



Unconfirmed

MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 30 June 2009

Time: 9.00am

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

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

In Attendance: A Newman – Chief Executive
H Codlin – Group Manager Strategic Development
M Adye – Group Manager Asset Management
M Mohi – Chairman – Maori Committee
J Peacock – Corporate Accountant
C Gilbertson – Administration Manager

1. WELCOME/PRAYER/APOLOGIES

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

Ms Codlin advised the next speaker series breakfast would be held on Friday 14 August and the speaker would be Mr Rod Oram.

2. CONFLICT OF INTEREST DECLARATIONS

There were no conflicts of interest declared.

3. CONFIRMATION OF MINUTES OF MEETINGS

Minutes of the meeting held on Wednesday 27 May 2009, a copy having been circulated prior to the meeting, were taken as read and confirmed.

**von Dadelszen/Remmerswaal
CARRIED**

Minutes of the meeting held on Wednesday 3 June 2009, a copy having been circulated prior to the meeting, were taken as read and confirmed.

**Gilbertson/Rose
CARRIED**

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

**von Dadelszen/McGregor
CARRIED**

Minutes of the meeting held on Tuesday, 9, Wednesday 10, Thursday 11 and Monday 15 June 2009, a copy having been circulated at the meeting, were taken as read and confirmed.

**Rose/Wilson
CARRIED**

4. MATTERS ARISING FROM MINUTES

Leave of Absence for Meeting held on 9 June 2009:

Councillor Remmerswaal asked if her apology had been given to each submitter that presented on 9 June. The Chairman replied that this had not been the case but would consider the matter in future if this situation arose again.

Making Submissions:

Councillors discussed whether it would be appropriate to encourage more people to make their submission in person and there was also a suggestion that maybe some coaching could be given to submitters. Other Councillors spoke against this idea and said that Councillors use every opportunity to encourage submissions and noted that Council had received over 90 submissions and a large number of those had asked to be heard as well. It was also noted that the quality of submissions had improved immensely over the past 10 years. The Chairman acknowledged that the submissions made were of a high standard.

Maori Representation:

In response to a question from Councillor Remmerswaal about Maori representation and when this would be reviewed in the future, the Chairman advised that a review was due to be carried out in 2011 and said submitters would be advised of this in their response letters.

Councillor Kirton left the meeting at 10.05am

5. ACTION ITEMS FROM COUNCIL MEETINGS

Te Awanga/Haumoana Erosion:

The Chairman advised that the next meeting on this issue was scheduled for Friday 3 July 2009 and the objective of that meeting was to see what information would be sent out to the community and probably sent out in late August. It was also noted that the WOW (Walking On Water Group) met on 29 June for their public meeting.

Resolution:

1. That Council receive the report "Action Items from Council Meetings".

**Scott/Remmerswaal
CARRIED**

6. CONSIDERATION OF GENERAL BUSINESS

1. **Clifton Beach**
2. **Air Quality**
3. **Hearings**
4. **Aggregate and Quarry Conference**
5. **Field Day**
6. **Regional Sports Park**
7. **Soil/Carbon Conference**
8. **Christchurch trip**
9. **Energy Audit**
10. **Leave of Absence**

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.

	1.1.1	Seal No.	Date
1.1	Leasehold Land Sales		
	1.1.1 Lot 193 DP 11967 CT D1/83 - Transfer	2861	5 June 2009
	1.1.2 Lot 74 DP 7839 CT E3/362 - Agreement for Sale and Purchase	2862	11 June 2009
	1.1.3 Lot 61 DP 11604 CT C2/571 - Transfer - Lease surrender of Easement (Lease L216485)	2864 2865	17 June 2009 17 June 2009

1.2	Reserve Lease Pt Lot 44 DP 1815 (Installing SOE Monitoring Well at Bridge Pa)	2857	27 May 2009
1.3	Easement Agreements - Awanui Stream Flood Protection 1.3.2 Pukahu 33B 1.3.3 Pukahu 33C 1.3.4 Pukahu 33D1	2858 2859 2860	4 June 2009 4 June 2009 4 June 2009
1.4	Land Purchase Agreement Part Pukahu 33E1B & 33E2B Block Right Bank Awanui Stream	2863	17 June 2009
1.5	Staff Warrants	2866- 2867	22 June 2009

Resolution

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.

**Scott/McGregor
CARRIED**

8. ANNUAL PLAN PROGRESS REPORT TO 31 MAY 2009

In the absence of Mr Drury, Mr John Peacock presented this item and advised that this was a brief report that covered the first 11 months of the 2009/09 financial year.

In response to a question about recovering overdue rates, Mr Peacock advised that the finance staff diligently try to recoup all outstanding rates and noted that the outstanding rates were generally across the board and not in one particular sector. He advised that currently about 35% - 40% of ratepayers send in cheques, followed by those that made automatic payments and then direct debits on the due date in January. He said that some ratepayers take advantage of internet banking, but there are a number who still pay by cash or cheque and do this directly by coming into the Council.

The meeting adjourned at 10.30am and reconvened at 10.40am

Councillor Kirton returned to the meeting at 10.40am

Resolution

1. That the Annual Plan Progress Report for the first eleven months of 2008/09 financial year be received.

**Scott/Wilson
CARRIED**

10. ADOPTION OF AUDITED 2009-19 LTCCP

Mr Newman said that the final amendments to the 10 Year Plan needed to be formally

adopted by Council by resolution and this included the proposed financial assistance for Council's Healthy Homes initiative.

Mr Newman advised that the Energy Efficiency and Conservation Authority (ECCA) had grants and loans available for insulation up to an amount of \$323M over 4 years to refit 180,000 homes. This applies nationwide and they were keen to have that programme up and running as soon as possible. This allocation would not entirely fund insulation and heating so there would still be a cost to home owners for the balance. So it was proposed to initiate a voluntary targeted rate with ratepayer agreement to fund the balance of the Healthy Homes Programme. This was to be provided as a loan facility to be repaid by that property owner. Mr Newman said the Regional Council would become the lead agency for this region.

The Chairman said the Council was showing leadership if it adopted the proposal and this would help those that would otherwise have had a problem seeking funds for the balance of what was required to insulate and heat their homes. He said that if Hastings District Council agreed to provide some funds, all these would be consolidated. The Regional Council would have a role in co-ordinating and facilitating all these funding mechanisms to the community.

In response to a question about whether this would be a cost neutral situation for the Regional Council, the Chief Executive advised there would probably be some small administration costs in producing the rating bills and some staff time.

The Chairman summarised by outlining the role the Regional Council was playing in meeting its responsibilities under the four wellbeings for the region by undertaking this initiative, and advised that the Long Term Plan had been amended to reflect this change.

Resolution:

That Council:

1. Agree the decision is to be made under Section 93 of the Act which specifies the adoption of the Long Term Council Community Plan, and also under sections 83 & 84 requiring a special consultative process which includes consideration of submissions on the Plan from members of the community, and that this process has been undertaken.
2. Resolve to provide financial assistance under Council's Healthy Homes initiative through either the provision or facilitation of loan funding to assist in the insulation of homes up to the standards prescribed by the Energy Efficiency and Conservation Authority. This assistance would be limited to the shortfall between the cost of installation (to EECA standards) and grants and other financial assistance that are available to the home owner from EECA and other funding sources. The homeowner would be required to repay the loan, including interest and any applicable fees through a voluntary differential targeted rate for a period not exceeding 10 years. Noting that the loan facility will be available to qualifying ratepayers across the region.
3. Agree to fund the underlying deficits in the years where the deficits are shown in the Plan, from cash operating balances which are estimated to be at a level which is sufficient to provide such funding.
4. Adopt the following resolutions pursuant to Section 12 of the Local Government Act 2002:
 - 4.1. Council raise a loan or loans or facilitate loan funding through banks to fund the borrowing set out in the 2009-19 LTCCP for the purposes of funding clean

heat and insulation advances to householders, flood and drainage schemes, public good capital assets and a systems integration programme. These loans to be drawn down when required to fund the approved capital programmes.

- 4.2. Council delegates to the Chief Executive, authority to negotiate and agree on the terms of the loan including:
 - 4.2.1. Any future financing needs within the overall terms of borrowing, the interest rate payable by Council.
 - 4.2.2. The frequency of interest payments.
 - 4.2.3. The timing of drawdown.
 - 4.2.4. The institution(s) who will provide the loans.
 - 4.2.5. The number of loans which will make up the borrowing.
 - 4.2.6. All other terms and conditions of such loans and facilities as may be necessary in obtaining such loans and facilities in accordance with the Council's Liability Management policy to execute any agreements, documents, and certificates in respect of such loans and facilities on behalf of Council.
- 4.3. Adopt the audited 2009-19 LTCCP, in accordance with Section 93 of the Local Government Act 2002, being the audited draft LTCCP issued for public consultation and amended:
 - 4.3.1. By Council at the meetings held on 9, 10, 11 & 15 June 2009.
 - 4.3.2. By Council at its meeting on 30 June 2009.
- 4.4. Approve, in accordance with sections 83 and 150 of the Local Government Act 2002, the resource consent and user charges as adopted in Part 4 on pages 31 - 37 of the draft LTCCP issued for public consultation and amended by Council at its meetings on 9, 10, 11 & 15 June 2009, and today, 30 June 2009.
- 4.5. Instruct staff to make any necessary final amendments to the LTCCP 2009-19 to reflect the changes agreed at the meetings on 9, 10, 11 & 15 June 2009 and today, 30 June 2009, and then to issue the published Plan in its final form.
- 4.6. Amend the Policy Handbook, Section 1.1.2 – Long Term Planning to read:

“That the Council adopt the 2009-19 Long Term Council Community Plan being the draft Long Term Council Community Plan issued for public consultation and as amended:

 - *By Council at the meetings held on 9, 10, 11 & 15 June 2009.*
 - *By Council at its meeting on 30 June 2009.”*
- 4.7. Note that the LTCCP has had a textual change to describe the range of activities relating to climate change and that accordingly submitters on that topic will be advised of the change in the submission response.

**Scott/Dick
CARRIED**

9. APPROVAL OF REGIONAL LAND TRANSPORT PROGRAMME AND

9A. SUPPLEMENTARY PAPER TO ITEM 9 - APPROVAL OF REGIONAL LAND TRANSPORT PROGRAMME 2009-12

Ms Codlin advised that the Council needed to approve the Regional Land Transport programme for 2009-12 that had been prepared by the Regional Transport Committee. A supplementary paper had been distributed to Councillors advising of some late changes that needed to be made to the Regional Land Transport programme.

The Chairman noted the onerous and difficult task that Ms Codlin and the Transport Committee has had in bringing together the land transport programme due to changes in Government and subsequently changes to priorities from the new Government for the transport programme. The Chairman also acknowledged and thanked Ms Codlin for the work that she has done in bringing together the TAG and Committee and keeping them focussed on achieving an excellent programme.

Resolution

That Council:

- 1.1. 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.
- 1.2. Approves the Regional Land Transport Programme 2009-12 as provided in Attachment 1 subject to an amended Table 2 as per Appendix 1 of the Supplementary Paper but excluding:
 - 1.2.1. the NZTA State Highway 38 Mangahohi bridge replacement project listed in Table 1 (ranked 41) and Appendix 1 (page 66),
 - 1.2.2. The Central Hawke's Bay District Council Asset Management Plan project listed in Table 2 (ranked 7),
 - 1.2.3. The Napier City Council Neighbourhood Accessibility Plan – Maraenui/Napier Hill project listed in Table 2 (ranked 30).
- 1.3. Approves a variation to the approved Regional Land Transport Programme 2009-12 to include:
 - 1.3.1. the NZTA State Highway 38 Mangahohi bridge replacement project,
 - 1.3.2. The Central Hawke's Bay District Council Asset Management Plan project,
 - 1.3.3. The Napier City Council Neighbourhood Accessibility Plan – Maraenui/Napier Hill.
- 1.4. Lodge the approved varied Regional Land Transport Programme with the New Zealand Transport Agency.

**Gilbertson/Rose
CARRIED 8/1**

Councillor Remmerswaal voted against this motion

**Gilbertson/von Dadelszen
CARRIED**

11. RECOMMENDATIONS AND REPORTS FROM: (I) WHARERANGI-TURIRAU HEARING

Councillor Kevin Rose, Chairman of the Asset Manager/Biosecurity Committee introduced this item and advised that at a meeting held on Friday, 12 June the Hearing Panel considered submissions regarding the proposed Wharerangi-Turirau control and drainage scheme and these recommendations were now presented to Council for consideration and approval. Councillor Rose also acknowledged the work done by Mr Norm Olsen and Mr Mike Adye in progressing this issue.

Resolution:

That Council:

1. Agree that the decisions to be made on the establishment of the proposed Wharerangi/Turirau scheme are being made after the provisions included in Section 83 of the Local Government Act have been followed.
2. Adopt the recommendation of the Hearing Panel, and does not proceed with the establishment of the proposed Wharerangi/Turirau scheme.
3. Instruct staff to make appropriate amendments to Council's 10 Year Plan 2009-19 prior to consideration by Council at the Council meeting on 30 June 2009.
4. Instruct staff to continue working with landowners on the Cottrell Drain to seek agreement to undertake improvement work at their cost.
5. Instruct staff to obtain legal advice with regard to landowners' obligations in respect of debris from their property causing possible nuisance to downstream properties and act, if appropriate, on the advice received.
6. Instruct staff to continue discussions with landowners with the objective of formalising a consistent level of maintenance.
7. Instruct staff to draft a letter to all landowners within the boundaries of the proposed Wharerangi/Turirau scheme, informing them of Council's decisions. These letters to be jointly signed by Mr Mike Adye and Cr Kevin Rose.

**Rose/von Dadelszen
CARRIED**

(II) MAORI COMMITTEE MEETING

Mr Mike Mohi, Chairman of the Maori Committee gave a verbal report from the meeting held on Tuesday, 23 June and advised that the Committee had received a presentation of landuse from Mr Chris Reed. The Committee had also debated the stormwater provisions relating to sensitive areas, and discussed water in relation to the dam proposal for Central Hawke's Bay, and the proposed upgrade to effluent disposal from Waipukurau and Waipawa Rivers. They were also updated on Treaty claims of Ngati Pahauwera and Ahuriri.

12. TREATY OF WAITANGI NEGOTIATIONS – NGATI PAHAUWERA

Mr Mike Adye advised that this item was to provide an update to Council on the status of negotiations with Ngati Pahauwera around Treaty of Waitangi negotiations. Mr Arthur Gemmell and Mr Toro Waaka were in attendance for this item and gave Councillors a presentation on Ngati Pahauwera Toolkits; resource basket; guardian basket; knowledge basket and issues basket. In addition to co-management they are also working on ownership of gravel and hangi stones; delegation of powers from Councils; Pahauwera veto on development; setting funding and management priorities; scoping study of the rivers.

The meeting adjourned at 12.25pm and reconvened at 1.10pm

Mr Gemmell then gave Council a presentation on Maori mythology.

Resolution:

That Council receive the presentation from Ngati Pahauwera and receives the report from the Group Manager Asset Management.

**Wilson/von Dadelszen
CARRIED**

14. GENERAL BUSINESS

11. Clifton Beach

Mr Adye gave Council an update on the issues being faced in regard to erosion out at Clifton Beach and the recent article that featured in the Dominion Post. The issue around access to the camping ground which is under threat by scouring and erosion is causing difficulties for anyone trying to get in or out of the motor camp. Mr Adye said that this land had been gifted by the Gordon family to DOC who had then subsequently leased the land to the Domain Trust Board managed by Hastings District Council (HDC) as a camping ground. Mr Adye said the Regional Council will have to work with HDC to resolve some of the issues faced at Clifton Beach. Large sections of the road have fallen away and this has happened in the last few days to a much larger extent and is expected to get worse. Mr Adye said that the Regional Council is the consenting authority and does not have any other responsibility over this land although they have taken a role in cleaning up the beach area after storms, even though it is not their responsibility to do this. Mr Adye will keep Council updated on issues.

12. Air Quality

Councillor Scott, in her capacity as Chairman of the Hearings Committee advised that three Councillors and Commissioner Morry Black will be hearing the air quality submissions in September.

13. Hearings

Councillor Scott in her capacity as Chairman of the Hearings Committee advised of three hearings that were currently underway:

Affco Discharge to Wairoa River - This hearing was held the week of 22 June.

Dam on Maraekakaho and Discharge - This hearing is due to be held on Wednesday 1 July.

Oxidation - A report from the CHB regarding the adjournment has been received and formal mediation is due to take place on 15 July.

14. Aggregate and Quarry Conference

Councillor Fenton Wilson attended this conference and tabled a letter which outlined the issues discussed at that conference.

15. Field Day

Councillor Kevin Rose advised that he had heard through the media that the Regional Council was sponsoring 2 field days, one at Patoka and one at Takapau and asked that Councillors be kept informed of what is happening with these field days and any other field days in the future.

16. **Regional Sports Park**

Councillor McGregor advised that a meeting had been held regarding the Regional Sports Park in June which he attended. The purpose of this meeting was to provide a sequence of dates for this development.

17. **Soil/Carbon Conference**

Councillor Remmerswaal advised that she had attended the first Soil Carbon Conference that had been held and gave a verbal update from the conference.

18. **Christchurch trip**

Councillor Remmerswaal noted that a debrief with the participants of the attendees from this trip had never taken place. Mr Newman advised that there was probably nothing to be gained from holding a debrief at this late stage. He said that the Tukituki Liaison Group had been provided an update of Council's involvement in water harvesting.

19. **Energy Audit**

In response to a question about whether an energy audit had taken place for the Regional Council Mr Adye advised that he had received three proposals to undertake this, these will be assessed and the successful party will then undertake the audit.

20. **Leave of Absence**

It was noted that Councillor Remmerswaal will be absent on 15 and 22 July 2009.

13. CHAIRMAN'S MONTHLY REPORT

The Chairman provided his report on issues, meetings, relationship meetings and meetings he had attended for the period 28 May to 30 June 2009.

Resolution

That the Chairman's report for 28 May to 30 June 2009 be received.

**Rose/Scott
CARRIED**

15 CONFIRMATION OF PUBLIC EXCLUDED MINUTES OF MEETING HELD ON WEDNESDAY 27 MAY, 3 JUNE AND 18 JUNE 2009

Resolution:

That the Council exclude the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 15 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>
Current Investment Opportunities and their Status	7(2)(i) 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 information which otherwise would prejudice or disadvantage negotiations by Council.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.
Managing Investments Through a Holding Company Structure	7(2)(i) 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 information which otherwise would prejudice or	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

Port of Napier Limited - Dividend Reconciliations	<p>disadvantage negotiations by Council.</p> <p>7(2)(c) 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.</p>	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.
Property Purchase	<p>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 the Port.</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>	<p>The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.</p> <p>The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.</p>

The meeting went into public excluded session at 2.20pm and out of public excluded session at 2.55pm

Closure:

There being no further business the Chairman declared the meeting closed at 2.30pm on Tuesday, 30 June 2009.

Signed as a true and correct record.

DATE: **CHAIRMAN:**