



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday, 25 November 2009

Time: 9.00am

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

Present: A Dick- Chairman
T Gilbertson
N Kirton
E McGregor
L Remmerswaal
K Rose
C Scott
E von Dadelszen
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
H Codlin – Group Manager – Strategic Development
L Lambert – Group Manager – External Relations
D Lew – Group Manager – Resource Management
M Drury – Minute Secretary

1. WELCOME/PRAYER/APOLOGIES

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

An apology was received from Councillor von Dadelszen for lateness.

**Rose/McGregor
CARRIED**

2. CONFLICT OF INTEREST DECLARATIONS

Councillors McGregor and Gilbertson declared a Conflict of Interest in Agenda Item 14 (ii).

Councillor von Dadelszen joined the meeting at 9.10am.

3. CONFIRMATION OF MINUTES OF THE MEETING HELD ON WEDNESDAY 7 OCTOBER 2009

Minutes of the meeting held on Wednesday, 7 October 2009, a copy having been circulated prior to the meeting, were taken as read and confirmed following amendment.

**von Dadelszen/Scott
CARRIED**

CONFIRMATION OF MINUTES OF THE MEETING HELD ON WEDNESDAY 28 OCTOBER 2009

Minutes of the meeting held on Wednesday, 28 October 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 OF MEETINGS HELD ON WEDNESDAY, 7 OCTOBER 2009

There were no matters arising

MATTERS ARISING FROM MINUTES OF MEETING HELD ON WEDNESDAY, 28 OCTOBER 2009

12. Chairman's Monthly Report

The Chairman confirmed that he had received acknowledgement from the Minister in regards to a letter sent by Mayor Yule.

5. ACTION ITEMS FROM COUNCIL MEETINGS

The Chief Executive gave Council a brief update on action items in his report.

Resolution:

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

**Scott/Wilson
CARRIED**

6. CONSIDERATION OF GENERAL BUSINESS

- (a) Council Website
- (b) Chilean Needle Grass
- (c) Field Day – 4 December

7. AFFIXING OF COMMON SEAL

		Seal No.	Date
1.1	Leasehold Land Sales		
1.1.1	Lot 3 DP 11689 CT C3/7 - Agreement for Sale and Purchase	2901	28 October 2009
1.1.2	Lot 316 DP 11329 CT B3/1303 - Transfer	2902	28 October 2009
1.1.3	Lot 25 DP 13899 CT F4/437 - Agreement for Sale and Purchase - Transfer	2903 2904	4 November 2009 4 November 2009
1.1.4	Lot 217 DP 11967 CT M4/431 - Agreement for Sale and Purchase	2905	9 November 2009
1.1.5	Lot 1 DP 12594 CT D4/279 - Agreement for Sale and Purchase	2908	17 November 2009
1.2	Land Purchase Agreement		
1.2.1	Pukahu 33F Block CT 90/120 (Right Bank Awanui Stream)	2906	11 November 2009
1.2.2	Whenuakura 2A2 & Part Lot 1 DP 111206 (Right Bank Awanui Stream)	2907	12 November 2009

Resolution:

That Council:

- (a) Agree that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature of the issue to be considered and decided.

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

**Rose/Scott
CARRIED**

8. COMMENT ON MARITIME RULE PART 91 PROPOSED AMENDMENT – WEARING OF PERSONAL FLOTATION DEVICES

Captain Rycroft and Mr Lew were in attendance for this item.

Captain Rycroft advised that Council had received an invitation to comment on Maritime New Zealand's (MNZ) proposal to amend Maritime Rule Part 91 and outlined the issues that the consultation document would address.

Captain Rycroft advised that staff would also like to further submit on obtaining greater powers via the amendment in Reserved Areas where speed is uplifted. If MNZ did not choose to accept the staff submission point, staff would recommend to Council that HBRC's bylaws be amended to delegate this power to enforcement officers and Honorary Boating Advisors.

In response to a question from Councillor Scott, Captain Rycroft confirmed that in 2002 DOC had indicated they wished to keep control of Lake Waikaremoana and Lake Waikareiti and would develop these lakes.. Although the lakes were still outside Council bylaws Maritime New Zealand was still maintaining them at the present time.

Resolution:

1. That Council:
 - 1.1 Agrees that the decision to be made is not significant under the criteria contained in Council's adopted policy on significance.
 - 1.2 Authorises staff to lodge a submission with Maritime New Zealand consistent with this agenda item.

**Gilbertson/McGregor
CARRIED**

11. WARRANTS FOR HONORARY BOATING ADVISORS AND CONTRACTORS

Captain Rycroft and Mr Lew were in attendance for this item.

Captain Rycroft reminded Council that the Hawke's Bay Navigation Safety Bylaws which came into force on 1 December 2007 Section 650B of the Local Government Act 1974 provides for the appointment of Honorary Enforcement Officers (Boating Advisors and bylaws monitoring contractors.)

It was noted that that in addition to volunteer HBAs, Council had engaged First Security (formerly Chubb) each summer to undertake additional education and enforcement, and personnel for the 2009/10 summer season required official appointment by Council as Honorary Boating Advisors.

Resolution:

That Council:

1. That Council appoints the following persons as Honorary Boating Advisors pursuant to Section 650E of the Local Government Act 1974 and issues warrants pursuant to Section 710 of the Local Government Act 1974 for the period 23 October 2009 through to 25 April 2010.

Honorary Boating Advisors	
Brian	Horrocks
<i>First Security Ltd personnel</i>	
Barry	Meiring
Clifford	Sutton
Tony	Ashworth
Kent	Morse
Steven	Bethell
Kenneth	Forster
David	Haycock
Stephen	Parr-Whalley

**von Dadelszen/Rose
CARRIED**

9. NOTICE OF MOTION – AMENDING STANDING ORDERS

Chairman Dick advised that Councillor Remmerswaal had requesting a notice of motion be placed on the agenda to consider an amendment to Standing Orders 2.12.4 to extent the timeframe for the receipt of an agenda detailing the business to be brought before that meeting together with relevant attachments to five (5) clear working days, At the moment Standing Order 2.12.4 states that the agenda and relevant papers are to be received two (2) clear working days prior to a meeting.

Councillor Remmerswaal explained her reasons for requesting an amendment to Standing Orders 2.12.4.

Councillors discussed the proposal and noted that amendments to Standing Orders were undertaken at the inaugural meeting of the new Council every three years although Standing Orders may be amended during the 3 year session.

Concern was expressed that if Standing Order 2.12.4 was amended, staff may not be able to meet the deadline.

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 and significance of the issue to be considered and decided.
 - 1.2. Request staff to bring a report back to the December Council meeting to consider altering Council's Model Standing Orders.

**Gilbertson/von Dadelszen
CARRIED 7/2**

10. 2010 MEETING SCHEDULE

Councillors discussed the draft meeting schedule for 2010 which included 2 reserve days in the schedule.

Concern was expressed that there were very few gaps left in the schedule and allowance had not been made for longer Hearings which could need several consecutive days to complete.

Councillors also discussed a suggestion on whether the Notice of Meetings advertisement in the Hawke's Bay Today could contain more detailed information so that the community were aware of all the meetings and activities that Councillors were involved in.

The recommendation was left to lie on the table and an updated schedule will be brought back to Council at the December Council meeting.

12 FUTURE SCENARIOS PROGRESS REPORT

Ms Codlin updated Councillors on progress in the development of Hawke's Bay Futures Scenarios which, as set out in the Ten Year Plan, should be completed by 2010.

Ms Codlin advised that Council had engaged Susan Bates of Beagle Consulting and interviews with staff and individuals from a wide range of sectors and interest, both from within Hawke's Bay and outside the region, to identify the focal issue would take place over the next few months.

The Chief Executive considered it was important for Council to undertake this project in collaboration with TAs and confirmed the reasons of the Future Scenarios Plan which would identify trends. This information would be valuable in long term studies and urban growth studies and would be public information.

Councillors discussed the project plan for the development of Future Scenarios in Hawke's Bay and urged staff to ensure that the list of interviewees covered a wide spectrum of the community and should involve the Councillor holding the portfolio of 'Future Scenarios'.

Resolution:

That Council:

1. Endorses the Project Plan for the development of Futures Scenarios for Hawke's Bay.

**Rose/von Dadelszen
CARRIED**

The meeting adjourned at 10.25am and reconvened at 10.40am

14. (I) RECOMMENDATIONS FROM ASSET MANAGEMENT AND BIOSECURITY COMMITTEE

Resolution:

That Council:

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

That Council:

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

2. **Asset Management Scheme Annual Reports**

That Council:

- 2.1. Receive the Flood Control and Drainage Scheme reports for activities undertaken during the 2008/09 financial year.

**Rose/Scott
CARRIED**

3. **Ballance Farm Environment Awards**

That Council:

- 3.1. 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/Scott
CARRIED**

- 3.2. Approves the proposal to fund an 80% share of the sponsorship costs up to (\$20,000 of \$25,000 annually) of the Ballance Farm Environmental Awards for the Hawke's Bay-East Coast area, from 1 July 2010, with funds sourced from the Regional Landcare Scheme.

Rose/Scott

Councillor Kirton moved an amendment to original Recommendation 3,2, seconded by Chairman Dick (pro forma)

- 3.2. *Approves the proposal to fund an environmental award up to \$20,000 as part of the Landcare Management Strategy, with funds sourced from the Regional Landcare Scheme*

**Kirton/Dick
LOST 3/6**

The amendment was **LOST 3/6** and the original Recommendation 3.2 therefore stood and was **CARRIED 8/1**

- 3.2 Approves the proposal to fund an 80% share of the sponsorship costs up to the value of \$20,000 annually, of the Ballance Farm Environmental Awards for the Hawke's Bay-East Coast area, from 1 July 2010, with funds sourced from the Regional Landcare Scheme.

**Rose/Scott
CARRIED 8/1**

- 3.3. Instruct staff to work with New Zealand Farm Environment Awards Trust to establish an award aligned to a specific objective of Hawke's Bay Regional Council which is agreed by the Asset Management and Biosecurity Committee as part of the Land Management operating plan agreed to by the Committee each year prior to the commencement of each financial year.

**Rose/Scott
CARRIED**

4. **Land Management Report 2008/09 – Situation and Outlook**

That Council:

- 4.1. Receive this report but ask for a follow up paper at the soonest opportunity that clearly sets out the desired outcomes, and the resources needed to achieve them.

**Rose/Scott
CARRIED 8/1**

Councillor Remmerswaal voted against the motion

5. **Biodiversity Memorandum Of Understanding With Napier City Council**

That Council:

- 5.1. 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.
- 5.2. Endorses the attached Memorandum of Understanding between Council and Napier City Council to support and enhance biodiversity and ecological health within the territory of Napier City Council, and authorise the Chairman of the Asset management and Biosecurity Committee to sign the document on behalf of Council.

**Rose/Scott
CARRIED**

11. **BIOSECURITY ANNUAL REPORT**

That Council receive the Animal Pest and Plant Pest reports for activities undertaken during the 2008/2009 financial year.

**Rose/Scott
CARRIED**

24. **PORT OF NAPIER LIMITED (PONL) –
(i) RESOLUTIONS FOR 21ST ANNUAL GENERAL MEETING AND RESULTS TO 30 SEPTEMBER 2009
(ii) STATEMENT OF CORPORATE INTENT 2010-12**

1. That the Council:

- 1.1. Exclude the public from this section of the meeting being Agenda Item 24 – **Port of Napier Limited – (i) Resolutions for 21st Annual General Meeting and Results to 30 September 2009; (ii) Statement of Corporate Intent 2010-12**, 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

- (i) Resolutions for 21st Annual General Meeting and Results to 30 September 2009.
(ii) Statement of Corporate Intent 2010-12.

REASONS 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

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.

confidence.

7(2)(b) That the public conduct of this part of the agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect information which otherwise would prejudice the commercial position of the Port.

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

And that the Council permit the Chairman and Chief Executive of the Port of Napier Ltd to be in attendance for the Agenda Items 24i and ii after the public has been excluded, because of the information and knowledge they have of the Port of Napier, its operations and Board.

**Gilbertson/von Dadelszen
CARRIED**

The Council moved into public excluded session at 11.25am and moved out of public excluded session at 12.45pm

The meeting adjourned at 12.45pm and reconvened at 1.15pm

14 (II) RECOMMENDATIONS FROM ENVIRONMENTAL MANAGEMENT COMMITTEE

Councillors McGregor and Gilbertson declared a Conflict of Interest in this item.

Resolution:

1. Policy Development – Progress Report and Strategic Overview

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. Receives the report titled Policy Development – Strategic Review and Progress Report.
- 1.3. Agrees that stormwater and onsite wastewater is an integral component of the Heretaunga Plains Urban Development Strategy and that any proposed policy provisions associated with those discharges should be developed in light of that Strategy.
- 1.4. Acknowledge that whilst the HPU DS may guide territorial councils in development of appropriate infrastructure, Council considers that it is necessary to continue with the development of policy on stormwater and wastewater with urgency.

**von Dadelszen/Kirton
CARRIED**

- 1.5. The following recommendation was left to lie on the table:

Approves the proposal to incorporate any proposed policy provisions associated with stormwater and on-site wastewater discharges into the Regional Policy Statement and the Regional Resource Management Plan at the same time as the Regional Policy Statement is changed to incorporate the Heretaunga Plains Urban Development Strategy.

Staff are requested to prepare a paper to come back to Council at its February meeting in relation to plan changes for stormwater and on-site wastewater discharges with a revised timetable and its implications for prioritising the work.

- 1.6 Supports the tentative project plan for the policy development of the Water Allocation Framework.

**von Dadelszen/Kirton
CARRIED**

2. Taharua Policy Development Strategy

That Council:

- 2.1. Receives the report titled *Taharua Policy Development Strategy*.
- 2.2. Endorses the initial approach set out in the Strategy.
- 2.3. Confirms that the proposed tentative timeframes for policy development are appropriate and realistic to work toward.

**von Dadelszen/Rose
CARRIED**

3. Implications of Tukituki Liaison Group Recommendations for Council Activities

That Council:

- 3.1. Receives the report titled *'Implications of Tukituki Liaison Group Recommendations for Council Activities'*.
- 3.2. Agrees that the current and planned programmes are adequately aligned to the TLG goals for the next three years.
- 3.3. Agrees that staff should report back to the TLG at least annually on progress against its programmes and the goals.
- 3.4. Endorses the following approaches for the future use of the TLG goals:
 - 3.4.1. Using the TLG goals as a springboard for further community engagement
 - 3.4.2. Having regard to the goals when developing the objectives and policies associated with planned policy development project, such as for the water management framework
 - 3.4.3. Reviewing the goals as part of the Annual Plan process and particularly the next Ten Year Plan process to ensure any gaps are considered when developing programmes for the next ten year period.

**von Dadelszen/Rose
CARRIED**

4. Lapsing of Resource Consents

That Council:

- 4.1. Receives the report entitled *'Lapsing of Resource Consents'*.
- 4.2. Notes that Council may only extend the lapse date on application by the consent holder.
- 4.3. Notes that Council has no ability to allow a resource consent to continue to be used if it has lapsed due to the consent not being exercised or an application to extend the lapse date not being received.
- 4.4. Notes that Council may have to determine whether a consent has been given effect to if there is some evidence that a level of physical works and taking of

water has occurred but it is unclear whether the consent has been 'given effect to'.

- 4.5. Instructs staff to send a letter to all consent holders whose water permits may lapse (determined through water meter records or upon evidence of infrastructure) three months prior to the specified lapse date. The letter shall set out the procedure for extending the lapse period, and the implications if the water permit lapses.
- 4.6. Instructs staff that the decision as to whether a consent has been given effect to under s 125(1)(a) is delegated to the Hearings Committee and subject to a hearing process.
- 4.7. Instructs staff that the decision to extend a lapse date, and for how long, is delegated to the Hearings Committee.
- 4.8. Instructs staff to specify a charging regime for lapse date hearings under s 36 of the RMA in the 2010/11 Annual Plan.

**von Dadelszen/Scott
CARRIED**

5. Resource Management (Simplifying and Streamlining) Amendment Act 2009

That Council:

- 5.1. Receives the report titled "*Implications of RMAA09*".
- 5.2. Recognises the implications to Council work programmes and unbudgeted expenditure resulting from the amendments.
- 5.3. Instructs Council officers to draft a further paper which examines the implications of the 2009 amendments in conjunction with the findings of Dr Brent Cowie's review in relation to resourcing and cost recovery issues, for the next Environmental Management Committee meeting.
- 5.4. Instructs Council officers to draft a further paper which examines how applications for direct referrals and requests for independent commissioners could be dealt with by Council; and clarification regarding timing of rules having legal effect in a Proposed Plan or a Plan Change under sections 86A-E of RMAA09.

**von Dadelszen/Rose
CARRIED**

14 (III) RECOMMENDATIONS FROM THE STRATEGIC PLANNING & FINANCE COMMITTEE

Resolution:

1. Community Facilities Fund

That Council:

- 1.1 Agrees that the background on the projects to be funded from the Community Facilities Funds were included in the special consultative procedure for the LTCCP 2009-19. Further, Council acknowledges that, where funding from the Sale of Land (Non-Investment) account for amounts over \$300,000 are to be used for funding of capital projects of regional significance, that a special consultative procedure is required under Council's Investment Policy, and it is the intention of Council to provide for the special consultative procedure as part of the Annual Plan 2010/11.
- 1.2 That in response to the submissions made by Napier City Council, Hastings District Council and Central Hawke's Bay District Council for assistance from

the Community Facilities Fund, approve the funding of the following projects noting that the provision of assistance from this fund is to be increased from the \$2.7m provided for the first three years of the 10 Year Plan to \$5.8m for the first three years of the LTCCP 2009-19:

Assistance from the Community Facilities Fund	2009/10 \$000	2010/11 \$000	2011/12 \$000	Total \$000
<u>Assistance Requested</u>				
• 2011 Rugby World Cup	100	100		200
• Waipawa Town Hall	500			500
• Regional Sports Park		1,500	1,000	2,500
• HB Museum and Art Gallery		1,000	1,500	2,500
• HB Museum Earthquake Display			100	100
	600	2,600	2,600	5,800
<u>Proposed Funding</u>				
• Sale of land (Non-Investment)	100	900	1,000	2,000
• Special Regional Projects Reserve	-	400	100	500
• Loan Funding	500	1,300	1,500	3,300
	600	2,600	2,600	5,800

**Gilbertson/von Dadelszen
CARRIED**

- 1.3 Approve the payment in 2009/10 of \$500,000 to the Central Hawke's Bay District Council as a contribution to the cost of the Waipawa Town Hall, this project meeting Council's approved policy for consideration of Community Facilities Fund applications. It is noted that funding for this assistance will come from the \$7.5m in loan funding set aside by Council to fund capital projects of regional significance.

**Gilbertson/Rose
CARRIED**

- 1.4 Approve for the 2010/11 and 2011/12 financial years, the payment of \$2.5m as a contribution to the Regional Sports Park (subject to the Velodrome proceeding), noting that this project meets Council's approved policy for consideration of Community Facilities Fund applications. This approval is subject to a special consultative process being undertaken as part of the Annual Plan 2010/11 on the funding of this project from the Sale of Land (Non-Investment) account, as required by Council's Investment Policy. It is noted that the remaining funding for this project is to be funded from the \$7.5m loan funding set aside by Council to fund capital projects of regional significance.

**von Dadelszen/McGregor
CARRIED**

Councillor Remmerswaal voted against the motion

- 1.5 Approve for the 2010/11 and 2011/12 financial years, the payment of \$2.5m as a contribution towards the Hawke's Bay Museum and Art Gallery Project, noting that this project meets Council's approved policy for consideration of Community Facilities Fund applications. This approval is subject to a special consultative process being undertaken as part of the Annual Plan 2010/11 on the funding of this project from the Sale of Land (Non-Investment) account, as required by Council's Investment Policy. It is noted that the remaining funding for this project is to be funded from the \$7.5m loan funding set aside by Council

to fund capital projects of regional significance and from the Special Regional Projects Reserve.

**McGregor/Scott
CARRIED 8/1**

Councillor Remmerswaal voted against the motion

- 1.6 Approve the assistance for the 2011 Rugby World Cup to be paid to Venture Hawke's Bay, \$100,000 in 2009/10 and \$100,000 in 2010/11 from the Sale of Land (Non-Investment) account, noting that this project has been included in the LTCCP 2009/19 and that Council's Investment Policy provides for payments from this fund of up to \$300,000 without the need for the special consultative process.

**Kirton/Wilson
CARRIED**

- 1.7 Notes that Wairoa District Council has requested that if in the future they have a project that Hawke's Bay Regional Council would consider such an application in accordance with the adopted policy for the management of the Community Facility Fund.

**Dick/Wilson
CARRIED**

2. New Zealand Cycle Trail Project

- 2.1 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 Section 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.
- 2.2 Supports the formal application of a bid for funding from the New Zealand Cycling Fund.
- 2.3 Subject to further evaluation against the Open Space Investment Policy and identification of other funding partners, supports in principle the use of Open Space funds in the order of \$1 million to \$1.5 million for this proposal.

**Kirton/Scott
CARRIED**

15. CHAIRMAN'S REPORT 29 OCTOBER TO 24 NOVEMBER 2009

The Chairman provided Council with his monthly report and highlighted key issues from this report.

Resolution:

1. That the Chairman's report for 29 October to 24 November 2009 be received.

**Rose/Wilson
CARRIED**

16. MONTHLY WORK PLAN LOOKING FORWARD

The Chief Executive provided Council with a report outlining the monthly work plan for the next month.

Resolution:

1. That Council receives the Monthly Work Plan Looking Forward report.

**Scott/Kirton
CARRIED**

13. STRATEGIC PARTNERSHIPS – CRITERIA AND IDENTIFICATION

Mrs Lambert advised the purpose of the report was to seek Council's endorsement of the proposed approach to the identification of Council's working partners by category and the assessment of Council's strategic partner groups.

Mrs Lambert outlined the key issues which were partnerships with Maori and Council partnerships with specific organisations to progress community outcomes and Council's strategic goals.

Mrs Lambert also described the key criteria against which potential strategic partners should be assessed and the categories in which Council partnerships fall.

Councillors discussed the proposed approach and agreed it was important for Council to have key partnerships with organisations in order to have quality leadership.

In response to a question from Councillor Kirton, the Chief Executive agreed that new groups such as government departments and active groups in the catchments should also be considered.

Councillor Scott noted that the overall theme was to build resilience into the future, there was an opportunity for information sharing across the region and congratulated staff on this initiative.

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 proposed approach to the identification of Council's working partners by category and the assessment of Council's strategic partner groups.
- 1.3. Request staff to prepare a revised report following feedback from this meeting

**Scott/Rose
CARRIED**

17. HEALTHY HOMES PROGRAMME PROGRESS REPORT

Ms Rose updated Councillors on progress of Council's Heat Smart Hawke's Bay funding assistance programme. Ms Rose confirmed that there were 12 EECA approved Service Providers operating in Hawke's Bay with 4 of them being locally based, the remainder were nationally based and 1 provider from Taupo who had committed to work in the region.

In response to a question Ms Rose confirmed that \$391,000 was available from December 2009 – June 2010 and \$350,000 from 1 July 2010 to June 2011. Council would be applying for a component of this funding for the Hastings' airshed.

Resolution:

That Council receives the Healthy Homes Programme Progress Report.

**Rose/McGregor
CARRIED**

18. WATER SHORTAGE EVENT – STANDARD OPERATING PROCEDURES

Mrs Lambert presented this agenda item which sought Council's endorsement to set Standard Operating Procedures for Drought to be in place by the end of 2009.

Mrs Lambert confirmed that Council was working in partnership with CHB, NCC and HDC on water demands with a strong focus being on the larger water takes in the rural areas.

Resolution:

That Council endorses the formation of the Standard Operating Procedures for Droughts.

**Scott/Remmerswaal
CARRIED**

19. NGATI PAHAUWERA NEGOTIATIONS UPDATE

Mrs Lambert updated Council on negotiations with the Crown and Ngati Pahauwera on the settlement of Ngati Pahauwera's Treaty of Waitangi Claim.

Mrs Lambert advised HBRC had met with Ngati Pahauwera and their counsel on 12 November to finalise a "Heads of Agreement" document which had been drawn up between HBRC and Ngati Pahauwera for the allocation and management of river gravel so that this process did not need to be specified in the RRMP. This agreement would accompany the Treaty Deed of Settlement. A further meeting was planned for Friday, 27 November.

Resolution:

That Council:

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.
2. Receives the report "Ngati Pahauwera Negotiations Update".

**Rose/Wilson
CARRIED**

20. APPROACH/TIMELINES FOR ANNUAL PLAN 2010/11

Mr Drury outlined the approach to be taken in the development of the Annual Plan 2010/11, the recommended timelines, Council workshops and some of the major issues that need to be addressed in the Plan.

Resolution:

That the Council accept this information paper and note the relevant Council meeting dates for the Annual Plan 2010/11 process.

**Scott/McGregor
CARRIED**

21. GENERAL BUSINESS

Council Website

Councillor Remmerswaal noted that the website was an excellent source of information for the public to access, however it was important that all sections of the website were kept updated.

Chilean Needle Grass

Following a query from Councillor Remmerswaal, the Chairman confirmed that a current difficulty associated with Chilean Needle Grass had been rectified for this season.

Field Day

Mr Adye confirmed the time table for the visit to Tutira on 4 December.

22. CONFIRMATION OF PUBLIC EXCLUDED MINUTES OF MEETING HELD ON 7 AND 28 OCTOBER 2009

Resolution:

That the Council exclude the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 15 with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being as follows:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASONS FOR PASSING THIS RESOLUTION	 GROUNDS UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
Treaty Claim Issues	7(2)© 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.
Hazardous Activities And Industries List (Hail) And Further Action With Respect To Onekawa Landfill Area	7(2)(b)(ii) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of that information is necessary to protect information which otherwise would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.
Chief Executive's Performance Targets	7(2)(a) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect the privacy of natural persons.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

24. PORT OF NAPIER LIMITED (PONL) –
(i) RESOLUTIONS FOR 21ST ANNUAL GENERAL MEETING AND RESULTS TO 30 SEPTEMBER 2009
(ii) STATEMENT OF CORPORATE INTENT 2010-12

Resolution:

That the Council exclude the public from this section of the meeting being Agenda Item 24 – **Port of Napier Limited – (i) Resolutions for 21st Annual General Meeting and Results to 30 September 2009; (ii) Statement of Corporate Intent 2010-12**, 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	REASONS FOR PASSING THIS RESOLUTION	GROUNDS UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
(i) Resolutions for 21 st Annual General Meeting and Results to 30 September 2009. (ii) Statement of Corporate Intent 2010-12.	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. 7(2)(b) That the public conduct of this part of the agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect information which otherwise would prejudice the commercial position of the Port.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies. The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Gilbertson/von Dadelszen
CARRIED**

The Council moved into public excluded session at 2.45pm and moved out of public excluded session at 3.05pm

Closure:

There being no further business the Chairman declared the meeting closed at 3.15pm.

Signed as a true and correct record.

DATE:

CHAIRMAN: