



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 23 September 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
M Mohi – Chairman Maori Committee
P Drury – Group Manager, Corporate Services
M Adye – Group Manager, Asset Management
H Codlin – Group Manager Strategic Development
L Lambert – Group Manager, External Relations
Darryl Lew – Group Manager, Resource Management
C Gilbertson – Administration Manager

1. WELCOME/APOLOGIES/NOTICES

The Chairman welcomed everyone to the meeting and noted there were no apologies. Cr Kirton advised he needed to vacate the meeting at 10.00am for about half an hour and Mr Mohi advised he would leave the meeting between 10.30am and 1pm.

Councillor Wilson delivered the prayer.

Councillor Rose queried why the Treaty Claim issues item Agenda Item 18 was being considered in Public excluded session and said this meeting was of great public interest. The Council agreed to consider Item 18 at the 7 October Council meeting in Public session and this item would be delayed until that meeting.

RESOLUTION:

That agenda item 18 – Treaty Claim Issues be held over and be discussed at the Meeting being held on 7 October.

**Dick/von Dadelszen
CARRIED**

2. CONFLICT OF INTEREST DECLARATIONS

Councillor Scott declared a partial interest in Agenda Item 21 – Review of Consents and Hearings. Her partial interest related to matters on performance of the Committee and Councillors' input.

Councillor von Dadelszen said she did not perceive a conflict of interest in this item as she does not receive any financial gain.

3. CONFIRMATION OF MINUTES OF MEETINGS HELD ON 25 AUGUST 2009

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

**von Dadelszen/Scott
CARRIED**

CONFIRMATION OF MINUTES OF MEETINGS HELD ON 26 AUGUST 2009

Minutes of the meetings held on 26 August 2009, a copy having been circulated prior to the meeting, were taken and read and confirmed.

**Scott/McGregor
CARRIED**

4. MATTERS ARISING FROM MINUTES OF MEETING HELD ON 25 & 26 AUGUST 2009

There were no matters arising from the minutes.

5. ACTION ITEMS FROM COUNCIL MEETINGS

5. Systems Integration

Mr Drury advised that further dialogue had been held with Central Hawke's Bay, Napier City Council and Hastings District Council on the potential for integration of systems.

4. Te Awanga/Haumoana Erosion

Mr Adye gave an update from the public meetings that had been held with the Walking on Water (WOW) Group and discussed issues to move forward; hard engineering and other options and advised that there was a further meeting with the WOW Group on Wednesday, 23 September to look at a project plan and the timing of a meeting at a political level.

7. Energy Audit

Mr Adye advised that Power Solutions will be undertaking the energy audit for Council in October.

11. Rowing Course Proposal

Mr Adye advised that Council had agreed to provide a digger and staff for a day to assess the value of the fill from this site. He advised that the rowing course group are having difficulty getting access to the Landcorp property and this was now waiting to be resolved.

RESOLUTION:

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

**Scott/McGregor
CARRIED**

6. CONSIDERATION OF GENERAL BUSINESS ITEMS

- (a) 20th Anniversary of Regional Council
- (b) Visit to Environment Waikato
- (c) Roy's Hill Planting
- (d) Environmental Awards
- (e) Photos
- (f) Possum Control on Napier Hill
- (g) Wilding Pines
- (h) World Earth Day 2010
- (i) Video Speakers

7. AFFIXING OF THE COMMON SEAL

		Seal No.	Date
1.1	Leasehold Land Sales		
1.1.1	Lot 54 DP 11604 CT C2/564 - Transfer	2882	24 August 2009
1.1.2	Lot 205 DP 6598 CT C2/398 - Transfer	2884	27 August 2009
1.1.3	Lot 1 DP 12447 CT D3/555 - Agreement for Sale and Purchase	2885	27 August 2009
1.1.4	Lot 193 DP 11967 CT D1/83 - Transfer	2886	14 September 2009
1.1.5	Lot 8 DP 7596 CT E2/342	2887	15 September 2009

	- Agreement for Sale and Purchase		
1.2	Deed acquiring easement pursuant to the Public Works Act 1981 Lot 2 DP 4613 CT K1/1409 (drain widening)	2883	25 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.

**Scott/Gilbertson
CARRIED**

8. TUTIRA INVESTMENT PROPERTY

Mr Adye advised that the item presents the proposed land use for Council's Tutira Investment property. He said that seedlings needed to be ordered as soon as possible if the proposed planting was to be undertaken in accordance with the proposed plan.

Mr Chris Perley was in attendance for this item and advised that the reforecast and cash flow was not due to be presented to Council until November but there was a need for an approval from Council now to secure next season's planting. Mr Perley presented maps of the areas on the Tutira property and outlined proposals for each of these areas. He advised that one of the most important constraints was the hard faces on some areas of the land. He said there was to be some experimental and demonstration sites and an integrated land use proposal for this property.

Councillors and staff debated the species and use of plantings for this property and then agreed that further work needed to be done on which particular species should be used for each area and therefore it was agreed that this item would come back to Council at their meeting on 7 October.

There was also reference as to whether part of this land should be transferred to the Tangoio Soil Conservation Reserve and it was acknowledged that there was a need to secure the ownership of Tangoio before that could happen. Councillors also discussed the stated goal in the paper and said that Council needs to own this goal and reflect the benefits, that are more than just money, that were tied up in this property. It was agreed that a small group of Councillors, staff and the Maori Committee Chairman would meet prior to the meeting on 7 October to progress this matter.

Councillor Kirton left the meeting at 10.00am

RESOLUTION:

1. That the matter be left to lie on the table to allow further input and discussion to be brought back to the Council meeting on 7 October.
2. And that Council delegate to Crs Gilbertson, Wilson, McGregor, Scott and Rose and Mr Mike Mohi to engage in discussion with staff on the planting programme and report back on the 7th of October.

**Dick/Rose
CARRIED**

The meeting adjourned at 10.20am and reconvened at 10.35am

9. ADOPTION OF THE AUDITED ANNUAL REPORT 2008/09

Mr Drury advised that Council needed to resolve to adopt the 2008/09 audited annual report and authorise the signing of the report and consider the impact on cash operating balances of the favourable operating position at the year end 30 June 2009.

RESOLUTION:

That Council:

1. Adopt the 2008-09 Annual Report, under Section 98 of the Local Government Act 2002, and to authorise the Chairman and Chief Executive to sign the Annual Report on behalf of Council.
2. On receipt of the signed report from the Audit Office print and distribute the Annual Report.
3. Amend the Council's Policy Handbook Section 2.2.2 to reflect the above resolutions.

**Gilbertson/Scott
CARRIED**

10. RECOMMENDATIONS AND REPORTS FROM:

10(i) Environmental Management Committee

1. **Tukituki Liaison Group: Recommendations For Management of the Tukituki Catchment**

RESOLUTION:

That Council:

- 1.1. Receives the report titled '*Tukituki Liaison Group: Recommendations for Management of the Tukituki Catchment*'.
- 1.2. Instructs staff to report on the implications of the recommendations for current and planned Council activities in the catchment.
- 1.3. Considers how the recommendations can effectively contribute to a strategy for the improved management of the Tukituki catchment.

**von Dadelszen/Scott
CARRIED**

2. **Taharua Catchment: Land Use Issues and Management Options**

Cr Kirton returned to the meeting at 10.45am

Councillor Remmerswaal spoke to this item and said that she now supports this proposal, and while she acknowledged that there had been a lot of public alarm about the decline in quality, she sees this as working towards resolving the problems and making this a pristine river and because of this she was now happy to support the options being taken.

An item was tabled giving Councillors an explanation of what zero tolerance to consent non compliance means which will be provided to the public as necessary.

The Chairman advised that the key point to this was to acknowledge there is a need to regulate. Councillors also said this was a new path that Council was now entering and needed to be cautious of the results of going down that path, the effects based regulatory path is in keeping with the intent of the Act. Councillors said that they would like to see future consideration of regulation in other catchments which sends a clear signal to landowners that correct farming practices were important.

RESOLUTION:

That Council:

- 1.1 Receives the report titled '*Taharua Catchment: Land use issues and Management Options*'.
- 1.2 Recognises the Mohaka River and its tributaries as having outstanding values in terms of ecosystems, natural character, fisheries, public amenity and cultural significance, requiring integrated and sustainable management of the water resource.
- 1.3 Supports an approach for dealing with the water quality issues in the Taharua and Mohaka catchments that incorporates an effects based regulatory framework along with an adaptive catchment management approach.
- 1.4 Endorses a zero tolerance approach to consent non-compliance in the Taharua River Catchment.
- 1.5 Instructs staff to clearly communicate Council's position on the effects of land use intensification of the Taharua River Catchment to relevant industry organisations such as Federated Farmers and Fonterra, both at a local level and at a national level.
- 1.6 Instructs staff to communicate with all landowners in the Taharua Catchment, the issues and management of the environmental effects of land use activities in the catchment.
- 1.7 Instructs staff to establish a catchment stakeholder group for the Taharua and Mohaka rivers for the purpose of community engagement.
- 1.8 Instructs staff to prepare a Taharua River Strategy which sets out the approach, key steps and timetable toward the development of an (ideally) agreed policy framework for inclusion in the regional plans, with the draft Strategy to be reported back to the November 2009 Environmental Management Committee meeting.

**Remmerswaal/von Dadelszen
CARRIED**

3. Ngaruroro Water Permit Appeals Delegation

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 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 Authorises officers to attend mediation of the appeals lodged with the Environment Court with respect to the Council's decisions on the various Ngaruroro catchment water permit applications.

- 1.3 Delegates, in accordance with s34A of the Resource Management Act, to the Group Manager Resource Management the authority to sign any mediated agreement on behalf of Council in relation to Te Taiwhenua o Heretaunga appeals on 50 Ngaruroro water takes.
- 1.4 Retains its existing delegation to sign any mediated agreement in relation to the 6 appeals from 5 applicants to take water from the Maraekakaho Stream Management Zone.

von Dadelszen/Gilbertson
CARRIED

4. **AFFCO Discharge Permit Appeal Delegation**

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 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 Authorises officers to attend mediation of the appeals lodged with the Environment Court with respect to the Council's decision on the AFFCO discharge permit to discharge treated meat works and fellmongery wastewater into the Wairoa River.
- 1.3 Delegates, in accordance with s34A of the Resource Management Act, to the Group Manager Resource Management the authority to sign any mediated agreement on behalf of Council in relation to conditions 10 and 17(c) only of the AFFCO discharge permit.
- 1.4 Retains its existing delegation to sign any mediated agreement in relation to conditions 20 and 28 of the AFFCO discharge permit.

von Dadelszen/Gilbertson
CARRIED

5. **Enviroschools Programme Funding**

Mr Drew Broadley presented this supplementary paper which had been requested following the Environmental Management Committee meeting held on 9 September. A request had been made at that meeting to provide funding of \$30,000 for the Enviroschools programme. He agreed that a full review needed to be made of this project prior to the 2010/11 Annual Review process. Councillors commented that it was important to understand what the ratepayer point of view on this is and the value of this programme to them.

Councillor von Dadelszen said it was pleasing to see that this programme was now part of the Environmental Management Committee schedule and reports on this activity would come through that committee.

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. Endorses the facilitation of up to 21 schools and approves \$20,000 from the Contingency Fund for the 2009-10 year, subject to the contribution of \$10,000 from the Enviroschools Foundation
- 1.3. Instructs staff to prepare a paper as part of the Annual Plan Review process for 2010/11 to allow Council to consider the funding and rating implications of supporting the Enviroschools programme for 2010/11 and 2011/12.
- 1.4. Undertakes a full review of its environmental education activity prior to the 2010/11 annual plan being prepared.

**von Dadelszen/Remmerswaal
CARRIED**

10(ii) Strategic Planning and Finance Committee

1. Risk Management

RESOLUTION:

That Council:

- 1.1. Note the top ten risks currently facing Council; the current and planned future position of the risk issue; the current situation and risk; the proposed mitigation approach; and the impact that mitigation approach will have on the level of risk.
- 1.2. Approve the proposed risk mitigation approach to each of the ten risk issues as set out in the attachment to this briefing paper.
- 1.3. That an additional risk category be developed assessing the regional economic performance and impact on the region and the council.
- 1.4. That the risk profile be reviewed by Council three times a year.

**Wilson/Gilbertson
CARRIED**

2. Council 2009/10 Work Plan and Committee Reporting

RESOLUTION:

That Council:

- 1.1 It receives the table showing the Activity Reporting Lines for Council and Committees.
- 1.2 It receives the Council and Committee Work Plan for 2009-10 as amended.
- 1.3 That the work plan be reviewed by Council quarterly.

**Gilbertson/McGregor
CARRIED**

3. Community Facilities Fund

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 That Council confirm the name of the fund as the Community Facilities Fund.
- 1.3 That Council adopt the policy for consideration of Community Facilities Fund applications, including any amendments agreed at that meeting.

- 1.4 Advise Napier City Council, Hastings District Council, Wairoa District Council and Central Hawke's Bay District Council that Council will receive and consider submissions for projects seeking funds from Council's Community Facilities Fund at a Council meeting on 17 November 2009.

**Wilson/McGregor
CARRIED**

4. Public Transport Update

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 That Council approves and adopts the Quality Partnership Agreement and recommends that the document be provided to the Regional Transport Committee for their endorsement.
- 1.3 That the Committee receives the report "Update on Passenger Transport Issues".

**Gilbertson/von Dadelszen
CARRIED**

11. USE OF CONTINGENCY FUNDS – GLENGARRY ROAD STOCK EFFLUENT DISPOSAL

Ms Codlin advised that this item requested approval for allocation from the contingency fund to cover increased costs associated with the Glengarry stock truck effluent disposal facility project. It also sought a delegation of authority to approve an urgent variation to the regional land transport programme. Ms Codlin acknowledged that this project had been on Council's programme for a number of years and that funding for this had been carried over.

In response to a question Ms Codlin confirmed that a site for Wairoa has not been identified at this stage and was more likely to happen in the second 3 year period of the 10 year regional land transport programme than the first. She also noted that Hawke's Bay was the only region in New Zealand not to have a stock effluent site. Councillors debated whether the funding for this was appropriate and noted that this was an attempt to keep the environment clean but, opposite views were put that if this was urgent it would have been done before and could be perceived as a waste of tax payers' money.

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.

**Rose/Dick
CARRIED 7/2**

Crs Gilbertson and Remmerswaal voted against this motion

- 1.2. Approves the allocation of \$32,000 from the Contingency Fund to meet the increased costs of the Council's local share of the Glengarry Stock Truck Effluent Disposal facility, if required.

**Rose/Dick
CARRIED 7/2**

Crs Gilbertson and Remmerswaal voted against this motion

- 1.3. Delegates the authority to Crs Dick and Gilbertson to approve any variation of the Regional Land transport Programme with respect to the Glengarry Rd stock Truck Effluent Disposal facility.

**Rose/Dick
CARRIED**

12. MINUTES OF ROADS SAFE GOVERNANCE GROUP MEETING

Councillor Dick advised that the RoadSafe governance group had met on Thursday, 10 September under urgency following a reduction in funding from the New Zealand Transport Agency and presented the minutes from that meeting for the information of Council.

Councillor Kirton noted the huge cost benefit in providing the RoadSafe service and said that the more funding that goes into education for RoadSafe the more the accidents drop and road statistics keep to a low level. He applauded the work done by RoadSafe and said that Council needs to ensure that this activity continues.

RESOLUTION:

1. That Council receives the minutes from the RoadSafe Governance Group Meeting, held on 10 September 2009.

**Kirton/von Dadelszen
CARRIED**

13. HUMAN RESOURCES REPORT - OVERVIEW

Mr Viv Moule provided Council with a brief overview of some key human resource metrics recorded as part of the internal annual Human Resources Report.

RESOLUTION:

1. That the Council receives the overview of the 2008/09 Human Resources Report.

**Gilbertson/Rose
CARRIED**

14. CHAIRMAN'S MONTHLY REPORT

RESOLUTION:

1. That the Chairman's report for 26 August to 22 September 2009 be received.

**Rose/Gilbertson
CARRIED**

15. LOOKING FORWARD

Chairman Dick advised that it was intended to provide Council with an indication of issues and items coming up over the following months in each area of Council and from October it is intended to get the Chairs of Committees together to get their input prior to agendas going out.

Councillors discussed the Dairy Liaison Group and agreed that Cr Rose be appointed to this.

RESOLUTION:

1. That Cr Rose as Chair of the Asset management and Biosecurity Committee be Councillor representative on the Dairy Liaison Group

2. And that Council notes the items included in Table 1, below:

Group	Area of Activity
Asset Management	<ul style="list-style-type: none"> • Project planning for review of Heretaunga Plains Scheme • Reviewing strategic direction of Land Management activities • Development plan for Tutira property • Preparation for Regional Civil Defence exercise
Resource Management	<ul style="list-style-type: none"> • RMA amendments • Approximately 250 resource consent renewal applications in the Twyford area • Dairy Liaison group meeting • Resumption of the Mexted (Mahia) and CHBDC Porangahau Sewerage Treatment Plant hearings • Release of HAIL to media on 12 October • Testing for contamination on ex timber treatment plant sites
Strategic Development	<ul style="list-style-type: none"> • Strategy development for Taharua policy development process • Review of Tukituki Liaison Group recommendations • Progress development of Futures Scenarios • Progress development of Regional Stormwater strategy • Complete Technical Review and Legal Review of Air Quality Plan Change Hearing reports • Finalise project brief for Heretaunga Plains Transportation Study
Corporate Services	<ul style="list-style-type: none"> • Establish legal and taxation framework and Council policies and procedures to manage the Healthy Homes programme
External Relations	<ul style="list-style-type: none"> • Policy development work on Terms of Reference for iwi co-governance • Public Launch of Healthy Homes funding assistance programme (week 12 to 18 October)
Water Initiatives	<ul style="list-style-type: none"> • Develop commercial structure for funding of Ruataniwha Feasibility Study • Development of financial proposal for water meters • Water user group meetings • Commence pre-feasibility study for Ngaruroro/Karamu catchments • Water Information Section
Operations Group	<ul style="list-style-type: none"> • Pekapeka Project – undertake earthworks on interpretation site (road access and carpark now complete) • Tukipo Nutrient Stripping wetland- undertake final detail and construction (part of Tukituki rehabilitation package) • Clifton Beach rubble removal – ready to proceed subject to funding agreement between HDC and Tukituki rehabilitation package) • Next stage Upper Tukituki stopbank upgrading under way
CE's Office	<ul style="list-style-type: none"> • Assisting combined Regional Council group develop policy to provide government with solutions to Water Management Treaty Settlement and RMA phase 2 reforms (EPSA)
CE's and Chair's offices	<ul style="list-style-type: none"> • Negotiate co-management / co-governance arrangement with Ngati Pahauwera • Negotiate with other claimant groups assuming acceptance of Regional Plan proposal • Continue negotiations with Horizons to acquire Port Shares
Venture Hawke's Bay	<ul style="list-style-type: none"> • Ongoing work programme as per plan and as will be discussed at Strategic Planning & Finance Committee meeting 22 September 2009.

**Scott/Dick
CARRIED**

16. APPROVAL OF CONTRACTS BY CHIEF EXECUTIVE AND GROUP MANAGER

Mr Drury advised that the report advised Councillors of the approval of contracts for any provision of goods or services between \$200,000 and \$400,000 signed by the Chief Executive and Group Manager.

RESOLUTION:

1. That Council receive this report.

Rose/Scott
CARRIED

17. GENERAL BUSINESS

1. 20th Anniversary of Regional Council

Councillor von Dadelszen said that the 20th anniversary of the Regional Council was on 1 October and it was important that this date be recognised. The Chairman agreed and recommended that Council will hold a small drinks and nibbles ceremony on 1 October at 5.00pm at the Council offices.

Addendum to Minutes – the Anniversary is actually on 1 November. A ceremony has been planned for 6 November.

2. Visit to Environmental Waikato

In response to a question about whether a date had been set for this by Councillor Rose it was advised that no date had been set at this stage.

3. Roy's Hill Planting

Councillor McGregor advised that on Sunday, 20 September 1800 trees had been planted at Roy's Hill.

4. Environmental Awards

Councillor McGregor advised that the Environmental Awards had been judged on Monday, 14 September and the function for these awards would be held at the Hastings Opera House on 30 October at 7.30pm.

5. Photos

Councillor McGregor tabled photos that were of relevance to Council.

6. Possum Control on Napier Hill

Councillor Scott gave thanks on behalf of a number of citizens on Napier Hill for the work done with possum control in that area and advised that bird life on Napier hill had increased dramatically since this control programme had been undertaken.

7. Wilding Pines

Councillor Scott asked what the effect of legislation would be on deforestation and wilding pines to which the Chief Executive advised that there had been a drafting flaw within the ETS on wilding pines and this was going to be taken out of deforestation.

8. World Earth Day 2010

Councillor Remmerswaal said that World Earth Day would again be held in 2010 where the focus is on working towards climate change.

9. Video Speakers

Councillor Remmerswaal asked whether Council could look into using video links for speakers coming to talk to Council rather than flying them here to physically speak.

The meeting adjourned at 12.35pm. The Chairman advised that Council would be holding a workshop at 1.00pm and the public excluded section of the Council meeting would take place following that workshop.

The meeting reconvened in public excluded session at 2.50pm.

18. TREATY CLAIMS

This item will now be discussed at the Council meeting to be held on 7 October 2009.

19. CONFIRMATION OF PUBLIC EXCLUDED MINUTES OF MEETINGS HELD ON 25 & 26 AUGUST 2009

RESOLUTION:

1. That the Council exclude the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 19 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

Port of Napier Ltd – Director’s Evaluation

REASON FOR PASSING THIS RESOLUTION

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.

GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION

The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Scott/Wilson
CARRIED**

21. WASTEWATER LAND DISPOSAL PROPOSAL FOR MAHIA

RESOLUTION:

1. That Council exclude the public from this section of the meeting being Agenda Item 20 – Wastewater Land Disposal Proposal for Mahia with the general subject of the items 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

Wastewater Land Disposal Proposal for Mahia

REASONS FOR PASSING THIS RESOLUTION

7(2)(c) 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.

GROUND UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION

The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Scott/Wilson
CARRIED**

22. REVIEW OF CONSENTS AND HEARINGS

RESOLUTION:

1. That the Council exclude the public from this section of the meeting being Agenda Item 22 Review of Consents and Hearings 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>
Review of Consents and Hearings	7(2)(a) 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/Wilson
CARRIED**

23. CEO PERFORMANCE TARGETS

This item will now be discussed at the Council meeting to be held on 7 October 2009.

24. RECOMMENDATIONS AND REPORTS FROM STRATEGIC PLANNING AND FINANCE COMMITTEE

RESOLUTION:

1. That the Council exclude the public from this section of the meeting being Agenda Item 24(i) – **Recommendations from Strategic Planning and Finance Committee** with the general subject of the items 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>REASONS FOR PASSING THIS RESOLUTION</u>	<u>GROUND UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION</u>
Recommendations from Strategic Planning and Finance Committee	7(2)(c) 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.

**Scott/Wilson
CARRIED**

The Committee moved into public excluded session at 2.50pm and moved out of public excluded session at 4.00pm

Closure:

There being no further business the Chairman declared the meeting closed at 4.00pm.

Signed as a true and correct record.

DATE: **CHAIRMAN:**