

**MINUTES OF WAIROA DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, WAIROA DISTRICT COUNCIL, CORONATION SQUARE, WAIROA
ON TUESDAY, 9 APRIL 2024 AT 1:30PM**

PRESENT: Cr Denise Eaglesome-Karekare, Cr Jeremy Harker, Cr Melissa Kaimoana, Cr Benita Cairns, Cr Roslyn Thomas

IN ATTENDANCE: **Kitea Tipuna** (Tumu Whakarae | Chief Executive), **Gary Borg** (Pouwhakarae – Pūtea/Tautāwhi Rangapū | Group Manager Finance and Corporate Support), **Hinetaakoha Viriaere** (Pouwhakarae Whakamahere me te Waeture | Group Manager Planning & Regulatory), **Michael Hardie** (Pouwhakarae – Hua Pūmau | Group Manager Assets and Infrastructure), **Juanita Savage** (Pouwhakarae Rātonga Hapori me te Whakawhanake | Group Manager Community Services and Development), **Sarayde Tapine** (Kaiurangi Kaupapa Here me Mana Ārahi | Policy and Governance Advisor), **Chase Cook** (Kaiwhakahaere Tūtohu me te Whakaaetanga | Compliance and Licensing Manager), **Steve Baker** (Recovery Support Officer via Zoom), **Henare Mita** (Māori Standing Committee Chairperson), **Theresa Thornton** (Māori Standing Committee Member), **Emma Wright McHardie** (GMD Consultant via Zoom), **Natalie Street** (GMD Consultant via Zoom),

1 KARAKIA

The Opening Karakia was given by the Chief Executive, Kitea Tipuna.

Deputy Mayor Eaglesome-Karekare chaired this meeting due to the extended leave of His Worship the Mayor, Craig Little.

2 APOLOGIES FOR ABSENCE

APOLOGIES

RESOLUTION 2024/14

Moved: Cr Benita Cairns

Seconded: Cr Melissa Kaimoana

That the apologies received from His Worship the Mayor Craig Little be accepted and leave of absence granted.

CARRIED

3 DECLARATIONS OF CONFLICT OF INTEREST

Nil.

4 CHAIRPERSON'S ANNOUNCEMENTS

Nil.

5 LATE ITEMS OF URGENT BUSINESS**LATE ITEMS****RESOLUTION 2024/15**

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Jeremy Harker

That the report Item 10.1 – Wairoa District Council Commissioned Independent Review Cyclone Gabrielle and Item 10.2 – Assessment of Hawke’s Bay Three Waters Aggregation Plan for Wairoa District Council be received as late items.

CARRIED

6 PUBLIC PARTICIPATION

Castalia presentation in public excluded relative to Item 10.2 – Assessment of Hawke’s Bay Three Waters Aggregation Plan for Wairoa District Council.

7 MINUTES OF THE PREVIOUS MEETING**RESOLUTION 2024/16**

Moved: Cr Roslyn Thomas

Seconded: Cr Denise Eaglesome-Karekare

That the minutes of the Ordinary Meeting held on 12 March 2024 be confirmed.

CARRIED

8 GENERAL ITEMS**8.1 FREEDOM CAMPING BYLAW DETERMINATIONS****RESOLUTION 2024/17**

Moved: Cr Jeremy Harker

Seconded: Cr Melissa Kaimoana

The Kaiwhakahaere Tūtohu me te Whakaaetanga | Compliance and Licensing Manager RECOMMENDS that Council:

1. Receive the ‘Freedom Camping Bylaw Determinations’ Report;
2. Determine that a bylaw continues to be the most appropriate way of addressing the perceived problems related to freedom camping, made under section 11(2) of the Freedom Camping Act 2011 for one or more of the following purposes:
 - (i) to protect an area;

(ii) to protect the health and safety of people who may visit an area;

(iii) to protect access to an area.;

3. Request the Chief Executive initiate a review of the Wairoa District Council Consolidated Bylaw Part 9 – Freedom Camping to develop a new draft bylaw and statement of proposal for public consultation.

Note the review will consider the option to create a standalone Freedom Camping Bylaw as an alternative to the continued incorporation within the existing Wairoa District Council Consolidated Bylaw.

CARRIED

The Compliance and Licensing Manager briefly introduced the reports and GMD consultants Emma and Natalie who spoke to the report. He noted that the report is to determine whether a bylaw is appropriate for managing and dealing with freedom camping in the Wairoa District.

GMD Consultant Ms Street reported to elected members that given some legislative changes in 2023 to the Freedom Camping Act a number of councils around the country are reviewing their freedom camping bylaws to ensure consistency with the new legislation. Options have been identified in the report with reasoning behind each for why a review is appropriate at this time for Wairoa District Council (WDC). Ms Street noted the feedback from conversations with Council staff was that freedom camping continues to pose as an issue for the district in regards to littering, large numbers of freedom campers, permitted areas to freedom camp and that the new legislation has changed the national requirement that all freedom campers must be self contained and this has therefore increased the requirements to become self-contained.

Cr Harker raised concerns in relation to the extra work for WDC staff in completing the significant review process. Cr Cairns noted the necessity of the report in being compliant with updated legislation, however, also raised concerns in relation to consultation fatigue on the community and asked what level of priority this work has in terms of whether it is necessary to review immediately or whether Council can put it on hold. The Compliance and Licensing Manager noted that the funding received to review the bylaw is conditional on completing the review.

The Chair noted WDC partnering with Rongomaiwahine Iwi Trust in the freedom camping space and highlighted the New World car park area where people are permitted to freedom camp noting that in the review work needs to be dedicated towards identifying prohibited and permitted freedom camping sites.

Elected members agreed to go out for consultation however, the question was raised around when this would occur and ensuring active participation and contribution from the community without being overwhelmed with other WDC consultation documents. The Chief Executive noted that a paper will be brought to the next Council meeting in May to confirm the consultation period to occur alongside the long-term plan for this bylaw review.

8.5 WAIROA RECOVERY UPDATE MARCH 2024**RESOLUTION 2024/18**

Moved: Cr Roslyn Thomas

Seconded: Cr Benita Cairns

The Tautoko Whakaora - Recovery Support RECOMMENDS that Council receive the report.

CARRIED

This item was brought forward due to the Recovery Support Officer only being available until 2pm. He spoke briefly to the report noting the below:

- Status of stickered homes and 93 placards removed.
- Finishing of Recovery Manager Benita Tahuri and thanked her for her efforts and support to whanau during this time.
- The success of the Cyclone Gabrielle one year anniversary events.
- Extension of MPI funding through to the end of March.
- QRS EPOD location now being assessed due to being in a flood zone.
- Going through a recovery plan reset that should be released soon.
- Working with Hawke's Bay Regional Council to extend the timetable for the debri fund due to close on 30 June as this will be used to assist with the costs associated with the rebuild where the existing building material will be removed from those damaged homes.

Cr Cairns asked what contributed to the change in numbers of placarded homes and what it means when a house has a green placard. The Group Manager – Planning and Regulatory noted that green placards have been implemented by Wairoa District Council and to move from white to green placards means all remediation works has been completed and all required documents have been made readily available to the Council. The Chief Executive clarified the use of the terms 'green placard' and 'placards removed' noting that one term is to be preferred for consistency across the board.

Cr Cairns also noted the need for reporting around red cross bundles and the distribution of these to whanau and homes. The Chair, Cr Eaglesome-Karekare supported this and asked the Recovery Manager Gary Borg when the second iteration of the recovery plan will be completed. He noted that he has received the plan and this has been reviewed by the senior leadership team and will be provided to elected members to provide feedback for inclusion of the plan into the long-term plan.

Cr Cairns noted a potential conflict of interest in relation to this item due to being a director of Hookmade.

Cr Thomas requested whether there was an opportunity in the recovery plan reset with a lot of properties in 2A that shouldn't be there and establishing a robust database to contact land category 2A people through the rating database to eliminate some of those houses in that zone.

The Chair noted that due to resourcing and staff time it would be more efficient to get a message out in the public for those who have not been impacted yet are affected by the land categorisation 2A to contact Council for support.

The Group Manager – Planning and Regulatory mentioned that there has been some instances where people have challenged their land categorisation to Hawke’s Bay Regional Council and have been successful. The Chief Executive noted that he is seeking further advice from planners on whether the land classification remains on property titles. Elected members agreed for the community to contact the WDC Planning department if they have issues relating to land classification categories.

8.2 DISTRICT LICENSING COMMITTEE APPOINTMENTS

RESOLUTION 2024/19

Moved: Cr Roslyn Thomas

Seconded: Cr Benita Cairns

The Kaiurungi Kaupapa Here me Mana Ārahi | Policy and Governance Officer RECOMMENDS that Council re-appoint Mr. David Fellows (Commissioner) and Mr Ross Pinkham (Member) for a fixed period of 1 year, starting 11 December 2023, and advertise for a Commissioner and Members of the District Licensing Committee to be in place by the 11th of December 2024.

CARRIED

The Compliance and Licensing Manager spoke briefly to the report noting Councils options in making appointments to the District Licensing Committee (DLC). The Chief Executive added to this mentioning that the current commissioners end date finished last December and this report is seeking Councils endorsement to reappoint Mr David Fellows as Commissioner and Mr Ross Pinkham as member while also going to the market to advertise for new DLC committee members to be implemented by December 11 this year.

The Compliance and Licensing Manager advised the committee that the DLC only meets if there is an opposed license to hear. He also noted that for DLC’s there is a minimum requirement of 3 members to have a hearing so part of this report is to secure extra members to call on when required.

Cr Harker recommended at least one member on the DLC have expertise in this area.

8.3 SUBMISSION TO DRAFT GOVERNMENT POLICY STATEMENT ON LAND TRANSPORT 2024

RESOLUTION 2024/20

Moved: Cr Jeremy Harker

Seconded: Cr Melissa Kaimoana

The Pouwhakarae - Hua Pumau | Group Manager Assets & Infrastructure RECOMMENDS that Council receive the report.

CARRIED

The Group Manager – Assets and Infrastructure spoke briefly to the report. He advised elected members what the draft GPS on land transport is about and that the WDC submission was previously provided to elected members to provide feedback. The submission specifically mentioned national roads of significance, the Nuhaka and Opoutama road to the Rocket Lab, different processes with cyclone recovery, the lack of mention of Hawke’s Bay in the wider statement and clarifying the need for Wairoa to not fall off the map and ensure Wairoa’s voice and issues are being heard.

The Chair, Cr Eaglesome-Karekare noted a recent meeting she had with the Prime Minister, the other Hawke’s Bay Mayors and MP’S Simeon Brown and Mark Mitchell. From this it came clear to Cr Eaglesome-Karekare that the current government supports a regional approach.

Cr Harker noted that the submission could have encompassed more information around GDP from exports and why this investment in infrastructure is important to open the whole Hawke’s Bay region for business and opportunities.

8.4 REVIEW OF DANGEROUS, INSANITARY AND AFFECTED BUILDINGS POLICY

RESOLUTION 2024/21

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Roslyn Thomas

The Pouwhakarae - Whakamahere me te Waeture | Group Manager Planning and Regulatory RECOMMENDS that Council receives the report and approves that the Dangerous, Insanitary and Affected Building policy under review goes out for consultation in April 2024.

Addendum to this report is titled ‘Draft WDC Dangerous, Insanitary and Affected Buildings Policy (Tracked Changes Version)’.

CARRIED

The Group Manager – Planning and Regulatory spoke to the report. She highlighted that the current Dangerous, Insanitary and Affected Buildings has to be reviewed every 5 years and this was last completed in 2019. She noted that the changes to the current policy are only minor editorial changes and is proposing to consult online for one month. She further noted that WDC currently only have 2 buildings listed on the register.

Cr Harker asked where the earthquake prone/strengthening legislation will impact and therefore be classified as ‘dangerous building’.

The Group Manager – Planning and Regulatory noted the amendment to the act where all policies on this topic had to change to take out reference to earthquake strengthening buildings. Does the draft policy include ‘properties’ as well. The Group Manager – Planning and Regulatory advised that it only refers to buildings as it is encompassed under the Building Act 2004.

Cr Cairns noted consultation fatigue on the community and whether it is required to go out for consultation now or whether it can be part of the suite of consultation documents going out with the long-term plan. The Chief Executive noted that the policy will be consulted on alone and online and where the public may have specific questions WDC will be more than happy to assist.

9 RECEIPT OF MINUTES FROM COMMITTEES/ACTION SHEETS

9.1 RECEIPT OF COUNCIL MEETING - 15 MARCH 2023

RESOLUTION 2024/22

Moved: Cr Benita Cairns

Seconded: Cr Jeremy Harker

That the Minutes of the Council Meeting held on Wednesday 15 March 2023 be received and the recommendations therein be adopted.

CARRIED

10 PUBLIC EXCLUDED ITEMS

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2024/23

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Melissa Kaimoana

That the public be excluded from the following parts of the proceedings of this meeting at 2:32pm.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
10.1 - Wairoa District Council Commissioned Independent	s7(2)(c)(ii) - the withholding of the information is necessary to	s48(1)(a)(i) - the public conduct of the relevant part of the

<p>Review - Cyclone Gabrielle</p>	<p>protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p>	<p>proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>10.2 - Assessment of Hawke’s Bay Three Waters aggregation plan for Wairoa District Council</p>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(c)(i) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied</p> <p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

	(including commercial and industrial negotiations)	
CARRIED		

RESOLUTION 2024/24
Moved: Cr Denise Eaglesome-Karekare
Seconded: Cr Jeremy Harker
That Council moves out of Closed Council into Open Council at 3:22pm.

CARRIED

The Meeting closed at 3:25pm with a closing karakia given by the Chief Executive, Kitea Tipuna.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 7 May 2024.

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CHAIRPERSON