



Unconfirmed Minutes

## MINUTES OF A MEETING OF THE REGIONAL COUNCIL

**Date:** Tuesday 3 February 2009

**Time:** 9.00am

**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

**Present:** C Scott – Acting Chairman  
A Dick  
T Gilbertson  
N Kirton  
E McGregor  
L Remmerswaal  
K Rose  
E von Dadelszen

**In Attendance:** A Newman – Chief Executive  
P Drury – Group Manager Corporate Services  
M Buchanan – Group Manager Environmental Management  
M Adye – Group Manager Asset Management  
M Mohi – Chairman – Maori Committee  
C Gilbertson – Administration Manager

## **1. WELCOME/PRAYER/APOLOGIES**

Acting Chairman Scott welcomed everyone to the meeting and called up Councillor McGregor to deliver the prayer. There were no apologies.

## **2. CONFLICT OF INTEREST DECLARATIONS**

There were no conflicts of interest declared.

Councillor Kirton raised a point of order and requested that Agenda Items 3 & 4 be discussed in the reversed order. This point of order was ruled on by the Acting Chairman, Councillor Scott following advice from the Chief Executive and the order of the Agenda was retained as per the original Agenda.

## **3. PROPOSED AIR QUALITY PLAN CHANGE**

Mrs Liz Lambert gave Council an update on the recent publicity surrounding the Air Quality Plan change which was publicly notified on 10 December 2008. Mrs Lambert reiterated the process taken so far and gave an explanation of the status of the plan change once it has been notified and has legal effect. The effect of this is that the rule has existing use rights and the "time of sale" rule is the one that is particularly affected in this case.

Mrs Lambert outlined Council's responsibility in relation to statutory advocacy and advised that Council would be advocating to the new Government, practical solutions to the Air Quality issue and a range of suggestions to consider.

Mr Drew Broadley explained to Councillors that an 'open letter' would be placed into specific local media explaining the situation to the Hawke's Bay community. He advised that consultation and engagement was continuing with industry and business on the Air Quality matter. It was noted that the Chairman of the Environmental Management Committee had been involved in the compilation of the open letter and also with the Air Quality issue over the last few weeks. This will continue and the Chair will be kept informed of matters on an ongoing basis.

The Chief Executive said that issues need to be elicited through the submission process and that MPs will then be engaged to advocate changes to Central Government. A meeting with MPs has been scheduled in February to discuss the matter and in particular challenges in meeting the 2013 deadline. There was also a request that the number of exceedances based on a 24 hour period should be increased from 1 to 5 per annum. This should also be relayed to MPs in a bid to extend the 2013 date to 2020.

There was a view expressed that Council may be taking the wrong approach to this issue, that only one report has been tabled on health issues relating to Air Quality and that there are much bigger health issues that should be addressed.

Councillors agreed that the timeframe for submissions should be extended. It was noted as an important point that submissions can be both for and against this proposal and the community will be better off mid-long term and more able to live in healthy homes.

Councillors reiterated that this issue needs to be supported by good communication and that this Council has been trying to get this information out. Councillors discussed media channels and further that the Hastings and Napier Mail could be included, also radio station and Maori media – especially Maori radio station/s.

Councillors did express some disappointment that the media had not picked up on this issue earlier rather than waiting for negative publicity in the last few months. Air

Quality has such an impact on health and the Regional Council has a role as the organisation responsible for looking after the environment.

**Resolution:**

1. That Council:

- 1.1. Agree that the decisions to be made are significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue because the Resource Management Act allows people to have an opportunity to submit on the proposed plan change following a decision by Council to publicly notify it, and funding for alternative methods will be consulted on separately through the Long Term Council Community Plan 2009-2019.

**Scott/Dick  
CARRIED 7/1**

- 1.2. Resolves to extend the period for receiving submissions on Proposed Plan Change 2 and Variation 2 to 30 March 2009, with this change to be publicly notified in accord with the provisions of the Resource Management Act 1991.

**Scott/Dick  
CARRIED 7/1**

- 1.3. Approves a communication document via an Open Letter published through local media, being sent to all households in the Napier and Hastings airsheds expressing Council's apology for the mistakes made in communications relating to Proposed Plan Change 2/ Variation 2.

**Scott/Dick  
CARRIED**

- 1.4. Adopts the revised communications strategy to take Council through to the extended closing date for submissions.

**Scott/Dick**

Councillor Gilbertson moved an amendment to original Recommendation 1.4, seconded by Councillor McGregor (pro-forma):

- 1.4 *Adopts the revised communications strategy to take Council through to the extended closing date for submissions.*

*And include the communication strategy a clear statement of position that:*

*"The HBRC does not support the implementation of the NES by 2013. The effect of adopting this implementation date we believe may cause significant economic hardship for some residents of Napier and Hastings and in the event that wood burners are not available may have adverse health effects."*

**Gilbertson/McGregor  
LOST 2/6**

The amendment was **LOST 2/6** and the original Recommendation 1.4 therefore stood and was **CARRIED 7/1**.

- 1.4 Adopts the revised communications strategy to take Council through to the extended closing date for submissions.

**Scott/Dick  
CARRIED 7/1**

- 1.5. Request staff to prepare a submission on Proposed Plan Change and Variation, with details to be considered and discussed at the Environmental Management Committee meeting of 4 March 2009.

**Scott/Dick  
CARRIED 7/1**

- 1.6. Adopt the matters outlined in paragraph 9 as the basis for a Briefing Note to Members of Parliament.

**Scott/Dick  
CARRIED**

#### **4. LATE ITEM – ELECTION OF CHAIRPERSON**

Mr Newman advised Council he had received the resignation of Rex McIntyre as Chairman of the Hawke's Bay Regional Council and Wairoa consistency representative on Wednesday, 28 January 2009.

Council then formally resolved to allow the late item – ***Election of Chairperson*** to be considered as part of the Regional Council meeting of Tuesday, 3 February 2009 as it could not be delayed for a subsequent meeting as a Regional Council must have a Chairperson as stated in Part 4, Section 41 of the Local Government Act, which reads:

***“Governing bodies***

*(1) A regional council must have a governing body consisting of—*

- (a) members elected in accordance with the Local Electoral Act 2001; and*
- (b) a chairperson elected by members of the regional council in accordance with clause 25 of Schedule 7.”*

**Resolution:**

1. That Council resolve to allow the late item – Election of Chairperson to be considered as part of the agenda for the meeting on Tuesday, 3 February 2009.

**von Dadelszen/Rose  
CARRIED**

#### **4.i ELECTION OF CHAIRPERSON**

Mr Newman advised that Council received the resignation of Rex McIntyre as Chairman of the Hawke's Bay Regional Council and Wairoa constituency representative on Wednesday, 28 January 2009. This meant that Council needed to elect a new Chairperson for the Regional Council and decide on the method to do that.

**Resolution:**

1. That Council:
  - 1.1. Resolve to adopt voting system A for the election of the Chairperson of Council as detailed in Schedule 7 Part 1 Section 25(3) of the Local Government Act 2002.
  - 1.2. Confirm that in the case of determination by lot the method used shall be for the Electoral Officer of Council (Carol Gilbertson) to draw the name of the person to be excluded from the next round of voting from a suitable container with the Group Manager Corporate Services acting as scrutineer during this process.

**Rose/McGregor  
CARRIED**

Mr Newman then called for nominations for the position of Chairperson.

**Councillor Gilbertson** nominated **Councillor Alan Dick**, which was seconded by **Councillor Kirton**.

Mr Newman then closed nominations and called for the first round of voting which was undertaken by show of hands. **Councillor Dick** was voted unanimously to the position of Chairman of the Regional Council. Mr Newman declared and congratulated **Councillor Dick** as the new Chairman of the Regional Council.

***The meeting adjourned at 10.25am and reconvened at 10.45am***

**THE MAKING AND ATTESTING OF THE DECLARATION REQUIRED BY THE CHAIRPERSON.**

Mr Newman then called upon Chairman Dick to make and attest the declaration as required by Schedule 7, Part 1, clause 21 of the Local Government Act 2002.

Chairman Dick then addressed the Council and outlined his goals and aspirations for his time as Chairman.

**5. GENERAL BUSINESS**

**i. Regional Transport Committee – Stimulus Package**

Chairman Dick advised that the Regional Transport Committee met on 30 January where the Chairman of the Chamber of Commerce had requested that the Regional Council co-ordinate projects that could be submitted to Central Government for consideration for funding from the Government's stimulus package. A letter will be written to relevant organisations requesting items for inclusion in this letter.

**Closure:**

Councillor McGregor congratulated Chairman Dick on his unanimous election as the Chairman of the Regional Council and made reference to the resignation of previous Chairman, Mr Rex McIntyre and noted he was the longest servicing Councillor in this region. There was a request to remember him by a plaque or something similar to remind him of the worthy service, hard work and his attendance record, all of which were tremendous during his tenure.

Chairman Dick also expressed appreciation from all Councillors to Mr McIntyre.

There being no further business the Chairman declared the meeting closed at 11.15am.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....