



*Unconfirmed*

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

**Date:** Wednesday 22 July 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  
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  
C Gilbertson – Administration Manager

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

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

The leave of absence, previously granted for Councillor Remmerswaal, was noted.

The Chairman advised the following notices:

- Mayor Yule would join the Council for an informal meeting to discuss Clifton/Te Awanga/Haumoana issues at 12.30pm for approximately 15 minutes prior to the Council leaving on their bus tour.
- The Council is undertaking a review on internal consenting processes with the focus on notified consents and appeals to see what future improvements could be made, if any.
- The State of the Environment Report to be presented on today's agenda will be presented by staff but the Chairman suggested that there be another meeting held in August for Council to discuss the State of the Environment Report in more detail.
- Submissions on the NES for Air Quality close on 7 August and as there will be no time for Council to discuss the submission prior to the due date, the Chairman, Councillor von Dadelszen, Councillor Scott and the Chief Executive will approve the submission and submit it to Council for their information at the August Council meeting.

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

Councillors Scott, von Dadelszen and McGregor declared an interest in Item 11 – Payment of Councillors for Hearing S357 Objections.

## **3. CONFIRMATION OF MINUTES OF MEETINGS**

Minutes of the meeting held on Wednesday 30 June 2009, a copy having been circulated prior to the meeting, were taken as read and confirmed.

**von Dadelszen/Remmerswaal  
CARRIED**

## **4. MATTERS ARISING FROM MINUTES**

There were no matters arising from the minutes.

## **5. ACTION ITEMS FROM COUNCIL MEETINGS**

The Chief Executive gave a brief update of any actions that required further clarification.

### **Item 6 – Systems Integration**

The Chief Executive said he had spoken to some but not all of the Chief Executives from the Territorial Authorities about integrating appropriate computer systems. He undertook to do this prior to the report on this issue coming back to Council in September.

### **Resolution:**

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

**von Dadelszen/Rose  
CARRIED**

## 6. CONSIDERATION OF GENERAL BUSINESS

1. Letter to Hawke's Bay Today
2. Award

## 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	<b>Leasehold Land Sales</b>		
1.1.1	Lot 218 DP 11194 CT B3/80 - Agreement for Sale and Purchase - Transfer	2868 2869	29 June 2009 29 June 2009
1.1.2	Lot 102 DP 6598 CT C2/374 - Agreement for Sale and Purchase - Transfer	2871 2872	13 July 2009 13 July 2009
1.1.3	Lot 26 DP 4488 CT P2/744 - Agreement for Sale and Purchase	2873	15 July 2009
1.1.4	Lot 2 DP 15185 CT C4/1261 - Agreement for Sale and Purchase - Transfer	2874 2875	16 July 2009 16 July 2009
1.2	<b>Instrument to Surrender Easement for right of way</b> Lot 10 Plan 414324 Easement No: 492113.3 Kent Terrace Subdivision	2870	13 July 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.

**McGregor/Rose**  
**CARRIED**

## 8. ADDITION TO TERMS OF REFERENCE FOR COMMITTEES

The Chairman advised that it was at his request that this item had come to Council for consideration. The proposal was to include an addition to the Terms of Reference for Council's main Committees being the Environmental Management Committee, Asset Management and Biosecurity Committee and the Strategic Planning and Financial Committee. He advised that this would be a tool that could be used on occasions when there was a matter of urgency to be discussed and agreed on at a Committee meeting and could not wait for it to be considered at the subsequent Council meeting. He advised that any decision made under this new Terms of Reference would be made as a decision of Council and must be unanimous for it to take effect.

### Resolution

- 1 That the Council agrees to alter the Terms of Reference for the Environmental Management Committee, Asset Management and Biosecurity Committee and the Strategic Planning and Finance Committee to include the following provision:

**Use of Delegated Powers for the Environmental Management Committee; Asset Management and Biosecurity Committee; and the Strategic Planning and Finance Committee** – these committees may, without confirmation by the local authority that made their delegations, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them, provided that the decision deserves urgency and the decision to make the resolution a decision of Council is carried unanimously.

**Rose/Kirton  
CARRIED**

## 9(I): RECOMMENDATIONS FROM ENVIRONMENTAL MANAGEMENT COMMITTEE

### 1. Proposed Stormwater Plan Change 3 and Variation 3

#### 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, and in any case those people will have an opportunity to submit on the proposed stormwater changes following a decision by Council to publicly notify them.
- 1.2. Endorses the establishment of a Regional Council / Territorial Local Authority Collaborative Stormwater Working Group of staff for the purpose of developing an agreed approach to stormwater management in the region in accordance with the following:
  - 1.2.1. A Draft Terms of Reference for the Working Group is to be prepared by a core group with one representative from each Council. This terms of reference is to be submitted to the Chief Executives for approval by the end of July.
  - 1.2.2. The membership of the working group is to include a cultural representative nominated by the Chair of the Council's Maori Committee. Other stakeholders to be invited to participate are Fish and Game New Zealand and/or Department of Conservation. Other stakeholders may be included at the discretion of the Working Group.

- 1.2.3. The time frame for reaching agreement is to be determined by the Chief Executives but should be no later than 24 December 2009. Any areas where agreement between Councils cannot be reached due to any limits of authority/delegation are to be put to the Chief Executives to determine.

## 2. **Preliminary Health Impact Assessment Report on the Proposed Air Quality Plan Change**

The Chief Executive advised that a lot of work had been done by staff collating all the information that ratepayers may need to know to access some funding assistance for the healthy Homes Programme. Council is now waiting to hear back from ECCA to determine co-operational details and to develop a Memorandum of Understanding between the Council and ECCA.

He further advised that 150 applications had been received for the role of the Healthy Home Programme Manager. These were shortlisted to 6 and interviews are being held on Monday, 27 July and Tuesday, 28 July. Staff from the DHB and ECCA will form part of the interview panel.

Mr Newman also advised that Mr Drury had been working with the BNZ to look at how loans can be funded.

### **Resolution:**

That Council:

- 1.1 Receives the report titled *“Preliminary Health Impact Assessment on the Proposed Air Quality Plan Change.”*
- 1.2 Adopts the following recommendations from the report titled *“Preliminary Health Impact Assessment on the Proposed Air Quality Plan Change”*:
  - 1.1.1 develop a ‘whole home’ approach (ie: insulation and clean heat);
  - 1.1.2 continue to support the Healthy Homes Coalition and the establishment of a ‘Healthy Homes Coordinator’ position;
  - 1.1.3 that the financial assistance package is ‘user friendly’ and specifically targets low income groups within the Napier and Hastings airsheds;
  - 1.1.4 develop a community education programme which focuses on the new requirements of the Plan Change and raises awareness of the financial assistance packages;
  - 1.1.5 work in partnership with Health Promotion advisors at the Hawke’s Bay District Health Board on how to implement the community education programme; and
  - 1.1.6 support manufacturers, carpet/curtain, wood banks in the Hawke’s Bay region (these programmes complement the Clean Heat programme).

von Dadelszen/Kirton

## **9(II): RECOMMENDATIONS FROM ASSET MANAGEMENT AND BIOSECURITY COMMITTEE**

### **1 Flood Control and Drainage Asset Audit Report 2007/2008**

#### **Resolution:**

That Council:

1. Receive the report titled Flood Control and Drainage Asset Audit report 2007/2008.

**Rose/McGregor  
CARRIED**

### **2 Biosecurity Operational Plans**

#### **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 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. Adopt the:
  - 2.1.1. Animal Pest Operational Plan 2009/10.
  - 2.1.2. Plant Pest Operational Plan 2009/10.
  - 2.1.3. Phytosanitary Operational Plan 2009/10.

In accordance with the requirements of the Biosecurity Act 1993; after the inclusion of any amendments made as a result of the Committee's consideration.

**Rose/McGregor  
CARRIED**

### **3 Update on Pathways**

#### **Resolution:**

That Council:

1. Receive the report titled Update on Pathways.
2. Note that Pathways strategic issues relevant to this Committee be brought to the Regional Council.

**Rose/McGregor  
CARRIED**

### **4 Audit Of Asset Management Plans**

#### **Resolution:**

That Council:

1. Receive the report titled Audit of Asset Management Plans.

**Rose/McGregor  
CARRIED**

## 5 Minutes of the Hearing Panel on Proposed Wharerangi-Turirau Scheme

### Resolution:

That Council:

1. That the Asset Management and Biosecurity Committee adopt the minutes of the Hearing Panel meeting held on Friday 12 June 2009 to consider submissions on the proposed Wharerangi-Turirau Flood Control and Drainage Scheme.

**Rose/McGregor  
CARRIED**

## 6 Request for funding on Proposed Rowing Course

The Chairman advised that Mr Barker had subsequently rung him to advise they could give human resource assistance, if required, as part of this request.

Some Councillors noted that a lot of work had been done on this proposal in the past and there seemed to have been a conflict of personalities with Mr Barker and the previous Chair on this issue.

Some Councillors noted that this request should have come to Council with more information including costings to remove subsoils and they were disappointed with the lack of information. There was also a view expressed that proposals like this for Council to do the "spadework" were not appropriate and this Group should use their own expertise to carry out this work.

Other Councillors spoke in support of the request and said they looked forward to receiving a further report on this issue.

### Resolution:

That Council:

1. Agree that the Group Manager, Asset Management bring back a brief report to Council on the concept and implications, should Council assist with pre-feasibility study, including subsurface drilling.

**Rose/McGregor  
CARRIED 5/3**

## 9(III):RECOMMENDATION FROM STRATEGIC PLANNING AND FINANCE COMMITTEE

### AFFORESTATION GRANTS SCHEME

#### Resolution

1. That the Committee recommend that Council:
  - 1.1. Notes that financial delegations are to be determined under section 4 of Public Bodies Contract Act 1959, and that the decision making provisions of the Local Government Act 2002 do not apply.
  - 1.2. That Council amends section 2.1.4.1 Financial Delegations Policy with the addition of the following paragraph:

"That the Chief Executive of Council be delegated authority to manage the Afforestation Grant Scheme reserve account, established by Hawke's Bay Regional Council (HBRC) as the operating account for the Afforestation Grants Scheme, receiving money from the Crown, and making payments to 10 participating regional councils, including HBRC, in accordance with the funding agreement for Afforestation Grants Scheme between Ministry of Agriculture and Forestry on behalf of the Crown and ten Regional Councils, and the Memorandum of Understanding between Hawke's Bay Regional Council and the nine other Regional Councils."

**Dick/Gilbertson  
CARRIED**

## **10. APPOINTMENT OF COMMISSIONERS FOR A RESOURCE CONSENT HEARING**

Mr Darryl Lew and Mrs Michelle Conland presented this item to Council seeking approval for Commissioners to hear the 6 applications by Paul Williams, Murray Mexted and S. Van Breda Malherbe to undertake various activities including the construction of a coastal protection structure within Coastal Hazard Zone 1 and 2, the construction of buildings and wastewater systems within Coastal Hazard Zone 2 and the diversion of a stream. Mrs Conland clarified that this was a combined 'bundled' application and the three applicants were working as one. Mrs Conland advised that the Hearing was likely to take 2-3 days and advised the reason the request had come to Council for this Hearing to be heard by independent commissioners was because the hearing date clashed with a Regional Council meeting being held that day. The applications are to be heard jointly with the Wairoa District Council.

### **Resolution:**

1. That Council:
  - 1.1 Delegates to Mr Rauru Kirikiri and Mr Hugh Hamilton, authority under section 34 of the Resource Management Act 1991 to jointly hear and determine with a commissioner from Wairoa District Council, Williams, Mexted and Malherbe's resource consent applications DP060714L, LU080519C, LU080593C, LU080520C, WP080522D and LU080601C.
  - 1.2 Delegates to Mr Rauru Kirikiri and Mr Hugh Hamilton 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**

## **11. PAYMENT OF COUNCILLORS FOR HEARING S357 OBJECTIONS**

Councillor von Dadelszen had previously declared a Conflict of Interest in this item and removed herself from the room at 9.50am. Councillors Scott and McGregor also declared conflicts of interest in this item but remained in the room.

Mrs Conland advised that the item sought Council's consideration and approval regarding processes relating to the payment of Councillors for hearing Resource Consent Objections under Section 357 of the Resource Management Act 1991.

Councillors discussed the issue and agreed that Councillors sitting on the Hearings Committee hearing objections made under Section 357 would be paid in accordance with the current Local Government Elected Members Determination.

### **Resolution**

1. That the 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. Agrees that councillors sitting on hearings relating to objections made under section 357 of the Resource Management Act 1991, be paid in accordance with the current Local Government Elected Members Determination.

- 1.3. Agrees that payment of councillors sitting on hearings relating to objections made under section 357 of the Resource Management Act 1991, be back dated to 1 January 2009.

**Gilbertson/Rose**  
**CARRIED**

***Councillor von Dadelszen returned to the meeting at 10.00am.***

## **12. PROPOSAL FOR A JOINT COMMITTEE FOR CLOSER CO-OPERATION**

The Chairman advised that he had received a letter from Mayor Lawrence Yule expressing Hastings District Council's interest in exploring greater regional co-operation and invited the Regional Council to form a joint Committee with Hastings District Council to explore initiatives for working more closely to try and achieve improved services to its citizens. Chairman Dick advised that this letter had also been submitted to Napier City Council but he had not yet heard what the result of that request had been.

Councillors spoke in support of this initiative and said if just Hastings and the Regional Council were involved that would be appropriate so common issues could be discussed.

The Chairman noted there were a number of advantages in this proposal and it was seen as a good first step.

### **Resolution**

1. 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. Endorse the proposal, in principle.
  - 1.3. Request the Chairman and Chief Executive bring back a more detailed proposal to the next meeting as to terms of reference and membership after discussion with Hastings District Council.

**von Dadelszen/Gilbertson**  
**CARRIED**

## **13. APPEALS ON PROPOSED REGIONAL COASTAL ENVIRONMENT PLAN AND PLAN CHANGE 1**

Mr Gavin Ide was in attendance for this item and advised that the report sought approval for delegated authority for staff for signing of negotiated agreements between appellants and the Council in relation to appeals on the Proposed Regional Coastal Environment Plan and Plan Change 1. Mr Ide outlined the nature of the appeals lodged against Council's decision and Councillors agreed to delegate authority to staff to sign negotiated agreements.

## **Resolution**

1. 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 to 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. Delegates, in accordance with s34A of the Resource Management Act, to the Group Manager Strategic Development the authority to sign on behalf of Council, any negotiated agreement or mediated agreement relating to an appeal against the Proposed Regional Coastal Environment Plan and Plan Change 1 to the Regional Resource Management Plan.

**Rose/von Dadelszen  
CARRIED**

## **14. STATE OF OUR ENVIRONMENT 2009 REPORT**

Mr Graham Sevicke-Jones presented this item and gave a joint presentation with Mr Rob Christie. Mr Sevicke-Jones advised that this was a 5 yearly Report and takes a broad look at the state of the Hawke's Bay region's environment for 2004-2008.

The Chairman reminded Councillors that they would have an opportunity to discuss the report in more detail at a further meeting to be held in August.

In response to a question about the distribution of this document, Mr Sevicke-Jones advised that the document is available to the general public and is sent to key stake holders such as Doc, MAF and does go to a wide audience.

It was agreed that the Report would not be sent out until Council had discussed it at the further meeting in August. The Chairman advised that media coverage around release of this Report was very important and this needs to be managed through the Communications staff.

## **Resolution**

1. That the Council receives the report and refers the matter back to a meeting of the Council to be convened in August for further deliberation.

**Rose/Wilson  
CARRIED**

## **15. APPROVAL OF CONTRACTS BY CHIEF EXECUTIVE AND GROUP MANAGER**

The Chief Executive advised that the purpose of the Report was to advise Councillors of the approval of any contracts for the provision of goods or services between \$200 and \$400,000 signed by the Chief Executive and the Group Manager.

## **Resolution**

1. That Council receive this report.

**Rose/McGregor  
CARRIED**

## 16. CHAIRMAN'S REPORT 30 JUNE TO 22 JULY 2009

The Chairman provided his report on issues, meetings, relationship meetings and meetings he had attended for the period 30 June 22 July 2009.

### Resolution

1. That the Chairman's report for 30 June to 22 July 2009 be received.

**Rose/Wilson  
CARRIED**

## 17. GENERAL BUSINESS

### 1. Letter to Hawke's Bay Today

Councillor Rose advised he had spoken to Mr Mike Adye about a recent letter published by Mr Dick Frizzell in the Hawke's Bay Today newspaper. The letter was found to be quite objectionable and accused Council of poor protection for the mouth of the Tukituki River and had suggested that the groyne was not maintained properly. There was also a comment that the building of a groyne was being undertaken by the Regional Council in the Napier area. Mr Adye responded and said that in relation to the groyne in Napier, this was a Napier City Council initiative to be built at Whakarere Avenue and had been planned by them for a number of years.

Mr Adye said in relation to the Tukituki River mouth, Council staff receive phone calls about this but the perception that Council does nothing is incorrect. He said there is a gap between what Council staff believe is appropriate and what the general public think is appropriate. He advised this matter would be raised with the Hastings District Council at a workshop being held on 13 August.

The Councillors requested that a response to this article be published in Hawke's Bay Today, written by Mr Adye and the Chief Executive.

### 2. Award

Councillor McGregor advised that the Hastings Landmarks had given Council an award for the restoration project for Peka Peka wetland.

## 18. CONFIRMATION OF PUBLIC EXCLUDED MINUTES OF MEETING HELD ON WEDNESDAY 30 JUNE 2009

### Resolution:

That the Council exclude the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 18 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'S UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION</u>
Public excluded minutes	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.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

Matters arising

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.

**Wilson/von Dadelszen  
CARRIED**

***The meeting went into public excluded session at 11.25am and out of public excluded session at 12.15pm***

**Closure:**

There being no further business the Chairman declared the meeting closed at 12.15pm on Tuesday, 30 June 2009.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....