



## *Unconfirmed Minutes*

### **MINUTES OF A MEETING OF THE REGIONAL COUNCIL**

**Date:** Wednesday 25 March 2009

**Time:** 9.00am

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

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

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

**1. WELCOME/PRAYER/APOLOGIES**

Chairman Alan Dick welcomed everyone to the meeting and called up Councillor Remmerswaal to deliver the prayer. There were no apologies.

**2. CONFLICT OF INTEREST DECLARATIONS**

There were no conflicts of interest declared.

**3. CONFIRMATION OF MINUTES OF MEETING HELD ON WEDNESDAY, 25 FEBRUARY 2009**

**Resolution:**

Minutes of the meeting held on Wednesday, 25 February 2009, a copy having been circulated prior to the meeting, were taken as read and confirmed.

**McGregor/Scott  
CARRIED**

Chairman Dick requested Council also consider and adopt the minutes of the Council meeting of 18 March 2009.

**Resolution:**

That the meeting deals with the Minutes of the meeting held on 18 March 2009.

**von Dadelszen/Kirton  
CARRIED**

**Resolution:**

Minutes of the meeting held on Wednesday, 18 March 2009, a copy having been circulated prior to the meeting, were taken as read and confirmed.

**Scott/von Dadelszen  
CARRIED**

**4. MATTERS ARISING FROM MINUTES OF THE MEETING HELD ON WEDNESDAY, 25 FEBRUARY**

**Remuneration**

Councillor Scott advised she was remiss in requesting that her name be recorded against the resolutions she voted against for this item; her vote against resolutions 1.5 and 1.8 were noted.

There were no matters arising from the minutes of the meeting held on 18 March 2009.

**5. ACTION ITEMS FROM COUNCIL MEETINGS**

**Resolution**

That Council receives the report "Action Items from Council Meetings".

**McGregor/Rose  
CARRIED**

**6. CONSIDERATION OF GENERAL BUSINESS**

**i. Government Legislation**

**ii. 10 Year Plan Expos**

**iii. Port Shares**

**iv. Lotteries Advice**

## 7. AFFIXING OF COMMON SEAL

The Common Seal of the Council has been affixed to the following documents and signed by the Chairman or Deputy Chairman and Chief Executive or a Group Manager.

		<b>Seal No.</b>	<b>Date</b>
1.1	<b>Leasehold Land Sales</b>		
1.1.1	Lot 56 DP 7201 CT B4/950 - Agreement for Sale and Purchase	2819	26 February 2009
1.1.2	Lot 127 DP 13096 CT E3/526 - Agreement for Sale and Purchase	2820	9 March 2009
1.2	<b>Agreement – Pekapeka</b> HBRC & Fish and Game New Zealand (authority to manage game bird hunting on Pekapeka)	2817	19 February 2009
1.3	<b>Land Purchase Agreement</b> (Awanui Stopbank Reconstruction) Part Pukahu 33B, 33C and 33D1	2818	25 February 2009
1.4	<b>Staff Warrants</b>	2821 – 2829	17 March 2009
1.5	<b>Registration of Sub-Lease</b> Two half shares in Lease 10062 38 Logan Avenue	2830	18 March 2009

### Resolutions:

#### 1. That Council:

1.1 Agree that the decisions to be made are not 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 without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature of the issue to be considered and decided.

1.2 Confirm the action to affix the Common Seal.

**Rose/Gilbertson  
CARRIED**

## 8. APPOINTMENT OF CHAIRMAN TO THE ADVISORY BOARD OF HAWKE'S BAY INCORPORATED

Mr Drury advised Council needed to approve the appointment of Councillor Neil Kirton as Chairman of Hawke's Bay Incorporated Advisory Board. He then clarified

the approach taken in formalising the remuneration for this position which is an amount equivalent to a Councillor with Chairperson responsibilities.

Chairman Dick reiterated why it was the most appropriate course that the Chairman of Hawke's Bay Inc be a member of the Regional Council, the main reason being that Hawke's Bay Inc is now a business unit of the Regional Council.

In response to a question and comment about gaps with where Hawke's Bay Inc is going and what commitment the other Councils have made to their future involvement, Mr Newman advised there was a governance arrangement in place with Hastings District Council and Napier City Councils and there had never been any discussion that they were not going to be involved in the future. He said that while both Councils have their own tourism facilities and a commitment to make sure those facilities are used to their capacity, they still require input from Hawke's Inc on other issues, and the relationship between Councils is very complimentary at this stage.

Mr Newman advised that while there was no formal resolution through this Council or the Hawke's Bay Inc Board, he had had discussions via the Mayoral Forum about the appropriate place for this position. It was agreed at that Forum that the Regional Council was the most appropriate place.

Councillor Kirton, in his position as Acting Chair of Hawke's Bay Incorporated, said that it would be advisable to hold a workshop on ongoing governance arrangements for Hawke's Bay Inc after 1 July this year.

#### **Resolutions:**

That Council:

1. Approve the appointment of Councillor Neil Kirton to the position of Chairman of the Hawke's Bay Incorporated Advisory Board, such appointment to be effective from the date of this meeting.
2. That, subject to approval by the Remuneration Authority, that the remuneration for the position of Chairman of the Hawke's Bay Incorporated Advisory Board be the equivalent of a Councillor with Committee Chairman responsibilities, currently stated in the Local Government Elected Members' Determination 2008 as a salary of \$47,080 on a per annum basis.

**Rose/von Dadelszen  
CARRIED**

## **9. ANNUAL PLAN PROGRESS REPORT TO 28 FEBRUARY 2009**

Mr Drury advised that the Annual Plan Progress Report covered the first eight months of the 2008/09 financial year ending 30 June 2009. The report consisted of commentary on financial results to 28 February 2009 including the results of a re-forecasting of the Annual Plan budget.

Councillor Scott provided an update on the 150 year publication advising that some work has been done to date but progress was dependent on the availability of Mr Lloyd Jenkins, and issues around the archivist's time need to be worked through.

Mr Newman updated Councillors on progress with water at Bridge Pa. Hastings District Council have worked through some scenarios for reticulated water for this area which included connecting affected Bridge Pa residents to the Hastings water system. There have also been discussions with the Ministry of Health about funding for Bridge Pa residents to reach a solution to the water issues, and indications so far have been positive. Councillor Dick advised that an intermediate solution is currently being installed with large water storage units being reticulated to the houses. This is a good collaborative exercise between the Councils and the community.

In response to the revised allocations for policy implementation programmes and reduction in contribution to the Environmental Enhancement Biodiversity Protection project, Councillors expressed concern at the decrease in funding for these areas, in particular around the riparian areas and restoration work, saying that Council should not be pulling back from those issues.

Mr Adye responded to a question about the cost of having to replace the majority of butenol roofing in the Council's new Dalton Street building. He advised that while Herbert's was the main contractor, the sub-contractor should also be liable but has since gone out of business. He said it is a balance between Council trying to recover these costs from the main contractor, which may have expense legal costs attached to it, or Council paying for the defects and the cost of repairing the damages itself. Councillors will be kept updated in relation to this.

**Resolution:**

1. That the Annual Plan Progress Report for the first eight months of 2008/09 financial year be received and the reforecast allocations and projections adopted.

**Rose/McGregor  
CARRIED**

***The meeting adjourned at 10.20am and reconvened at 10.35am***

**10. SUBMISSION ON RESOURCE MANAGEMENT (SIMPLIFYING AND STREAMLINING) AMENDMENT BILL**

Mrs Lambert advised that the Government had issued its '100-day' amendments to the Resource Management Act in the form of an Amendment Bill. Submissions on the Amendment Bill close on 3 April 2009.

Mr Newman said the proposed establishment of an Environmental Protection Authority (EPA) was really a "call in process" agency for matters of major significance which Council would support as long as there is no increase in confusion around Council functions. He said that the simplifying and streamlining of the RMA was the first stage of a process and Council should expect to see more detail in the second stage of the amendment to the RMA.

Councillor Remmerswaal expressed concern about the level of input that this Council has had into this submission. She said Council should have held a workshop on this matter or presented the item to the Environmental Management and the Maori Committee meetings for their input.

Mr Mohi, Chairman of the Maori Committee, also expressed concern with the pace of the submission and said the Maori Committee had concerns about the submission being pushed forward for political reasons.

Councillors were reminded that it was Central Government's responsibility and their process for these types of submissions and they are the ones who control submission process etc.

Councillors made comment on the submission itself, especially in relation to:

- The term "EPA" may not be the most appropriate term and alternative name should be looked at – highlight this in the submission.
- Include a blanket statement on the unintended consequences for some of these provisions.
- Develop scenarios to be presented as part of the submission that outline the consequences for some of these amendments.

- Send the submission to MP's, media, Local Government New Zealand, and pre-circulate to Councillors.
- Use bold to highlight some of the concerned areas in the text.

Mr Newman said he would consider holding a workshop with Councillors if that was appropriate, before the submission is presented verbally to the Select Committee.

Councillors congratulated the staff for putting together a very logical and easy to follow submission. They noted everyone is after "better" practice which is the expressed intention of this reform.

**Resolution:**

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and the Council can exercise its discretion under Section 79 (1)(a) and Section 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly to the community and persons likely to be effected by or have an interest in the decision due to the ability of others in the community to make separate submissions.
2. Considers the attached submission and approves the lodging of the submission, as amended, to the Minister for the Environment.

**Scott/McGregor  
CARRIED 7/1**

**Councillor Remmerswaal recorded her vote against the motion**

**11. APPOINTMENT OF A COMMISSIONER FOR A RESOURCE CONSENT HEARING**

Ms Conland advised the item sought Council's approval for the appointment of a commissioner for the hearing of five applications by Central Hawke's Bay District Council to discharge domestic wastewater from oxidation ponds to land and water, and to discharge contaminants (odour) to air at Porangahau township and Porangahau Beach.

**Resolution:**

That Council:

1. Delegates to Mr Rauru Kirikiri, authority under section 34 of the Resource Management Act 1991 to jointly hear and determine with three other Hearings Committee members, Central Hawke's Bay District Council's resource consent applications DP030233W, DP030234L, DP030861A, DP030862A, and DP080621L.
2. Delegates to Mr Rauru Kirikiri the necessary powers, functions and duties set out in sections 37, 39 to 42A, 92, and 99 to 108A of the Resource Management Act 1991.

**Scott/McGregor  
CARRIED**

**12(I) RECOMMENDATIONS FROM ENVIRONMENTAL MANAGEMENT COMMITTEE**

The following matters were considered by the Environmental Management Committee on Wednesday 4 March 2009 and were presented to Council for consideration and approval.

## Resolution:

### 1. Draft Stormwater Plan Change

That Council:

- 1.1. Agrees 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 without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided and in any case, those people will have an opportunity to submit on the proposed plan following a decision by Council to publicly notify it.
- 1.2. Adopts, in principle and subject to the inclusion of the amendments made at the meeting, the provisions of Proposed Plan Change 3 and Variation 3 as the basis for further discussions with the Maori Committee and territorial authorities, with an updated draft document being provided to the March meeting of Council.

**von Dadelszen/Rose  
CARRIED**

### 2. Hearing Committee Delegations, Processes and Terms of Reference

That Council:

- 2.1 Agrees that the decisions to be made are not 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 without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
- 2.2 Adopts the amendments of the Terms of Reference for the Hearings Committee to read as follows (changes are either highlighted, struck through or underlined).

<b>HEARINGS COMMITTEE</b>
---------------------------

#### **TERMS OF REFERENCE**

*To exercise the following delegations*

1. To consider and recommend to Council processes, policies and guidelines to ensure effective management of resource consent and plan development processes.
2. Pursuant to Section 34(1) of the Resource Management Act (RMA) the Hawke's Bay Regional Council delegate the following functions, powers and/or duties under the RMA:
  - i) To hear and make recommendations on submissions received on any statutory documents prepared by Council which have been subject to a formal submission process under the Resource Management Act 1991.
  - ii) To hear and make decisions on applications arising out of the Council's regulatory responsibilities as follows:
    - ~~non-complying activities that have been publicly notified;~~
    - notified applications where submissions have been made and submitters wish to be heard;

- reviews of conditions (s.128) where consent holder and/or submitters wish to be heard
  - notified applications where submissions have been made and where the Committee considers it necessary to hold a hearing;
  - objections to decisions made under delegated authority by staff, where they wish to be heard (s.357);
  - where the staff recommendation is to decline any application for reasons other than inadequate information;
- iii) To determine other related discretionary process matters that may be associated with a hearing such as waivers of time, as appropriate under the Resource Management Act 1991.
- iv) To hear and make decisions on objections against costs under Section 36(6) of the Act and objections to the levying of Financial Contributions under Section 108 of the Act.
- ~~v) To authorise the resolution and settlement of appeals and references on applications through formal hearings or mediation before the Environment Court and to either generally or from time to time delegate to officers the authority to resolve and settle appeals and references on applications through formal mediation before the Environment Court~~
- vi) To hear and make decisions on lapsing of consents under Section 125 of the Act where a decision of an officer acting under delegated authority is subject to an objection.
3. Pursuant to section 82 of the Biosecurity Act (BA) the Hawke's Bay Regional Council delegate the following functions, powers and/or duties under the BA:
- i) To hear and make decisions on submissions received on any statutory documents prepared by Council which have been subject to a formal submission process under the Biosecurity Act.
- ii) To authorise the resolution and settlement of appeals and references through formal hearings or mediation before the Environment Court or any other judicial body which relate to the preparation of any statutory documents prepared under the Biosecurity Act by the Council and to either generally or from time to time delegate to officers the authority to resolve and settle appeals and references through formal mediation.
4. The Hawke's Bay Regional Council delegate to the Hearings Committee Chairman, the appointment of Hearings Committee members to a Hearing Panel to undertake the functions set out above in 2(ii), 2(iii), 2(iv) and 2(vi) and the appointment of the Chair of the Hearing Panel.

**MEMBERS:**

Four elected and accredited Members of Council; and up to three members of the Maori Committee, nominated by the Chair of the Maori Committee.

~~However in the interim period until the required number of accredited members are available, the Committee sitting to make decisions relating to 1(ii), 1(v) and 1(vi) above shall comprise:~~

- ~~• Up to three accredited members of the Council~~
- ~~• One accredited Commissioner~~
- ~~• If considered advisable in any particular case by the Chairman of the Committee, a Member of the Council's Maori Committee.~~

**HEARING PANEL COMPOSITION:**

The Hearing Panel sitting to make decisions relating to 2(ii), 2(iii), 2(iv) and 2(vi) above shall comprise any combination of:

- Up to three accredited members of the Hearings Committee
- Up to three accredited Commissioners
- If considered advisable in any particular case by the Chairman of the Committee, an accredited member of the Council's Maori Committee.

Also when appropriate, the Chair of the Standing Committee when hearings directly relate to policy originating from that Committee.

The Hearing Panel Chair has a Casting vote.

**CHAIRMAN:**

Cr Christine Scott

**DEPUTY CHAIRMAN:**

A member of the Committee as elected by the Council being: Cr E McGregor

**MEETING FREQUENCY:**

As is required

**STAFF EXECUTIVE:**

Group Manager Environmental Management

**QUALIFICATIONS:**

Except as indicated above, (relating to the Chair of a Standing Committee ~~or the Member of the Council's Maori Committee during the interim period~~), all Members of the **Panel** must be accredited pursuant to section 39B of the Resource Management Act 1991.

2.3 Adopts an amendment to the Standing Orders for the Hearings Committee to read:

2.3.1 a quorum of one for hearing panels.

2.4 Agrees to the revision of internal processes in relation to the following as noted:

2.4.1 Section 357 cost objection hearings

- Hearing Panel to accept a summary report from staff in relation to s357 objections to cost
- Hearing Panel Chairs write their own decisions based upon an agreed decision template.
- Appoint s357 cost objection hearing panels comprising panel members that did not hear the original notified consent applications.

2.5 In relation to resource consent decision documents, change Council's Consents Manual to read:

- *After the decision has been confirmed by the Hearing Panel, either at the meeting or remotely, the decision and consent document are to be signed by all members of the Hearing Panel; and if, after the deliberation process, the Hearing Panel cannot reach a consensus, the majority agreement will prevail. Members of the panel who dissent may record their dissent in the published recommendation or decision.*

2.6 Deposit charges for resource consent applications

- increase of the deposit for notified resource consent applications from \$800 + GST to \$5000 + GST
- accept one deposit fee of \$800 + GST for multiple non-notified consent applications for a single activity, and \$5000 + GST for multiple notified consent applications for a single activity.

**von Dadelszen/Rose**

Councillor Remmerswaal moved an amendment to the section titled Hearing Panel Composition – in relation to the provision of a castings vote, which was seconded pro forma by Chairman Dick to read (shown in bold type):

HEARING PANEL  
COMPOSITION:

***The Hearing Panel Chair has a Casting vote – bearing in mind that best practise is to have an odd number on the hearing panel, to reduce the need for the casting vote.***

Remmerswaal/Dick

In discussion on the terms of reference for the Hearings Committee, Councillor Remmerswaal said it was important to protect the Council and having a casting vote puts a lot of weight onto one person to make a decision in terms of a hearing. In response, Councillor Scott, in her capacity as Chairman of the Hearings Committee, spoke against the amendment and said that for practical reasons the provision for a casting vote was necessary as at times the Hearing Panel may be made up of an even number for good reason or when consisting of an odd number there is also the chance that a member may abstain from voting or be unable to complete the hearing.

The amendment when put was **LOST 2/5, with 1 abstention**

Therefore the substantive motion moved Cr von Dadelszen and seconded Cr Rose stood and was put.

**CARRIED**

### **3. Air Plan Submission**

Belinda Reily was in attendance for this item and outlined the air zone options for both Napier and Hastings to provide some flexibility for the Hearings Committee to look at further down the track.

That Council:

- 3.1 Agrees that the decision to be made is not significant under the criteria contained in Council's adopted policy on significance and that Council can make decisions on this issue as the Minister has conferred directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
- 3.2 Lodges the submission on Proposed Plan Change 2 to the Regional Resource Management Plan and to Variation 2 to the Proposed Regional Coastal Environment Plan, as attached and including any amendments made at the 25 March Council meeting.

**von Dadelszen/Rose  
CARRIED**

## **12(II) RECOMMENDATIONS FROM REGIONAL TRANSPORT COMMITTEE**

The following matter was considered by the Regional Transport Committee on Friday 6 March 2009 upon adoption for consultation of the draft Land Transport Programme and is now presented to Council for consideration and approval.

Ms Codlin advised that the Transport Committee is charged with taking into account the GPS target which sets a number of different objectives and needs to be taken into account when determining the feasibility of other transport modes, rail and coastal shipping. The new Government has signalled that the GPS targets will

change in priority with the highest likely to be economic development. Therefore it is necessary to carry out studies like those proposed.

Ms Codlin acknowledged that territorial authorities do have cycling strategies but they all need to be linked as a regional study.

**Resolutions:**

1. That the Regional Land Transport Programme include two additional studies being a study into 'Alternatives to Road Transport embracing Rail & Coastal Shipping' and a 'Regional Walking and Cycling Study', which includes the possibility of a national network traversing Hawke's Bay, estimated at a combined value of \$100,000, and that the Committee make a submission to the Hawke's Bay Regional Council for the required \$25,000 local share.
2. And that subject to approval by NZTA of the \$75,000 funding balance that Council allocate \$25,000 from the contingency account to fund the strategic studies local share.

**Gilbertson/Scott  
CARRIED**

**Cr Rose recorded his abstention from this vote**

**12(III) RECOMMENDATIONS FROM ASSET MANAGEMENT AND BIOSECURITY COMMITTEE**

The following matters were considered by the Asset Management and Biosecurity Committee on Thursday, 12 March and were presented to Council for consideration and approval.

**1. Wharerangi/Turirau Scheme**

**Resolutions:**

That Council:

- 1.1 Agrees in principle to the establishment of a Wharerangi/Turirau scheme area as an extension of the current Napier/Meeanee Drainage Catchment Area scheme.
- 1.2 Instructs staff to prepare the necessary Statement of Proposal in accordance with the Local Government Act 2002, and present that proposal for Council adoption in sufficient time to allow for the necessary period of submissions, consideration of those submissions, and a final decision on the establishment of the scheme by Council prior to 30 June 2009.

**Rose/Kirton  
CARRIED**

**2. Asset Management Plans**

**Resolutions:**

That Council:

- 2.1 Agrees that the decisions to be made are not 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 without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.

- 2.2 Adopts the Upper Tukituki and Heretaunga Plains Flood Control Scheme Asset Management Plans subject to changes being made associated with recommendations from Audit NZ.

**Rose/Kirton  
CARRIED**

### **3. Technical Guidelines for Waterways**

#### **Resolutions:**

That Council:

- 3.1 Agrees that the decisions to be made are not 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 without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
- 3.2 Adopts the following seven modules of Technical Guidelines for Waterways as a suitable best practical option for works affecting the region's waterways:
- 3.2.1 Erosion and Sediment Control
  - 3.2.2 Stormwater Management Design
  - 3.2.3 Low Impact Design Guidance
  - 3.2.4 Industrial Stormwater Design Guidance
  - 3.2.5 Waterway Works
  - 3.2.6 Small Dam Design
  - 3.2.7 Forest Harvesting Guidelines.

**Rose/Kirton  
CARRIED**

### **4. Animal Health Board (AHB) Funding Negotiations**

#### **Resolutions:**

That Council:

- 4.1 Agrees that the decisions to be made are not 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 without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
- 4.2 Delegates authority to the Chief Executive to commit Council to making a contribution to the Animal Health Board Bovine Tuberculosis Vector Management programme in Hawke's Bay:
- 4.2.1 Of no more than \$610,000
  - 4.2.2 That is aligned to Council's contract period for the provision of vector management services to Animal Health Board in Hawke's Bay.

**Rose/Kirton  
CARRIED**

## 5. Strategic Partnerships

### Resolutions:

That Council:

5.1 Agrees that the decisions to be made are not 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 without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.

5.2 Allocates the funding provision provided in Council's 10 year Plan as follows:

	<b>Organisation</b>	<b>Amount</b>	<b>Proposed partnership outcomes</b>
5.2.1	Sustaining Hawke's Bay Trust	\$30,000	Development and delivery of educational work programmes targeting sustainability in consultation with Council. The Trust becomes a self sustaining operation by the end of the three year period
5.2.2	EcoEd	\$30,000	Providing programmes and experiences for the natural indigenous environment to schools and the public.
5.2.3	Hawke's Bay Cultural Trust	\$30,000	Provisional on a wider discussion and plan for the HB Museum, potentially utilising funds from the proposed capital budget for projects of major regional significance.
5.2.4	Hawke's Bay Coast Guard	\$5,000	Maintaining a coastguard facility for the benefit of Hawke's Bay public

5.3 Instructs staff to prepare agreements with Sustaining Hawke's Bay Trust and EcoEd which set out clearly the outcomes expected by Council for the contributions provided, and how Council's partnership with that organisation will be recognised.

5.4 Instruct staff to investigate the viability of entering into a strategic partnership with Te Mata Park Trust and Creative Hawke's Bay.

**Rose/Kirton  
CARRIED**

## 6. Aramoana Property Purchase

At the Asset Management and Biosecurity Committee meeting it was agreed that following the meeting staff should advise the vendor of the recommendation to Council from the committee, prior to this Council meeting with a view to Council releasing its decision to the public.

Mr Adye clarified the item advising that the resolution would give Council the authority to release its decision made in Public Excluded session later in the day.

**Resolution:**

- 6.1 That Council agree to release to the public, their decision made in public excluded session of the Council meeting on Wednesday, 25 March, on the purchase of the Aramoana property.

**Rose/Kirton  
CARRIED**

**12 (IV) RECOMMENDATION FROM THE MAORI COMMITTEE**

Mr Mohi gave a verbal update from the Maori Committee on Tuesday 25 February and advised that he had been involved in a number of meetings relating to water and attended two site visits with Council staff and experts on water. He then presented the following recommendation to Council for consideration and approval.

**1. Replacement of Committee Member and Committee Representative on Environmental Management Committee**

**Resolution:**

That Council agree:

- 1.1 Mr Peter Paku be appointed to the vacant position of Heretaunga Executive member on the Maori Committee.
- 1.2 Mr M Mohi, Chairman of the Maori Committee, represent the Committee at the Environmental Management Committee meeting until the position is filled.

**Gilbertson/Scott  
CARRIED**

- 1.3 That the verbal update be received.

**Rose/Scott  
CARRIED**

**13. HOSTING OF HEALTHY HOMES INITIATIVE**

Mrs Lambert advised that at the March meeting of the Environmental Management Committee two presentations were made outlining the central (EECA) and local (Healthy Homes Coalition) initiatives in respect of working towards improving the housing stock in Hawke's Bay and the health of the population. This report progresses consideration of the formal establishment of a healthy homes administrative base.

Mr Newman advised that a letter had been sent to the Chairman advising that the Ministry for the Environment will be visiting Hawke's Bay to discuss air quality and air quality standards. The letter also advised that there will be a review of regulation considered later this year, but no actual date was given for the meeting.

In relation to the request for administration assistance for this initiative, the Chief Executive advised that the role would probably be in the vicinity of \$70,000 - \$80,000, but it was hoped that Council may be able to get other funding for this and the Healthy Homes initiative from sources like EECA etc.

Councillors advised they were pleased to see this come to Council and see Council taking a leadership role in energy conservation, healthy homes, etc which could take the heat out of the clean air scenario and give Council the biggest area of gain in areas of efficiency. It was also acknowledged there were benefits to be made in the environmental protection areas. The Chief Executive advised that promotion on this subject would not commence until after the 10 Year Plan has been adopted.

**Resolution:**

That Council:

1. Agree that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and the Council can exercise its discretion under Section 79 (1)(a) and Section 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly to the community and persons likely to be effected by or have an interest in the decision due to the ability of others in the community to make separate submissions.
2. Agree that the administration funding under Project 393 for the administration of the Air Quality financial assistance be used to establish a position for the co-ordination of healthy homes initiatives in Hawke's Bay, with part-funding contributions being sourced from other relevant agencies.

**Kirton/Remmerswaal**

**CARRIED 8/1**

**Councillor Gilbertson recorded his vote against the motion**

***The meeting adjourned at 12.30pm and reconvened at 1.10pm***

**14. OPTIONS FOR HEARING OF PLAN CHANGES ON AIR QUALITY**

Mrs Lambert advised that the Chairman of Council requested a report on the options for the hearing of submissions to Plan Change 2 and Variation 2 on Air Quality.

Chairman Dick said it was important that Councillors fully debated the options for hearing the air quality plan change, which included the full Council hearing the plan changes; the Hearings Committee hearing them or Commissioners.

Councillors debated each of these options and commented on the following:

- *Commissioners:* This was seen as the most expensive option as there would not only be a daily rate for a Commissioner/s, there would also have to be an allocation to include preparation time, accommodation, flights, etc. There could be a risk if there was only one Commissioner.
- *Hearings Panel/Committee:* Members of the Hearings Committee have undertaken training which prepares them to come to any Hearing with an open mind, without pre-determination or bias and in the capacity of a decision maker, not a politician. Using the Hearings Committee is a cost effective option.
- *Full Council:* There was a potential for quorum issues for full Council hearing the submissions.
- Council needs to show regional leadership by hearing the plan in-house.
- This is the most political and controversial matter that has come before the Council.

Councillors were reminded that whatever choice they made the final decision on the plan change must be made by the full Council.

**Resolution:**

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and the Council can exercise its discretion under Section 79 (1)(a) and Section 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly to the community and persons likely to be effected by or have an interest in the decision.
2. That the hearing of submissions to Proposed Plan Change 2 and Variation 2 be heard by the Hearings Committee.

**Gilbertson/von Dadelszen**

**CARRIED 6/2**

**Councillors Rose and Remmerswaal recorded their votes against the motion**

**15. CHAIRMAN'S REPORT 26 FEBRUARY TO 24 MARCH 2009**

The Chairman tabled his report showing meetings attended and matters dealt with for the period 26 February to 24 March.

**Resolution:**

1. That the Chairman's report for 26 February to 23 March 2009 be received.

**Dick/Scott**

**CARRIED**

**16. GENERAL BUSINESS**

**i. Government Legislation**

There was a question raised as to whether **Hawke's Bay Endowment Land Empowering Act 2002** needed to be amended to be more flexible for the good of this region and reduce the constraint on the use of funds. Mr Newman advised that he has raised this recently with MP's but will follow the matter up.

**ii. 10 Year Plan Expos**

There was a concern raised about the media releases in relation to the Hastings Expos which just mentioned Hastings District Council. It was advised that it is difficult to control what media releases are put out about other Councils, but the matter would be raised through the COMMS team.

**iii. Port Shares**

A question was asked to the Chairman if the article in the Dominion Post recently was correct. The Chairman responded that he was as frustrated about this media article as everybody else and is following up on this issue.

**iv. Lotteries Advice**

The Chairman advised that a grant has been given to the Peka Peka Wetlands Restoration project by Lotteries. This is an acknowledgement of work done by Graeme Hansen, Stephen Cave and Paul Drury and is an exceedingly pleasing result.

**17. CONFIRMATION OF PUBLIC EXCLUDED MINUTES OF MEETING HELD ON WEDNESDAY, 25 FEBRUARY 2009**

**Resolution:**

That the Council exclude the public from this section of the meeting being Agenda Item 17 - Confirmation of Public Excluded Minutes of Meeting held on Wednesday,

25 February 2009, with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being as follows:

<b>GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED</b>	<b>REASON FOR PASSING THIS RESOLUTION</b>	<b>GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION</b>
Public Excluded Minutes - Water Meter Business Unit	7(2)© That the public conduct of this part of the agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to honour an obligation of confidence.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.
	7(2)(b) That the public conduct of this part of the agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect information which otherwise would prejudice the commercial position of Council.	

**Gilbertson/Rose  
CARRIED**

**18. PORTFOLIO INVESTMENT OPPORTUNITIES**

**Resolution:**

That the Council exclude the public from this section of the meeting being Agenda Item 18 Portfolio Investment Opportunities, with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being as follows:

<b><u>GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED</u></b>	<b><u>REASON FOR PASSING THIS RESOLUTION</u></b>	<b><u>GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION</u></b>
18. Portfolio Investment Opportunities	7(2)(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Gilbertson/Rose  
CARRIED**

**19. PUBLIC EXCLUDED RECOMMENDATION FROM THE ASSET MANAGEMENT AND BIOSECURITY COMMITTEE**

**Resolution:**

That the Council exclude the public from this section of the meeting being Agenda Item 19 Public Excluded Recommendation from the 12 March 2009 Asset Management and Biosecurity Committee meeting, with the general subject of the

item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being as follows:

<u>GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED</u>	<u>REASON FOR PASSING THIS RESOLUTION</u>	<u>GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION</u>
Aramoana Property Purchase	<p>7(2)(c)(i) 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>7(2)(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Gilbertson/Rose  
CARRIED**

**Closure:**

There being no further business the Chairman declared the meeting closed at 3.15pm.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....