



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Unconfirmed

Date: Wednesday, 22 April 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
M Adye – Group Manager Asset Management
M Mohi – Chairman – Maori Committee
H Codlin – Group Manager – Strategic Development
G Sevicke-Jones – Manager Environmental Science
Dr Ian Hunter – University of Auckland
J Peacock – Acting Group Manager – Corporate Services
M Drury – Minute Secretary

1. WELCOME/PRAYER/APOLOGIES

Chairman Dick welcomed everyone to the meeting and called upon Councillor Scott to deliver the prayer.

There were no apologies.

Chairman Dick advised there would be a Strategic Planning and Finance meeting on Tuesday 12 May commencing at 9.00am in the Council Chambers. Mr Garth Cowie from Port of Napier Ltd would give a half yearly report and this would be held in public excluded session.

2. CONFLICT OF INTEREST DECLARATIONS

There were no conflicts of interest declared.

3. CONFIRMATION OF MINUTES OF THE MEETING HELD ON WEDNESDAY, 25 MARCH 2009

Minutes of the meeting held on Wednesday, 25 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 MEETINGS HELD ON WEDNESDAY 25 MARCH 2009

12(iii) Recommendations from Asset Management and Biosecurity Committee

Purchase of Aramoana Property

Mr Adye confirmed a press release had been issued in regard to Council's decision on the purchase of the Aramoana property.

9. Annual Plan Progress Report to 28 February 2009

Councillor Scott confirmed that no further work had been undertaken on 150 year publication as progress was dependent on the availability of Mr Lloyd Jenkins.

5. ACTION ITEMS FROM COUNCIL MEETINGS

Resolution

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

**von Dadelszen/Gilbertson
CARRIED**

6. CONSIDERATION OF GENERAL BUSINESS

- (a) Hearing Update
- (b) Haumoana Coastal Erosion Committee
- (c) Energy Audit Update

7. AFFIXING OF COMMON SEAL

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

		Seal No.	Date
1.1	Leasehold Land Sales		
	1.1.1 Lot 56 DP 2201 CT B4/950 - Transfer	2832	24 March 2009
	1.1.2 Lot 51 DP 13039 CT E2/1228 - Agreement for Sale and Purchase	2833	1 April 2009
1.2	Staff Warrant	2831	23 March 2009

Resolution:

That Council:

- (a) 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.
- (b) Confirm the action to affix the Common Seal.

**Scott/Rose
CARRIED**

8. ROY'S HILL ARTIFICIAL RECHARGE – SURPLUS LAND

Mr Adye reminded Council that at a meeting in November 2007 Council agreed to disestablish the artificial aquifer recharge facility at Roy's Hill. Subsequent to this Council has closed the recharge facility including cutting off all water flowing to the ponds downstream of the Ngaruroro river stopbank.

As a result of the closure of the facility, a parcel of land has been identified as potentially surplus to Council requirements. A declaration from Council that the land is surplus is now sought and once this declaration is made, Council officers will proceed to negotiate the sale of the land parcel.

It was noted by Council that part of Lot 2 DP 28426 provides access to the Ngaruroro river which was important to Council for its ongoing operations and would not be part of the land that would be declared surplus.

Council discussed the conditions of sale as set out under Section 40 of the Public Works Act and whether the land had to be offered back to the original owner. It was noted that the status of land would change upon sale and possible remedial action would be required.

Resolution:

1. That Council:
 - 1.1. 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.
 - 1.2. Declares surplus to requirements, the parcel of land which formed the artificial recharge system at Roy's Hill, Part Lot 2, DP 28426, with an area of 4.95 hectares (subject to survey). For clarity the land parcel is shown on the map **attached as Appendix 1.**
 - 1.3. Authorises the Chief Executive to undertake the sale process on behalf of Council.

**Rose/von Dadelszen
CARRIED**

9. ESTABLISHMENT OF A FLOOD CONTROL AND DRAINAGE SCHEME IN WHARERANGI-TURIRAU AREA

Mr Adye advised that following agreement in principle by Council's Asset Management and Biosecurity Committee on 12 March 2009 to the establishment of a Wharerangi-Turirau Scheme area as an extension of the current Napier/Meeanee Drainage Catchment Area Scheme, a Statement of Proposal which set out the proposed flood control and drainage scheme within the catchment including its proposed funding had been prepared in accordance with the Local Government Act 2002.

Mr Adye also outlined the proposed timetable for public consultation with submissions closing on 29 May 2009 and advised that it was suggested that the sub committee of Council to consider the submissions include Hastings constituency councillors as the Wharerangi-Turirau area was in the Hastings area and be chaired by the Chairman of Council's Asset Management and Biosecurity Committee.

Councillor Rose acknowledged the excellent work undertaken by Mr Norm Olsen in gaining support from the majority of landowners in the area for this project to be undertaken.

Councillor Scott expressed concern over the lack of identification of areas of high value soils on the Heretaunga Plains and suggested that a more holistic attitude needed to be taken by Council in regards to water and soil.

Councillor Kirton requested that a progress report on the work undertaken in this area be included in Council's Action Items.

Resolution:

1. That Council:
 - 1.1. Adopts the Statement of Proposal, attached as Appendix 2 to this agenda item, for the establishment of a flood control and drainage scheme in the Wharerangi – Turirau area, as part of the Special consultative process in accordance with section 83 of the Local Government Act 2002.

- 1.2 Agrees that submissions received on the establishment of the scheme be heard and considered by a Sub Committee of Council made up of the four Hastings constituency members, and chaired by Councillor Rose

**Rose/McGregor
CARRIED**

10. APPOINTMENT TO GOVERNANCE GROUP OF HERETAUNGA PLAINS URBAN DEVELOPMENT STUDY

Ms Codlin advised that as a result of the resignation of Cr Rex McIntyre, a vacancy had arisen on the Heretaunga Plains Urban Development Study (HPUDS) Governance Group and endorsement of a Councillor onto the group was now required.

Resolution:

1. That Council:
 - 1.1 Exercises its discretion under Section 79(1)(a) and 82(3) of the Act and make a decision on this issue without conferring directly with the community or others having given due consideration to the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by or have an interest in the decisions to be made.
 - 1.2 Endorses the appointment of Cr Eileen von Dadelszen to the Heretaunga Plains Urban Development Study Governance Group.

**Scott/Gilbertson
CARRIED**

11. REGISTER OF INTERESTS AND RELATED PARTY DISCLOSURE IN EXTERNAL FINANCIAL REPORTS

Mr Peacock reiterated that under Section 3.8 of Council's Code of Conduct, Councillors were required to complete annually a general declaration of interest as soon as practicable after becoming aware of any such interest. Mr Peacock outlined to Council the nature and extent of any interest which would need to be declared and noted that the declarations are recorded in a register of interests maintained by Council.

Mr Peacock advised that in their review of the year ended 30 June 2008, Audit New Zealand had noted that not all declarations by elected members had been completed for that year and recommended that any outstanding returns be followed up and obtained.

As the current system Council has in place to record Councillor declarations is no longer acceptable to Audit New Zealand, it is proposed to circulate all elected members and Council's Chief Executive in July each year to confirm whether any related party transactions have occurred in the immediate past financial year and if so relevant details of these transactions would be disclosed in the annual financial report.

In response to a question, Mr Peacock advised there was one outstanding declaration from last year and two outstanding for this current financial year.

Resolution:

1. That Council:
1. Notes Councillor's obligations in respect of Council's register of interests.
2. Agree to the proposal by Staff to distribute a memorandum to all Councillors and Council's Chief Executive in July each year to confirm whether any related party transactions have occurred in the immediate past financial year and, if so, the details of these transactions for the purposes of disclosure in the annual financial report.

**Gilbertson/von Dadelszen
CARRIED**

Chairman Dick advised that following a recent discussion with HB Today regarding the presence of a reporter at Council meetings, a reporter would not be available until 10.30am to cover Agenda Items 12 and 14 of this Council meeting.

As the meeting was ahead of schedule Agenda Items 13 and 6 were discussed out of order.

13. CHAIRMAN'S MONTHLY REPORT

The Chairman tabled his monthly report showing meetings attended and matters dealt with for the period 26 March to 22 April 2009.

Resolution:

That the Chairman's report for 26 March to 22 April 2009 be received.:

**Dick/Scott
CARRIED**

15. GENERAL BUSINESS

i. Hearings Update

The decisions for the Ngaruroro Hearing had been released and the process was now completed.

The Porangahau Township and Te Paerahi Oxidation Ponds hearing is set down for 5/6/7 May in the Council Chambers.

ii. Haumoana Coastal Erosion Committee

A meeting of the Haumoana Coastal Erosion Committee is set down for Wednesday, 29 April. There would be an open session between 3.30pm and 5.30pm when Councillors present could answer any questions from the public and Murray Tonks would present his presentation at 5.30pm and answer any questions.

iii. Energy Audit Update

Three proposals had been received and it was hoped to make a decision in the near future. The audit would be undertaken early in the new financial year.

The meeting adjourned at 10.00am and reconvened at 10.30am

12. PRESENTATION BY DR IAN HUNTER

Councillor Kirton, in his position as Chairman of Hawke's Bay Incorporated introduced Mr Michael Basset Foss, Manager, Investment and Planning HB Inc and Dr Ian Hunter, Director, University of Auckland Business Case Centre who, has been contracted to engage with HB Inc to develop a partnership to add value, accelerate

and enhance the planned HB Inc workflow in the areas of Regional Promotion and Marketing, Innovation and Productivity and Planning and Investment.

Dr Hunter gave a Powerpoint presentation which illustrated the collaborative relationship with HB Inc and the targeted aims of the Innovation System , economic development in the region and strategic initiatives in this time of a deepening economic recession.

In response to questions and comment concerning reliance on Central Government interventions, Dr Hunter explained the advantages of Regional Development Interventions (RDIs), the proposed Regional Development Fund where firms could access funds, noted that discussions had already been held with high net worth individuals in the region and that in a financial capacity financial security was paramount.

Dr Hunter also noted that there was already media interest from TV1 in this project and they were keen to place it on their programme schedule as soon as possible.

Resolution:

That Council receives Dr Ian Hunter's verbal presentation "Hawke's Bay – Growing through Challenges".

**Kirton/Gilbertson
CARRIED**

14. TUKITUKI REVIEW

Mr Sevicke-Jones advised Council that this agenda item provided an overview of the report on the Review of Monitoring in the Tukituki Catchment, Hawke's Bay which was completed for the Council and Hawke's Bay Environmental Water group (HBEWG) by NIWA.

Once both parties (HBRC & HBEWG) had reviewed the recommendations, and where possible agree on the recommendations the recommendations would be reported to Council. Any recommendation that has significant resource implication would be considered through the Annual Plan or LTCCP process and subject to funding sources being available.

Mr Sevicke-Jones gave a powerpoint presentation which illustrated the results of the review and methods of achieving the recommendations set out in the report prepared by Dr Kit Rutherford.

Responding to a question about the duration of the programme, Mr Sevicke Jones confirmed it was a 10 year programme driven by consenting and regulatory processes however the programme was geared to give Council long term information in order for policy decisions to be based on. The focus of the programme for the next 3 years was on the Ruataniwha Plans which would have a huge benefit for the Tukituki area.

Council discussed the impact the types of land use were having in the area and noted the following:

- If land use was managed correctly there may not be a problem;
- Although there was scientific information available for the management of land, over the last 20 years or so there had been a gap in translating scientific information into practicality;
- New strategic approaches could now be considered – Council staff working closely together in order to achieve a successful outcome;
- A larger scale development of wetlands acting as water filters ;

Following discussion Council agreed that further consideration of Council's approach to the long term management of the Tukituki catchment was required before a final decision was confirmed.

Recommendations:

Councillors discussed the following recommendations. An amendment (1.2) was proposed by Councillor Scott and seconded by Council von Dadelszen but it was ruled by the Chairman that the amendment could not be accepted as it was contrary to the original motion. The original motion (1.1) was also withdrawn following further discussion.

Following debate the item was adjourned and left to lie on the table.

1. That Council agree:

1.1. to encourages staff to create integrated strategies for the Management of the Tukituki catchment that embrace strategic Land Management practices, the development of regulatory policy tools, continued encouragement of riparian fencing through the Regional Landcare Scheme and the integration of drainage and river control functions with the development of wetland filters, and continue to work with CHB through its consent to reduce impacts of its point source discharges.

Dick/McGregor

1.2 That staff consider the recommendations in this report in assessing the effectiveness of and any modifications to Council's monitoring and investigations programmes and how this might impact on Land Management Programmes and Resource Management Plan changes and identify any changes needed in Council's Scientific research which would require provision through the LTCCP.

Scott/von Dadelszen

1.3 The proposed recommendation (1.1)- originally moved by Chairman Dick and seconded by Councillor McGregor be withdrawn.

Dick/McGregor

CARRIED

1.4 The Agenda item No 14 - Tukituki Review lay on the table until the next Council meeting on Wednesday 12 May 2009.

Dick/McGregor

CARRIED

16. CONFIRMATION OF PUBLIC EXCLUDED MINUTES OF MEETING HELD ON WEDNESDAY 25 MARCH 2009

Resolution:

That Council:

That the Council exclude the public from this section of the meeting being Agenda Item 16 - Confirmation of Public Excluded Minutes of Meeting held on Wednesday 25 March 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:

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

**Scott/Kirton
CARRIED**

13. WATER METERING UNIT BUSINESS PROPOSAL

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:

<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>
Water Metering Unit Business Proposal	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.

**Scott/Kirton
CARRIED 7/1**

Councillor Remmerswaal recorded her vote against the motion

14. PORTFOLIO INVESTMENT OPPORTUNITIES

Resolution:

That the Council exclude the public from this section of the meeting being Agenda Item 19 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:

<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>
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.

**Scott/Kirton
CARRIED**

15. CHIEF EXECUTIVE’S PERFORMANCE REVIEW

Resolution:

That the Council exclude the public from this section of the meeting being Agenda Item 20 'Chief Executive’s Performance Review’, 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 THIS RESOLUTION</u>
Chief Executive's Performance Review and Review of Remuneration	7(2)(a) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect the privacy of natural persons.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Scott/Kirton
CARRIED**

The meeting moved into public excluded session at 12.40pm and out of public excluded session at 4.25pm

Closure:

There being no further business the Chairman declared the meeting closed at 4.30pm.

Signed as a true and correct record.

DATE:

CHAIRMAN: