concept and sought Council support to move ahead with the launch of a Youth Council. The hope she said was that it could be started as early as next February.

Resolved:	<i>That the report be received.</i>	Cairns/Eaglesome
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Councillor Eaglesome also reported that as part of its Strategic Planning for its three year term Council at their Tuai retreat made a commitment to have a particular focus on the youth of Wairoa, the key drivers for this include:

1. A commitment for young people to have a voice in relation to Council's decision making processes.
2. To support Mayors Taskforce for Jobs initiative, Zero Waste of Youth.
3. New obligations under the Local Government Act 2002 for Council to enable democratic local decision making and action by, and on behalf of, communities (including young people).
4. A desire for a more collaborative approach by local agencies and organisations to youth issues.
5. A desire to shape future leaders for the benefit of the Wairoa Community.

Resolved:	<i>Council support the formation of a Youth Council and the details be resolved at a Policy Meeting.</i>	His Worship the Mayor/Heron
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While Councillor Caves had no problem with the establishment of a Youth Council he did question the age range and also asked the question as to what consultation had been undertaken with full primary schools.

LIBRARY – CAPITAL EXPENDITURE

H05.01.02

The Engineering Manager spoke to the report which sought Council's approval to utilise capital expenditure in a different way to the original intended use.

In the 2008/2009 budgets for the Library, a sum of \$21,800 was approved as capital expenditure to replace the small upper windows in the building. After discussions with the Librarian it was deemed that replacement of these windows would not now be required.

An alternative solution agreed upon was the installation of a further air conditioning unit above the Mezzanine floor and replacement of the entrance doors with automatic ones. The latter would not

only assist in the more efficient operation of the air conditioning as the doors would not be left open, but will also provide better access for the public.

Councillor McKinnon was of the opinion that unspent monies should go back into the central fund if it was not going to be used for the original purpose for which it was granted. He also expressed concern that another air conditioning unit would add to the costs of the Library

The Engineering Manager reiterated that it was not a significant change to the original proposal for the monies but that it was a revised solution to the same problem. He also stated that although estimates had not been obtained, it was estimated the work could be completed for \$15,000.

<u>Resolved:</u>	<i>That the report be received.</i>	<i>Caves/Petersen</i>
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<u>Resolved:</u>	<i>That the sum of \$21,800 approved as capital expenditure for works at the Library be used for an additional air conditioning unit and replacement of the entrance doors with automatic opening doors.</i>	<i>Petersen/Heron</i>
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ILLEGAL SIGNS UPDATE

TP20752

The Chief Executive Officer reported on progress made addressing illegal signage across the district.

Earlier this year, the District Planner wrote to various parties in relation to illegal signage on the then Kale property at Newcastle Street. To date, the Wairoa Star has removed their sign and PGG Wrightson has removed their "display" of signs. The District Planner stated that, should we not receive an adequate response from the relevant sign owners by mid-October (by way of evidence of resource consent, application for retrospective consent or removal of the signs), Council will instruct the property owner to remove the signs, all of which we believe are illegal.

<u>Resolved:</u>	<i>That the report be received.</i>	<i>Caves/Heron</i>
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DISTRICT DEVELOPMENT FUND

F02.05

The Chief Executive Officer advised that this report was as a result of repeated requests about the Fund and that he hoped it would help get rid of some of the misconceptions held as to its exact purpose.

In all respects, the Chief Executive said, the District Development Fund (DDF) was a reserve fund just like any other reserve fund. While perhaps having a broader purpose and more diverse sources of income the fund remains a Reserve Fund of Council and as such can only be utilised by resolution of Council.

This situation will change however as surpluses generated by specific accounts will be allocated back in to those accounts meaning that the amount of money going into the DDF will be considerably smaller in years to come. Funds from land and asset sales will still be allocated to the DDF.

Managers will include information on the health of the fund in any report requesting the use of the District Development Fund.

<u>Resolved:</u>	<i>That Council receive the information.</i>	<i>Cairns/Eaglesome</i>
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KOPIAWHARA ESTUARY EROSION STUDY FOR THE ORAKA COMMUNITY

D01.08

The Engineering Manager spoke to the report and gave a brief background of how the situation occurred resulting in this request from Graeme Campbell. He also pointed out the similarities between this case and one at Taylor's Bay.

<u>Resolved:</u>	<i>That the report be received.</i>	<i>McKinnon/Petersen</i>
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Councillor McKinnon stated he believed that the matter rested with the Regional Council and for Council to approve financial assistance would lead to a precedent being set. On this basis he could not support the request for financial assistance. Councillor Caves also commented that he could not support the request.

Resolved:	<i>That Council not consider financial assistance at this stage.</i>	Cairns/Heron
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DOCUMENTS SEALED FOR THE PERIOD FROM 15 SEPTEMBER TO 29 SEPTEMBER 2008

Resolved:	<i>That the report be received.</i>	Cairns/Petersen
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Receipt/Confirmation of Minutes of Previous Council Meetings

ORDINARY MEETING OF COUNCIL HELD 9 SEPTEMBER 2008

The Minutes of an Ordinary Meeting of Council held 9 September 2008 were presented.

Resolved:	<i>That the Minutes of an Ordinary Meeting of Council held on 9 September 2008 be confirmed as correct.</i>	McKinnon/Heron
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REGISTER OF INTEREST **A06.03**

Councillor Caves sought an update on progress of the Register and was advised that a template was currently being prepared.

COUNCIL NEWSLETTER **A01.02**

Councillor Caves again expressed his dissatisfaction at the inability of Councillors to have input to the Council Newsletter. He also suggested that Councillors be allowed to preview the document.

His Worship noted that the procedure for input was clearly outlined in the minutes that they were currently reviewing adding that the Council Newsletter would not be used as a platform for personal agendas.

Councillor Cairns took the opportunity to remind her colleagues that there had been lengthy discussions around the Communications Policy and what it was Council wanted from it.

LITTLE ELMS PROJECT **A24.14.03**

Councillor Eaglesome was happy to announce that the Mayor was able to present the organisers of the Little Elms Project with a cheque from the community amounting to \$6,226.00. She expressed her thanks to all of the trucking firms, the District Council and AFFCO for their generous support and especially to the people of Wairoa.

Councillor Heron also acknowledged the donation of \$1,000.00 from Wairoa Lions Club.

General Business

LATE ITEM – ORMOND DRIVE – RUAWHARAWHARA URUPA **B03.02.06.15**

Resolved:	<i>That in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act, the item LATE ITEM – ORMOND DRIVE – RUAWHARAWHARA URUPA 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.</i>	His Worship the Mayor/Eaglesome
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Before proceeding the Engineering Manager noted that the report currently in front of them had an unfinished sentence on Pg 2 and handed out a completed report.

The issue Mr Cook reported has been discussed at length and all that was required at; this meeting was approval for the Draft Statement of Proposal to be released for consultation.

Resolved:	<i>That the report be received.</i>	Cairns/Caves
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Resolved:	<i>That the Draft Statement of Proposal be adopted.</i>	Heron/Eaglesome
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In response to a question from Councillor Petersen regarding the ability of everyone else to have a say, the Engineering Manager advised that Council has widely distributed this document through Rural Schools, Council Offices, Library, Supermarkets, Sunset Point Bar and Grill and the Mahia Beach Store. It would also be available on our website and people can make on-line submissions as well as holding two public meetings, one at Mokotahi Hall on Saturday 25 October and the other at the Wairoa Community Centre on Wednesday 29 October.

ACCESS KEYS **A06.03**

Responding to a query regarding access keys, the Chief Executive Officer advised that although the keys had arrived, we were still waiting for them to be programmed. Until this happened they would not be able to be used. He would consult with the Administration Manager on her return.

ADVERTISING **A01.01**

The Chief Executive Officer informed Council of an invitation from Hawke's Bay Today to purchase advertising in their tabloid publication honouring the milestone of Hawke's Bay being a province for 150 years.

PARK BENCH **B07.01.01**

Council were advised of a request received from Kushla Phillips, who sought Council approval for the erection of a bench seat with a plaque at Taylor's Bay in honour of her father, David Rensch who passed away 2 years. The family were residents of Mahia about 15 years ago and upon his death his ashes were scattered over Taylor's Bay.

Ms Phillips has offered to pay for the cost of the bench.

SUMMIT UPDATE **A30.02**

The Chief Executive informed Council of the positive feedback he had received in regards to the Summit. He noted that the Gisborne Herald had run one article on Friday and six on Saturday. Comments from attendees had all been very good and although while a great success, the Summit did not quite fulfil his expectations in terms of policy development.

His Worship and Councillor McKinnon were fulsome in their praise of the CEO and Summit team for all their hard work with Councillor McKinnon stating he thought that those concerned "did Council proud".

TOP TOWN **A15.05**

His Worship stated that he had received a call from the Star enquiring as to whether or not Wairoa had received the invitation to Top Town and had we entered a team. Mayor Probert noted he had since seen a copy of the invitation and on behalf of the community he had passed on an expression of interest.

MAYORAL UPDATE **A06.03**

His Worship informed Council of recent events he had attended the latest being Chair at a forum held at St Andrews Church for the political parties. Also advised of the TrustPower Awards to be held on the 20th October at 5.30pm at the Community Centre and issued an invitation to Councillors to attend. Other upcoming events in November were the Kahungunu Sports Awards and the Young Achievers Sports Awards.

At this point His Worships acknowledged the presence of Mr Vaughan Plowman at the meeting asking if he had any comments to make.

Mr Plowman thanked the Council but advised he was there just to listen and see how things operated.

MAHANGA URUPA

B03.02.06.05

The Engineering Manager gave Council a brief verbal update on his meeting with Liz Battes and Monica Watson from Mahanga Marae. They talked about their aspirations for the site and had offered some suggestions such as signage and rocks placed to stop cars from driving on it. Mr Cook noted that these could probably be managed within existing budgets at this stage.

Exclusion of the Public

<p><u>Resolved:</u> <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></p> <p><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></p> <p><i>S7 (2)(b) Protect information where the making available of the information-</i></p> <p><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></p> <p><i>Eaglesome/Heron</i></p>
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RELEASE OF CONFIDENTIAL ITEMS

A06.09

Nil

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

CLOSED: Meeting Closed 12.31pm

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Chair