



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday, 26 August 2009

Time: 9.00am

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

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

In Attendance: A Newman – Chief Executive
P Drury – Group Manager Corporate Services
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 Gilbertson to deliver the prayer. An apology was received from Councillor Kirton. It was also noted that Councillor Rose would be absent from the meeting from 11.30am – 1.30pm to address the Napier Travel Club at their lunch time meeting.

**Scott/McGregor
CARRIED**

2. CONFLICT OF INTEREST DECLARATIONS

There were no conflicts of interest declared.

Councillor Scott noted that Council was discussing a Regional Council submission on the Hearing of the National Environmental Standards which would be submitted to Central Government, but advised she perceived no conflict for Hearings Committee.

3. CONFIRMATION OF MINUTES OF THE MEETING HELD ON WEDNESDAY, 22 JULY 2009

Minutes of the meeting held on Wednesday, 22 July 2009, a copy having been circulated prior to the meeting, were taken as read and confirmed.

**von Dadelszen/Rose
CARRIED**

4. MATTERS ARISING FROM MINUTES HELD ON WEDNESDAY, 22 JULY 2009

State of the Environment Report

In response to a question the Chairman advised the State of the Environment Report would be presented at the September Environmental Management Committee.

Rowing Course

Mr Adye provided a brief update on this and advised that Mr Vince Byrne had organised a site visit to undertake further investigative work on this.

5. ACTION ITEMS FROM COUNCIL MEETINGS

Systems Integration

The Chief Executive advised that he had held preliminary discussions with Central Hawke's Bay and Wairoa District Council on any shared service initiatives but further talks were required.

Corporate Risk Management

The Chief Executive advised that internal staff had met and discussed this item and a draft on the perception of what the significant issues are has been done and also what other mitigation processes are for the significant issues.

Resolution

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

**Scott/Wilson
CARRIED**

6. CONSIDERATION OF GENERAL BUSINESS

- (a) Climate Change Position
- (b) Hastings Landmarks Award

- (c) Tutira Property
- (d) Young Farmers Organisation
- (e) Extra Meeting in October
- (f) Anticipating the Next Month
- (g) Value Proposition of Regional Councils

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.

		Seal No.	Date
1.1	Leasehold Land Sales		
	1.1.1 Lot 26 DP 4488 CT P2/744 - Transfer	2876	22 July 2009
	1.1.2 Lot 54 DP 11604 CT C2/564 - Agreement for Sale and Purchase	2878	5 August 2009
	1.1.3 Lot 205 DP 6598 CT C2/398 - Agreement for Sale and Purchase	2879	11 August 2009
1.2	Agreements to Acquire Easements Pursuant to Public Works Act 1981		
	1.2.1 Lot 17 DP 1021 (Clive River)	2877	31 July 2009
	1.2.2 Lot 3 DP 26776 (Ngaruroro River)	2880	11 August 2009
	1.2.3 Lot 2 DP 4613 (Mahora Drain Widening)	2881	14 August 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.

**Gilbertson/Scott
CARRIED**

8. FINANCIAL REPORT TO 30 JUNE 2009

Mr Drury advised that the item provided explanation on the variances from both reforecast and annual plan budgets for the year ended 30 June 2009, and presented draft sections of the annual report to allow Council to consider and adopt these as part of the Annual Report. Mr Drury gave highlights from his report.

During discussion it was noted that because of the new IFRS standards and the need to report to Council, and the public, in an easy to understand format it was necessary to double report its financial reports which is more time consuming for staff. Councillors requested this issue be highlighted in the Chair's or CEO's report of the Annual Report.

The Chief Executive advised that the dividend from the Port of Napier Ltd is expected to be better than forecast so Council will need to decide what will happen to any extra dividend if this is the case.

The Chief Executive particularly noted the good performance by the Council's Operations Group for the past year.

Mr Peacock advised that the unfavourable result for Venture Hawke's Bay had occurred due to Venture Hawke's Bay staff entering verbally into contracts that weren't signed until the 2009/10 financial year. Money had been expended but was not able to be claimed in the 08/09 financial year. He advised the situation would correct itself during the 2009/10 financial year.

The meeting adjourned at 10.25am and reconvened at 10.40am

Resolution

1. That Council:

- 1.1 Confirm the decisions to be made are not significant under the criteria contained in Council's adopted "policy on significance"; and Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on those issues 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 Adopt the Draft Annual Report for the period 1 July 2008 to 30 June 2009, subject to any adjustments required by Council, for the purposes of audit, with a view to Council adopting the final report at its meeting on 23 September 2009.

**von Dadelszen/Rose
CARRIED**

- 1.3 Resolve to defer consideration of an adjustment to the Sale of Land account balances to maintain these balances in real terms for movements in the 2008/09 year to when Council becomes aware of the level of dividend payable by the Port of Napier Ltd in December 2009 as the final dividend payable on the Port of Napier financial year 30 September 2009.
- 1.4 At the same time the Port of Napier Ltd dividend is considered that further consideration be given to possible allocation of the year end improved financial position.

**Scott/McGregor
CARRIED**

- 1.5 Resolve that \$155,992 profit on external work undertaken by Council's Works Group during the year ended 20 June 2009 be used by Council to increase the cash operating balances available to fund general funded operating expenditure.

**von Dadelszen/Scott
CARRIED**

17. UPDATE ON HEALTHY HOMES

Mr Drury updated Council on measures currently being put in place to ensure that Council's financial incentive package for insulation and clean heat could be made available from 1 October 2009 to homeowners throughout the region. He also provided an update on the initiatives that are currently underway. Mr Drury introduced the Healthy Homes Programme Manager, Megan Rose who started in the role on Tuesday 18 August.

Council discussed the draft two page communications brochure that had been developed with EECA and will be sent to households to clarify the financial incentive packages available from both EECA and the Council. Councillors requested that this publication be sent to all houses in Hawke's Bay. In response to a question Megan Rose advised that the brochure would be written in simple language while also being required to be consistent with wording on national strategies. The brochure would outline EECA approved service providers and provide householders with any relevant contact numbers that are required.

The Chairman agreed that regular updates on the Healthy Homes programme should be provided to Council through the Strategic Planning and Finance Committee.

The Chief Executive gave his thanks and congratulations to Mr Drury and his team on the excellent work they have been doing in this area.

Resolution

1. That the Council receive this paper and note that the Healthy Homes programme will report through the Strategic Planning and Finance committee.

**Rose/von Dadelszen
CARRIED**

9. COLLECTION OF RATES - 2009

Mr Drury advised that this report was to provide Councillors with the results of collection of rates in the 2008/09 year and to provide an analysis of outstanding rates at 30 June 2009. Mr John Keenan was also in attendance for this item,

In response to a question about Maori multiple ownership and the rate arrears for this land, Mr Keenan advised this had been an ongoing issue for a number of years and there was no easy way of rectifying this. It was agreed that this issue should be brought to the Maori Committee for discussion by them.

Councillor Kevin Rose left the meeting at 11.35am

Mr John Keenan advised that there is a rates remission policy that has criteria that may meet the Maori multiple ownership issue and this should also be discussed as part of the agenda item to the Maori Committee.

Resolution

- 1 That Council receives the report on the collection of rates in 2008/09 and rate arrears as at 30 June 2009.
- 2 That the issue of rating Maori multiple ownership land be referred to the Maori Committee.

**Gilbertson/McGregor
CARRIED**

10. SETTING OF 2009/10 RATES

Mr Drury advised that Council needed to resolve and set the rates for the period 1 July 2009 to 30 June 2010.

Councillors discussed the proposed rates. It was agreed that at their next quarterly meeting of Venture Hawke's Bay options on rating would be brought forward for discussion.

Resolution

1. That Council:
 - 1.1 Agree that the decisions to be made on the setting and assessing of rates cover information that has been included in the funding impact statement of the 2009-19 Ten Year Plan as required by Section 93 of the Local Government Act 2002 and further that such decisions require special consultative procedure under Sections 83 and 84 of the Act, such special consultative procedure having been previously carried out on the 2009-19 Ten Year Plan.
 - 1.2 Set and assess the following rates scheduled below for the period 1 July 2009 to 30 June 2010:

GENERAL FUNDING RATES:

1. General Rate based on land value

Pursuant to Section 13 of the Local Government (Rating) Act 2002 a General Rate of \$8.23 per \$100,000 of land value on the estimate of projected valuation for land value shall be set on the rating units within the region. The General Rate will yield \$1,399,240 (GST inclusive) which is required to meet the statutory functions of the Council.

2. Uniform Annual General Charge

Pursuant to Section 15 of the Local Government (Rating) Act 2002, a Uniform Annual General Charge of \$40.75 (including GST) will be charged on each separately used or inhabited part of a rating unit. The Uniform Annual General Charge will yield \$2,736,260 (inclusive of GST) which is required to meet the statutory functions of Council.

TARGETED RATES:

3. Subsidised Public Transport Rate

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate of \$20.69 per \$100,000 of land value on the estimate of projected valuation for the land value shall be set on the rating units contained within the Napier (excl. Bay View Township) and Hastings City residential and commercial areas including Havelock North.

The purpose of the rate is to fund the Subsidised Passenger Transport System (bus services) and the Total Mobility (transport subsidy for disabled persons) which operate in both cities. The total rate required is \$1,463,229 (GST inclusive).

4. Heretaunga Plains Flood Control Scheme

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate on a graduated scale as set in the Schedules shown below shall be set on those rating units that benefit directly or indirectly from the Heretaunga Plains Flood Control Scheme.

(a) Differential Rate for Flood Protection set on the Estimate of projected valuations of Capital Value comprising all rateable rating units within Hastings District and Napier City

		RATE \$100,000 of Capital Value	YIELD GST Incl \$
Direct Benefit	F1	\$9.55	1,324,164
Indirect Benefit	F2	\$2.33	567,499

F1: Directly at Risk of Loss

Rateable land situated in the Heretaunga Plains Control Scheme area which Council considers receives protection from the risk of flooding up to a one per cent Annual Exceedance Probability (AEP) flood and of river alignment.

The benefits of these protection measures, i.e. stopbanking, river control and stability of channel location, are a reduction in the risk of loss of life, limb, land and capital investment such as orchards, vineyards, residential, commercial, industrial and supporting infrastructure situated on the Heretaunga Plains.

F2: Indirectly at Risk of Loss

Rateable land situated within the boundaries of the Hastings District and Napier City Councils which Council considers at risk from the indirect effects of river realignment and flood causing loss of infrastructure and general opportunities to the Community.

(b) Rates for Drainage Maintenance in specific areas on the Heretaunga Plains

These rates are set on the estimate of projected valuations of Land Value of those rating units that receive direct benefit of the specific drainage maintenance.

Rating units zoned industrial are charged a differential equal to 4 times the normal rate due to the expected rainfall run-off from these rating units, and their comparative land values.

		Other	Industrial	2009/10	2008/09
D1	Napier, Meeanee, Puketapu	\$22.22	\$88.83	\$738,368	\$669,457
D2	Karamu & Tributaries	\$27.83	\$111.32	\$896,479	\$853,511
D3	Raupare, Twyford	\$77.30		\$161,789	\$156,329
D4	Haumoana	\$87.80		\$116,775	\$112,826
D5	Tutaekuri, Waimate, Moteo	\$119.80		\$172,257	\$166,431
D6	Pakowhai	\$168.50		\$118,580	\$114,570

D7	Brookfields, Awatoto	\$157.94	\$631.77	\$130,177	\$125,775
D8	Muddy Creek	\$97.59	\$390.37	\$208,330	\$201,285
D9	Puninga	\$222.70		\$65,347	\$63,137
D2H	Havelock North				
	Karamu Stream	\$8.55		\$45,043	\$42,898
	Maintenance				
	Karamu Enhancement	\$7.99		\$42,109	\$40,105

Karamu Drainage Maintenance

The Havelock North community is considered to be an exacerbator to the Karamu Drainage Scheme since the rainfall run-off from Havelock North eventually discharges into the Karamu Stream.

The rates are to be set at \$8.55 being a fixed amount per separately used or inhabited part of a rating unit on those properties identified on a specific mapped area of Havelock North. Where two or more rating units are contiguously joined, owned by the same person and used for the same purpose, then only one fixed amount will be payable.

The total amount of the rates is \$45,043 (GST inclusive).

Karamu Enhancement

The purpose of this rate is to part fund the cost of the environmental enhancement work on the Karamu Stream and its tributaries.

The rates are to be set at \$7.99 being a fixed amount per separately used or inhabited part of a rating unit on those properties identified on a specific mapped area of Havelock North. Where two or more rating units are contiguously joined, owned by the same person and used for the same purpose, then only one fixed amount will be payable.

The total amount of the rates is \$42,109 (GST inclusive).

5. Upper Tukituki Catchment Control Scheme Special Rating Scheme

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate on a graduated scale as set out in the schedule on the estimate of projected valuation land value of the rating units shall be set within the Upper Tukituki Special Rating area.

Schedule	Rate – per \$100,000 of Land Value									
	F1 (A)	F2 (B)	F3 (C)	F4 (D)	F5 (E)	F6 (F)	UF7 (U1)	UF8 (U2)	UF9 (U3)	UF10 (U4)
DIFFERENTIALS	\$437.87	\$328.40	\$218.94	\$109.47	\$43.79	\$4.38	\$109.47	\$65.68	\$43.79	\$4.38

The total rates to be assessed are \$604,333 (GST inclusive) which is to be applied to the flood protection works of the Upper Tukituki Catchment Control Scheme.

6. Poukawa Drainage Special Rating Scheme

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate on a graduated scale as set out in the schedule on the land value of the rating units shall be set within the differential rating area.

Schedule	Rate – per \$100,000 of Land Value		
	PO1	PO2	PO3
DIFFERENTIALS	(A) \$446.74	(B) \$74.46	(C) \$14.89

The rates of \$24,301 (GST inclusive) are required for the maintenance work in the Poukawa drainage scheme.

7. Porangahau Flood Control Scheme Special Rating Scheme

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate shall be set for the amount in the dollar on the land value of the rating units within the Porangahau area of the Central Hawke's Bay District being the Porangahau Flood Control Scheme Special Rating Area situated within the Hawke's Bay Region.

Schedule	Rate – per \$100,000 of Land Value
Differentials	\$8.10

The rates of \$30,417 (GST inclusive) are required for maintenance work in the Porangahau Flood Control Scheme.

8. Paeroa Drainage Scheme Special Rating Scheme

Pursuant to Section 16 of the Local Government (Rating) Act 2002, a Rate shall be set on the rating units within the Paeroa Drainage Scheme Special Rating Area. Such rate to be set and assessed using the area system of rating on a graduated scale.

Schedule	Rate – Dollars for each Hectare				
	P1 (A)	P2 (B)	P3 (C)	P3 (D)	P5 (E)
DIFFERENTIALS	48.35	31.43	21.76	16.92	2.42

The rates of \$20,357 (GST inclusive) are required for maintenance work in the Paeroa Drainage Scheme.

9. Ohuia Whakaki Drainage Scheme Rating Scheme

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a Rate shall be set on the rating units within the Ohuia Whakaki Drainage Scheme Rating Area. Such rate to be set and assessed using the area system on a graduated scale.

Schedule	Rate – Dollars for each Hectare				
	A	B	C	D	E
DIFFERENTIALS	98.55	78.84	59.13	29.56	9.85

The rates of \$52,903 (GST inclusive) are required for maintenance work in the Ohuia Whakaki Drainage Scheme.

10. Upper Makara Stream Catchment Control Scheme Special Rating Scheme

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate shall be set on the rating units within the Upper Makara Stream Catchment Control Special Rating Area. Such rate to be set and assessed using the area system on a graduated scale.

Schedule	Rate – Dollars for each Hectare							
	UM1	UM2	UM3	UM4	UM5	UM6	UM7	UM8
DIFFERENTIALS								
	(A)	(B)	(C)	(C)	(D)	(D)	(E)	(F)
	46.55	37.24	27.93	27.93	16.29	16.29	2.33	2.33

The rates of \$30,706 (GST inclusive) are required for maintenance work in the Upper Makara Stream Catchment Control Scheme.

11. Esk River and Whirinaki Stream Maintenance Scheme

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate shall be set on all rating units benefiting from the maintenance work in the Esk River and Whirinaki Stream area. Such rate to be set and assessed using the area basis of rating on a Differential Rating Scheme.

Schedule	Rate - Dollars for each Hectare						
	E1	E2	RI1	RI2	RI3		
DIFFERENTIALS							
Esk River	38.59	15.97	38.92	130.81	422.92		
	W1	W2	W3	W4	W5	W6	W7
Whirinaki Stream	137.44	108.25	350.00	133.70	3.61	43.63	15.48

The rates of \$21,160 (GST inclusive) will be applied to the maintenance work in the Esk River and Whirinaki Stream Maintenance Scheme.

12. Te Ngarue Stream Flood Protection Scheme

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate shall be set on all rating units benefiting from the maintenance work in the Te Ngarue Stream area.

Such rate to be set and assessed using the area basis of rating on a differential rating scheme.

Schedule	Rate - Dollars for each Hectare	
	TN	TN1
Differentials	28.52	180.16

The rates of \$2,864 (GST inclusive) will be applied to the maintenance work in the Te Ngarue Stream Scheme.

13. Kopuawhara Stream Flood Control Maintenance Scheme

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate shall be set on all rating units benefiting from the maintenance work in the Kopuawhara Stream area.

Such rate to be set and assessed using the area basis of rating on a differential rating scheme.

Schedule	Rate - Dollars for each Hectare			
	A	B	C	D
Differentials	129.55	51.82	25.91	6.48

The rates of \$7,322 (GST inclusive) will be applied to the maintenance work in the Kopuawhara Stream Flood Control Scheme.

14. Wairoa Rivers and Streams Scheme

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate shall be set on all rating units within the Wairoa District.

Such rate to be set on the capital value.

Schedule	Rate – per \$100,000 of Capital Value
Differentials	\$5.06

The rates of \$99,016 (GST inclusive) will be applied to the maintenance work of the scheme.

15. Maraetotara Flood Control Scheme (Maintenance)

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate shall be set on the rating units within the Maraetotara Flood Control Scheme Special Rating Area. Such rate to be set on the Capital Value.

Schedule	Rate – per \$100,000 of Capital Value
Differentials	\$7.24

The Rates of \$10,008 (GST inclusive) will be applied to the maintenance of the scheme.

16. Maraetotara Flood Control Scheme (Loan Repayment)

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate shall be set on the rating units for loan charges for the Maraetotara River Stopbank. Such rate to be set on the Capital Value.

Schedule	Rate – per \$100,000 of Capital Value
Differentials	\$22.00

The Rates of \$20,294 (GST inclusive) will be applied to the loan repayments and interest payments of the scheme.

17. Central & Southern Area Rivers and Streams Scheme

These rates are set based on the estimates of projected valuations on the capital values of the rating units within the Taupo District, Hastings District, Napier City, Central Hawke's Bay District and Rangitikei District.

Schedule	Rate – per \$100,000 of Capital Value
Differentials	63 cents

The total rate required is \$180,899 (GST inclusive) to fund removal of vegetation, bank stabilisation and land purchase on various rivers and streams.

18. Bovine Tb Vector Control

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate on all rural rating units containing 4.0468 hectares or more within the Region be set and assessed on the area basis in accordance with the Differential rating system.

Schedule	Rate - cents for each Hectare
Group	47.57

The rates of \$506,977 (GST inclusive) will be applied to Bovine Tb Vector Control work within the Region.

19. Plant Pest Strategy

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate on all rural rating units containing 4.0468 hectares or more within the Region be set and assessed on the area basis in accordance with the Differential Rating System determined under the provisions of the Bio-Security Act 1993.

Schedule	Rate - cents for each Hectare
Group	36.79

The rates of \$367,729 (GST inclusive) will be applied to the Plant Pest Strategy within the Region.

20. Animal Pest Strategy

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate on all rural rating units containing 4.0468 hectares or more within the Region be set and assessed on the area basis in accordance with the Differential Rating system determined under the provisions of the Bio-Security Act 1993.

Schedule	Rate - cents for each Hectare		
Group	A	B	C
	49.50	121.53	0

The rates of \$1,099,499 (GST inclusive) will be applied to the Animal Pest Strategy within the Region.

21. Clean Heat Administration

Pursuant to Section 16 of the Local Government (Rating) Act 2002 a rate shall be set on the rating units within the affected airsheds of Napier and Hastings. Such rate to be set on the Land Value.

Schedule	Rate – per \$100,000 of Land Value
Differentials	\$8.58

The rates of \$656,060 (GST inclusive) will be applied to the provision of a financial incentive package to encourage the replacement of open fireplaces and non-compliant wood burners with a more efficient form of heating and insulation.

The aim is to reduce the particles of polluting smoke in the affected airsheds.

22. **Venture Hawke's Bay**

Pursuant to Section 16 of the Local Government (Rating) Act 2002 rates shall be set on all the rating units within Napier City and Hastings District on the following basis:

Napier City Council	\$9.71 per \$100,000 of land value	\$450,000
Hastings District Council	\$15.15 fixed amount per rating unit	\$450,000

The rates of \$900,000 (GST inclusive) will be applied to the two third cost of funding Venture Hawke's Bay which promotes tourism and economic development in the region. The remaining one third of funding cost (\$450,000) is collected through Council's 'general funding rates'.

DUE DATE

The rates are due and payable on or after 1 October 2009 upon which date the rate book containing particulars of the said rates will be open for inspection.

PENALTY DATE

Pursuant to Section 57 of the Local Government (Rating) Act 2002 a penalty charge of 10% will be imposed on the current rates remaining unpaid as at 1 February 2010.

**Gilbertson/Wilson
CARRIED**

11. **SUBMISSION ON AIR QUALITY NES REVIEW AND REVISED PLAN CHANGE HEARING DATES**

Ms Codlin advised that this agenda item was to discuss a submission already lodged on the Air Quality PM₁₀ (National Environmental Standard Review) for Councils discussion and endorsement. The report also sets out revised dates of the hearing of submissions on the plan change to and variation to relating to air quality.

Councillors asked whether the hearing of submissions could be delayed until February 2010 when a review is expected from the Government on this but the Chairman advised that the Minister for the Environment had requested that Council proceed as usual.

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 submission set out in Appendix 1 which was lodged on 7 August 2009.

**von Dadelszen/Scott
CARRIED**

12. **RECOMMENDATIONS AND REPORTS FROM THE MAORI COMMITTEE**

Mr Mike Mohi, Chairman of the Maori Committee, advised that the Maori Committee met on Tuesday, 18 August and key items discussed included:

Report on Civil Defence from Nigel Simpson, in relation to a Marae being a focal point during any Civil Defence emergency and that the Maori Committee is to follow up with liaison on this..

Urban Development

Water Update from the Chief Executive

Update on Treaty Negotiations

Status of iwi as an affected party with regard to a resource consent at Kairakau Beach.

He reported that the work done by Regional Council staff during Maori Language Week had been noted by the Maori Committee.

During discussion it was agreed that the Statutory Advocacy paper should be reinstated onto the Environmental Management and the Maori Committee agendas.

Resolution

- 3 That the verbal update from the Maori committee be received and it be noted that the statutory advocacy report be reinstated and be presented to the Environmental Management committee.

**Gilbertson/Remmerswaal
CARRIED**

13. VERBAL UPDATE ON HAZARDOUS ACTIVITIES AND INDUSTRIES LIST (HAIL)

Mr Fred King was in attendance to provide Council with a verbal update on the Hazardous Activities and Industries List (HAIL). Mr King advised that those with affected properties were being sent letters via a staged approach, in order to stagger the responses. A number of these had already been sent and more were due to be sent out by the end of the week. He advised that the majority of people that were contacting Council following these letters were aware they were on a landfill site. Mr King said most people who had been contacting him responded reasonably once the situation was explained to them; he noted he had also visited a number of the sites.

The Chairman complimented Mr Darryl Lew, Fred King and their teams for the efforts undertaken on this issue.

The meeting adjourned at 12.20pm and reconvened at 12.50pm.

Resolution

- 1 That Council receives the verbal report from Mr King.

**Gilbertson/Remmerswaal
CARRIED**

14. VERBAL UPDATE ON JOINT COMMITTEE TE AWANGA/HAUMOANA

Mr Adye gave an update on the workshop recently held for the Haumoana-Te Awanga Joint Committee. Three members of the WOW Group attended the Workshop of which the purpose was to ensure there was a clear understanding of the background coastal process and legal issues associated with the issues.

Mr Adye advised that a 40 tonne digger was out at Te Awanga at present placing akmons.

Mr Adye said there was a realisation from the WOW group that things aren't being obstructed and that the issues are more complex than originally thought and that there is a lot more work to be done. The Regional Council is facilitating some dialogue between the consultants - Richard Reinen-Hamill and Steve Moynihan. He said that the WOW Group now understood that they needed to go through a robust process to show that any option they put forward was the best practicable option.

Resolution

- 1 That Council receive the verbal update.

**Wilson/McGregor
CARRIED**

15. UPDATE ON CLIFTON BEACH

The Chief Executive outlined the proposition that the Regional Council contribute \$50,000 towards the removal of structural material from Clifton Beach that had been intended to both protect the recently eroded camp ground road and form the road itself. He noted that the Hastings District Council have resolved to contribute \$50,000 and had approached the Clifton Beach Camp Ground Society for an in-kind contribution.

Mr Newman went over the options that were available for this area and said the preferred option was to place the fill in a 'hole' on the Gordon property. Mr Newman said he did not believe Mr Gordon would be charging for this.

Mr Darryl Lew clarified the position where it was proposed the fill would be placed and advised there was a flat piece of land on the top of the hill of the Gordon property where this clean fill would be disposed. By placing the fill in that location it would provide Mr Gordon access to other areas of his farm. Mr Lew confirmed that this would be a non notified issue as long as Mr Gordon meets all the AEE conditions.

Councillor Kevin Rose returned to the meeting at 1.45pm.

Councillors discussed the removal of the structural material and its relocation and agreed that this needed to be done, and that there was a public good that had to be met. They said it was sensible to take the option of the Gordon site being used to dispose of this clean fill.

Mr Newman noted that Hastings District Council and Regional Council staff were working together to sort out non-compliant structures at Clifton Beach.

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. Approves a contribution of up to \$50,000 to assist with the removal of the structural material from the old road providing access to the Clifton Camping Ground and Cape Kidnappers, this sum to be funded from the loan facility approved by Council for capital projects of regional significance, subject to the balance of the funding being provided by the Clifton Beach Reserve Society and/or the Hastings District Council.

**von Dadelszen/McGregor
CARRIED 7/1
Cr Gilbertson voted against this motion**

16. LEADERS BRIEFING PUBLICATION

Mr Drew Broadley presented a draft of a new publication targeted at key regional and national stakeholders headed "Leader's briefing". He advised that a database of recipients would be developed and finalised so that publications could be sent out in early October. The number on this database would potentially be 250 – 300 people.

The Chairman said he supported this initiative and said there was a need for this type of publication which provided a 5 minute read giving an overview of significant decisions and initiatives undertaken by the Regional Council. In response to a question Mr Broadley said he welcomed any input to recipients on the database and said the publication was for information and not a PR exercise.

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 Supports a bi-monthly publication targeted at key stakeholders and approve the Communications team to deliver it in consultation with the Chairman and Chief Executive.

**Scott/Remmerswaal
CARRIED**

18. CHAIRMAN'S MONTHLY REPORT

The Chairman tabled his monthly report.

Resolution

1. That Council receives the Chairman's Monthly Report from 22 July to 25 August 2009.

**Gilbertson/Wilson
CARRIED**

19. GENERAL BUSINESS

Climate Change Position

The Chairman tabled a Climate Change statement. He said it was very bland and he was not unhappy with it as it stands.

Hastings Landmarks Award

Councillor McGregor advised that an award had been given to the Regional Council for the work on the Peka Peka Wetland by the Hastings Landmarks Trust. He had accepted this on Council's behalf. The Chairman noted that Peka Peka is expected to have its official opening in August-September 2010.

Tutira Property

Councillor Remmerswaal asked how Council could advance incorporating this new property with existing recreational properties to which Mr Adye advised that there would be a full development proposal created over the next few months for consideration prior to the next planting season.

Young Farmer National Title

Councillor Wilson advised that he had been approached by the Young Farmer's Organisation which was wanting to hold its next conference in Napier in 2011. Council said they were supportive of this and agreed that the organisation should come to present to Council to outline what they have in mind.

Extra meeting in October

Councillors discussed a provisional date to hold an extra meeting in October and agreed to Wednesday, 14 October. **Addendum - this meeting has now been changed to 7 October.**

Anticipating the Next Month

The Chairman advised that he would bring an item each month from key staff and Chairs of Standing Committees to look forward a month or two to see what is coming up for each meeting. He advised that during the month Waikato District Council would like to visit this region possibly in early September. He also advised that he would like to take a visit to Wairoa as a follow up to the familiarisation tour taken following the elections. Other issues likely to be raised during the month are treaty settlements with Ngati Pahauwera.

Value Proposition of Regional Councils

The Chief Executive gave Council a presentation of valued proposition of regional councils that he presented at a recent forum of CEOs from Regional Councils.

Mr Mohi left the meeting at 2.55pm

The Chairman advised that the next step with this proposition was for the Chief Executive to attend a meeting on 11 September to progress this and that a considerable amount of time over the next few months would be needed to bring this proposition to fruition.

20. CONFIRMATION OF PUBLIC EXCLUDED MINUTES OF MEETING HELD ON WEDNESDAY 22 JULY 2009

Resolution

1. That Council:

That the Council exclude the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 21 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>
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	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

necessary to honour an obligation of confidence.

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.

**McGregor/Scott
CARRIED**

22. PORT OF NAPIER LTD – DIRECTOR’S EVALUATION

Resolution

1. That Council:

That the Council exclude the public from this section of the meeting being Port of Napier Ltd – Director’s Evaluation - Agenda Item 23 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

Port of Napier Ltd – Director’s Evaluation

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.

**McGregor/Scott
CARRIED**

The meeting went into public excluded session at 3.00pm and out of public excluded session at 3.05pm

Closure:

There being no further business the Chairman declared the meeting closed at 3.05pm.

Signed as a true and correct record.

DATE:

CHAIRMAN: