



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Unconfirmed

- Date:** Wednesday, 24 February 2010
- Time:** 9.00am
- Venue:** Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER
- Present:** AJ 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
C Gilbertson – Administration Manager

1. WELCOME/PRAYER/APOLOGIES

Chairman Dick welcomed everyone to the first Council meeting for 2010 and called upon Councillor Gilbertson to deliver the prayer. Apologies for lateness were received from Councillors von Dadelszen and Kirton.

**McGregor/Rose
CARRIED**

2. CONFLICT OF INTEREST DECLARATIONS

Councillors McGregor and Gilbertson declared conflicts of interest in relation to items 11, 14iv and 13.3i.

3. CONFIRMATION OF MINUTES OF THE MEETING HELD ON WEDNESDAY 16 DECEMBER 2010

Minutes of the meeting held on Wednesday, 16 December 2010, a copy having been circulated prior to the meeting, were taken as read and confirmed.

**Scott/von Dadelszen
CARRIED**

4. MATTERS ARISING FROM MINUTES OF MEETINGS HELD ON WEDNESDAY, 16 DECEMBER 2010

There were no matters arising from the minutes.

5. ACTION ITEMS FROM COUNCIL MEETINGS

The Chief Executive and staff gave a brief update on the following action items:

1. Field Trip to Wairoa District

Cr Wilson advised he is working with Wairoa District Councillors to confirm a date for this visit.

2. RiskPool

Mr Drury advised the competitive quote is due to be received by 15 April.

3. Development of Regional and Unitary Council's Website

The Chief Executive advised that Horizons Regional Council are working on this website, and are the lead agency for this project.

4. Port of Napier Ltd – Share Price

The Chief Executive advised that Horizons Regional Council agreed that HBRC could released the price they paid Horizons for their share of the Port of Napier Shares. This will be released through a brief media statement.

Resolution:

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

**Gilbertson/Wilson
CARRIED**

6. CONSIDERATION OF GENERAL BUSINESS

- (a) Ngaruroro Consent Hearings Costs
- (b) Roof at HBRC Dalton Street Building
- (c) Compliance Officers – Water Consents
- (d) Pathways
- (e) Water Forum
- (f) HBRC & HDC Constituent Issue

7. AFFIXING OF COMMON SEAL

		Seal No.	Date
1.1	Leasehold Land Sales		
	1.1.1 Lot 1 DP 12594 CT D4/279 - Transfer	2923	5 January 2010
	1.1.2 Lot 25 DP 7201 CT B4/931 - Agreement for Sale and Purchase - Transfer	2925 2932	7 January 2010 12 February 2010
	1.1.3 Lot 133 DP 2172 CT 55/208 - Transfer	2926	14 January 2010
	1.1.4 Lot 136 DP 13096 CT E3/530 - Agreement for Sale and Purchase - Transfer	2927	18 January 2010
	1.1.5 Lot 272 DP 11258 CT B3/587 - Agreement for Sale and Purchase - Transfer	2928 2929	21 January 2010 2 February 2010
	1.1.6 Lot 119 DP 11717 CT C3/84 - Agreement for Sale and Purchase - Transfer	2930 2933	2 February 2010 12 February 2010
1.2	Land Purchase Agreement Part Whenuakura 1A & 1B and Part Sections 43 and 44 Blk III Te Mata Survey District (Right Bank Awanui Stream)	2917	10 December 2009

1.3	Subvention Agreement Port of Napier Limited and Hawke's Bay Regional Council	2918	10 December 2009
1.4	Maraetotara Riparian Esplanade Strip (left bank of the Maraetotara River being Lot 2 on DP 317715 CT 69513)	2919	15 December 2009
1.5	Staff Warrants	2920- 2922	21 December 2009
1.6	Agreement of Acquire Easement Lot 6 DP 97 CT W1/289 (Clive River)	2924	6 January 2010

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**

Cr Kirton arrived at the meeting at 9.25am

8. LOCAL BODY ELECTIONS 2010

Mrs Gilbertson advised that the Local Body Elections are being held on Saturday, 9 October 2010. There are a number of issues relating to these Elections that Council needs to be aware of and that require input from Council.

Resolution:

1. That Council:
 - 1.1 Resolve that the decisions to be made are not significant under the criteria contained in Council's adopted "policy on significance"; however, 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 Reconfirm the appointment of Mrs Carol Gilbertson as the Hawke's Bay Regional Council Electoral Officer and note the appointment of Mr Paul Drury as the Deputy Electoral Officer pursuant to Section 12 of the Local Electoral Act 2001 and request Mrs Gilbertson and Mr Drury complete the necessary declarations for these appointments.

- 1.3 Resolve that the order of each candidate will appear on a voting paper in alphabetical order of surname.
- 1.4 Resolve to allow voting documents in the Local Body Elections 2010 to be processed during the voting period.

Scott/von Dadelszen
CARRIED

9. FUNDING REQUESTS – DIGITAL ARCHIVES

Mrs Lambert advised that at the Strategic Planning and Finance Committee meeting on 27 January 2010 Mr James Morgan, Trustee of the Community Foundation made a presentation regarding a Hawke's Bay Digital Archive facility. The Committee then requested that the matter be considered by staff and a report provided to this Council meeting.

Mrs Lambert advised that she had spoken to the Director of the Hawke's Bay Cultural Trust who Mr Morgan said had supported this facility. Mrs Lambert said that she understood the Director's support was based on an assumption that the Community Foundation would not be seeking public funds. Councillors discussed the proposal of a regional archives strategy and it was confirmed that no Strategy for Archiving is currently in place. There was also a suggestion that strategies from other regional councils or regions could be sourced as a first draft to be reworked for this purpose.

During discussion on this request, it was noted that there is interest in social history e.g. what the issues were at the time, what people dressed in, how they sought entertainment etc and there is a risk if all the effort and energy is put into preserving legal documents and not social history documents. There was also the comment that there needs to be a connection between the two organisations run by the community foundation and the museum.

Councillors commented about the way that this request had been brought through to Council and that this is out of normal Council policy and that if it was approved Council could be open for other organisations or cultural facilities that need funding support so it was reiterated that Council needs to keep to its own policies. It was also commented that Council already puts a significant amount of money into an organisation who deals with regional archives and should stay with that regime, as a partnership with the legally established entity. Chairman Dick commented that he had intended to advise the Foundation that the request did not fit with Council policy, but before doing so had emailed Councillors giving them the opportunity to request that the matter be heard. As Councillor Rose was strongly of the view that the Community Foundation should be heard, the Chairman put the item on the agenda. It was also acknowledged that Mr Morgan could still make a submission through the Annual Plan process.

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.

Dick/Kirton
CARRIED

- 1.2 Includes in the Draft Annual Plan 2010/11 provision of \$30,000 for a Regional Archives Strategy to be prepared by the region's legal archive repository - the Hawke's Bay Cultural Trust – setting out the direction, priorities and practicalities for the regional archive at the refurbished HB Museum and Art Gallery

Dick/Kirton

An amendment was then moved by Cr von Dadelszen, and seconded by Cr Rose, which when put was LOST 4/5

- 1.2 Includes in the draft Annual Plan 2010/11 provision of \$30,000 contribution to the Community Foundation's Digital Archive Project to assist with the digital archiving of the social and cultural history of Hawke's Bay and requests the organisations involved to seek ways of working together.

von Dadelszen/Rose

LOST 4/5

**Against: Gilbertson, Wilson, Dick, Kirton, Scott
For: von Dadelszen, Rose, Remmerswaal, McGregor**

- 1.2 Declines the request made by the Community Foundation for a sum of \$500,000 towards digital archive equipment.

Dick/Kirton

An amendment was then moved by Cr von Dadelszen, and seconded by Remmerswaal, which when put was LOST 3/6.

- 1.2 Declines, at this stage, the request made by the Community Foundation for a sum of \$500,000 towards digital archive equipment.

von Dadelszen/Remmerswaal

LOST 3/6

The original motion was then put and was CARRIED 5/4 and hence became the substantive motion

- 1.2 Declines the request made by the Community Foundation for a sum of \$500,000 towards digital archive equipment.

Dick/Kirton

CARRIED 5/4

- 1.3 HB Cultural Trust be requested to deliver a regional archives strategy in consultation with HBRC staff and the Hawke's Bay Community Foundation and other parties, such as the Regional Territorial Authorities and that be provided within the presently allocated funding for regional archiving.

Dick/McGregor

CARRIED

10. STRATEGIC PARTNERSHIPS – CRITERIA AND IDENTIFICATION

Mrs Lambert advised that through the Council's 10 Year Plan the regional leadership role and the importance of establishing strategic partnerships was shown as an important aspect of the plan. Council requested that a revised report be brought back to extend the range of strategic partnerships for consideration. These were presented

to Council to assess the relative status of a range of relationship that it has and an assessment of any gaps. Following discussion it was agreed that categories like operational partners needed to be worked on further and consideration to another category for those organisations that lobby Council like Forest and Bird association etc as some of these may be considered important to Council but not strategic partners. It was therefore agreed by Council that the matter lay on the table for further discussion at the March Council meeting.

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. Consider feedback from Council and leave the matter to lie on the table, to be brought back to the March Council meeting.

**von Dadelszen/Remmerswaal
CARRIED**

The meeting adjourned at 10.30am and reconvened at 10.45am

14. REPORT AND RECOMMENDATIONS FROM:

14.ii Hearings Committee

Councillor Scott in her role as Chairman of the Hearings Committee, noted that the reason for this report was to partly be informed on community views on cost objections of Hearings and the Committee had tried to consider what was reasonable as part of their deliberations on this issue.

1. Resource Consent Charges – General Principles for Charging and Making Decisions on Consent Objections Under Section 357B of the RMA

That Council:

- 1.1. Introduces a scale of fixed charges (as an initial deposit with each application) based on the different types of resource consent activity, and instructs staff to determine what these fixed charges should be for inclusion in the 2010/2011 Annual Plan.
- 1.2. Reduces the fixed charge for notified consent applications that are processed as part of a 'bulk renewal' process, and instructs staff to determine what this fixed charge should be, for inclusion in the 2010/2011 Annual Plan.
- 1.3. Requires only one fixed charge (as a deposit) for multiple ancillary applications from one applicant for one activity, with the fixed charge being the highest charge for a single application.
- 1.4. Introduces the payment of three fixed charges, at distinct points in the application process, for applications that are notified and instructs staff to

determine what these fixed charges should be for inclusion in the 2010/2011 Annual Plan.

- 1.5. Introduces three different service charge-out rates (for administration, consent processing and management) and instructs staff to determine what these service rates should be for inclusion in the 2010/2011 Annual Plan.
- 1.6. Instructs staff to formally review the 60/40 split between private and public good for consent service charge-out rates at the next rating review.
- 1.7. Instructs staff to revise the wording of the acknowledgement letter, subsequent cost estimate letters and other forms of written communication and bring the draft documents to the March Environmental Management Committee meeting for consideration.
- 1.8. Instructs staff to remove the advice that an objection can be made under s 357(B) from the covering letter that accompanies each invoice, and to retain the advice on where to direct questions or concerns that is currently in the letter.
- 1.9. Instructs staff to develop a discount policy for s 92(2) reports for inclusion into the 2010/2011 Annual Plan.
- 1.10. Instructs staff that, when the use of consultants/contractors is occasioned by the application, no cap will apply to the hourly rate recovered from applicants, and to include documentation of this policy in the 2010/2011 Annual Plan.
- 1.11. Instructs staff that, when the use of Council appointed commissioners is occasioned by the unavailability of appropriately qualified Councillors a cap be applied to the hourly rate recovered from the applicant and that staff recommend to Council the extent of that cap for inclusion in the 2010/2011 Annual Plan; and conversely, when the use of Council appointed commissioners is occasioned by the application no cap be applied to the hourly rate recovered from applicants and to include documentation of this policy in the 2010/2011 Annual Plan.
- 1.12. Increases the fixed charge payable as a deposit for a section 127 *change of consent conditions* application to an appropriate figure to be determined by staff and brought to the 24 February Council meeting for approval and inclusion in the 2010/2011 Annual Plan.
- 1.13. Instructs staff to review Council's current practice of evenly dividing total processing costs for 'bulk' renewal processes across the total number of applicants, and requests that staff bring alternative options for apportioning costs for such processes to the Environmental Management Committee for consideration.
- 1.14. Instructs staff to, when using consultants/contractors to meet workload requirements, adopt a policy of discounting the amount recovered from the applicant back to Council service charge-out rates and request that further information be brought forward on the funding consequences of this policy through the 2010/11 Annual Plan process.

Scott/von Dadelszen

CARRIED

11. RESOURCE MANAGEMENT CHARGES

Councillors McGregor and Gilbertson declared a Conflict of Interest in this item which they of their own choice, based on both Councillors having commercial water take consents albeit in a minor aspect.

Councillors McGregor and Gilbertson neither spoke to or voted on this item. Mr Lew advised that the resource consent charge regime had been considered by the Hearings Committee at a meeting held on Monday 8 February 2010. He said it is proposed that any changes in relation to the matters considered in this agenda item will be included in the 2010/11 Annual Plan.

Resolution:

1. That Council
 - 1.1. Confirms the decisions recommended in this paper are not able to be implemented until effect of these decisions are included in the Draft Annual Plan 2010/11 and that the Draft Plan be subject to a special consultative procedure as required by Section 95 (2) and 85 of the Local Government Act 2002.
 - 1.2. Approves the scale of charge out rates as set out in option 2 of the report.
 - 1.3. The information in Attachments 1 and 2 to go forward as part of the Draft Annual Plan 2010/11 process including option 2 staff charge out rates.

**Scott/Wilson
CARRIED**

12. HAWKE'S BAY LOCAL GOVERNMENT REORGANISATION

Chairman Dick advised that the Hawke's Bay Chamber of Commerce wrote to this Council requesting the Council either by itself or with the other Councils start an independent study to review issues and options associated with local government reorganisation. Chairman Dick said the Council had not formally debated this topic and it was timely to do so, particularly as there was a current allocation of \$50,000 budgeted under Project 200-Community Representation for a local government efficiency study.

The Council discussed collaboration and shared systems in relation to the other territorial authorities in Hawke's Bay and Mr Drury advised that a shared systems review would be undertaken following the installation of the new finance system into this Council within the next 6-8 months and part of that would be to look at the migration of Central Hawke's Bay and Wairoa and the potential for any shared systems.

Councillors debated the local government reorganisation issue and some Councillors expressed a view that Council should be acting on this much sooner than leaving it to the new incoming Council for their debate. Views were expressed that there is opportunities to make significant savings and if this is delayed then the Council continues to lose those opportunities. It was also expressed that Council ought to be identifying systems to collaborate as soon as practical.

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 That Council advise the Hawke's Bay Chamber of Commerce that it intends to participate in reform proposals and studies, commencing in 2011.
- 1.3 That the \$50,000 budget for Local Government efficiency studies be rolled over into the 2010/11 budget year, to be allocated by the incoming Council.
- 1.4 That the 1997 "Nahkies" report be circulated to Councillors for information.

McGregor/Rose

An amendment was then moved by Cr Kirton and seconded by Cr Gilbertson, which when put was **LOST 3/6**

- 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 Advise the Hawke's Bay Chamber of Commerce that it intends to participate in reform proposals and studies.
- 1.3 That a local government efficiency study be commenced in the next three months.
- 1.4 That the 1997 "Nahkies" report be circulated to Councillors for information.

Kirton/Gilbertson

LOST 3/6

The original motion was then put and was **CARRIED 8/1** and hence became the substantive motion.

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 That Council advise the Hawke's Bay Chamber of Commerce that it intends to participate in reform proposals and studies, commencing in 2011.
 - 1.3 That the \$50,000 budget for Local Government efficiency studies be rolled over into the 2010/11 budget year, to be allocated by the incoming Council.
 - 1.4 That the 1997 "Nahkies" report be circulated to Councillors for information.
 - 1.5 Request the Chief Executive to bring back a report on present and potential collaborations in terms of efficiencies and savings.

McGregor/Rose
CARRIED 8/1

13. UPDATE ON DRAFT ANNUAL PLAN 2010/11

Mr Drury advised the purpose of the paper was to respond to issues raised at the Annual Plan workshop on Thursday 11 February 2010.

Council discussed the proposed rating policy for funding for Venture Hawke's Bay and it was noted that the proposal in the paper was a more equitable funding regime and shifts the rate more equitably across the region in this sector.

The Chairman noted the decrease of \$4,000 in the allocation of Councillor travel for conferences and seminars and commented that this increase would not have any negative impact as this budget had been increased last year and the full allocation was unlikely to be spent. The Chairman noted that there is no increase in elected members' remuneration proposed because there was a nil determination given by the remuneration committee.

There was discussion on holding a nil percentage increase on rates and a request from some Councillors that this rigor be introduced as it was noted that some ratepayers haven't had the benefit of salary increases that employed rate payers may have had.

The Chief Executive made the comment that a large number of regional council staff, approximately 75% have degrees or polytechnic qualifications and it was important to retain a high calibre of staff and remunerate accordingly.

Councillors debated whether Enviro Schools should be retained as an area where Council should remain involved in. It was acknowledged that the reason Council has to debate whether it would increase its funding to Enviro Schools was because Central Government had withdrawn their funding and this had been a decision forced on the Regional Council. Following rigorous debate around this issue and some of the initiatives where potential savings could be made it was agreed that Council would not fund the extra \$20,000 requested for Enviro Schools and nor would it stay involved in Enviro Schools after the 2009/10 financial year.

Resolution:

1. That Council:
 - 1.1. Confirm the decisions recommended in this paper are not able to be implemented until effect of these decisions are included in the Draft Annual Plan 2010/11 and that the Draft Plan be subjected to a special consultative procedure as required by Section 95 (2) and 85 of the Local Government Act 2002.

**Rose/Scott
CARRIED**
 - 1.2. Approve that the Rating Policy to be adopted for the funding of financial assistance paid by this Council to Venture Hawke's Bay be based on the recommended benefit profile as set out in Sean Bevin's report dated November 2009. This policy will reflect 85% of the benefit being accrued to Napier and Hastings ratepayers, 10% to Central Hawke's Bay ratepayers and 5% to Wairoa ratepayers.

Further, that 30% of the allocated benefit to each rating district be funded from the commercial/industrial sector on a Capital Value basis and the remaining 70% of the benefit allocation to each district to be funded by a UAC on all residential and rural rating units.

**Wilson/Scott
CARRIED**

- 1.3. Approve that the \$50,000 required for catchment modelling for the Tukituki River form part of the feasibility study for the Ruataniwha Plains Water Augmentation Project and that the funding of this \$50,000 is to come from an additional allocation from the Sale of Land Account.

**Gilbertson/McGregor
CARRIED**

- 1.4. Approve a decrease of \$4,000 in the allocation of Councillor conference fees and travel for conferences, seminars and training in Project 200 for the year 2010/11.

**Rose/Wilson
CARRIED**

- 1.5. Resolve that the increase in total rates from the 2009/10 year be limited to 2.5%, and that staff review expenditure levels to ensure that this is achieved for the Draft Annual Plan submitted to Council for adoption on 17 March 2010.

**Rose/Scott
CARRIED 8/1**

- 1.6. Resolve that an allocation of \$30,000 is to be made available for the Enviroschools programme funded from savings in the community engagement budget.

**Gilbertson/Rose
LOST 2/7**

- 1.6. Resolve that an allocation of \$30,000 is to be made available for the Enviroschools programme funded from contingency budget.

**Remmerswaal/Gilbertson
LOST 2/7**

Division:

For: Remmerswaal; Gilbertson

Against: Dick, Scott, von Dadelszen, Kirton, Rose, Wilson, McGregor

- 1.6. That HBRC funding for enviroschools programme be terminated at the end of this financial year.

**Dick/Wilson
CARRIED 7/2**

14. REPORT AND RECOMMENDATIONS FROM:

14.i Strategic Planning and Finance Committee

1. Community Engagement and Communications Strategy

That Council affirms the Hawke's Bay Regional Council Community Engagement Strategy 2009/10-2012/13 following consideration of amendments at the workshop on 11 February.

2. COMMUNITY ENGAGEMENT PLAN

That Council affirms the Hawke's Bay Regional Council Community Engagement Plan 2010-2013 following consideration of amendments at the workshop on 11 February.

**Dick/von Dadelszen
CARRIED**

14.iii Asset Management and Biosecurity Committee

1. Council Branding

Councillor Rose, in his capacity as Chairman of the Asset Management and Biosecurity Committee advised that following consideration of the regional signage issue it was now proposed to reconsider this in 12 months time and that the new incoming Council in the next term be tasked undertaking this.

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. The issue of regional signage be reviewed in the next term of Council.

Rose/Remmerswaal

CARRIED

2. Plantation Drain Enhancement Update

That Council:

- 1,1 Include provision to complete the Plantation Drain enhancement work associated with a reach between Chambers and Nash streets in the 2010/11 draft annual plan.

Rose/Remmerswaal

CARRIED

3. State Highway 2 Tutaekuri River bridge Replacement

That Council:

- 1.1 Authorise the Group Manager Asset Management to approve the design of the proposed Waitangi washout bridge replacement across the Tutaekuri River on State Highway 2, subject to his satisfaction that the proposed design does not adversely impact on the integrity of Council's flood control assets.

Rose/Remmerswaal

CARRIED

4. Land Management Outcomes & Implementation

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 this report and endorse in principle the outcomes proposed for the Land Management team but requests a further report which would include a set of key

performance measures be prepared for the 11 May 2010 Asset Management and Biosecurity Meeting.

Rose/Remmerswaal

CARRIED

5. Purple Ragwort

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 Include provision for the grant to Te Mata Park Trust Board to increase to \$30,000 for the 2010/11 financial year and 2011/12 (plus an inflation allowance) into Council's Draft 2010/11 Annual Plan.

Rose/Remmerswaal

CARRIED

14.iv Environmental Management Committee

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. Endorses the proposed timetable for notifying the proposed plan changes as follows:

Plan Change No.	Plan Change title	Preferred notification date
Plan Change 3	Stormwater – links to Growth Management	Between July-Oct 2011
Plan Change 4	On-site Wastewater – links to Growth Management	Between July-Oct 2011
Plan Change 5	Taharua Land use	July 2011
Plan Change 6	Growth management – Region wide principles	Between July-Oct 2011
Plan Change 7	Growth management – Strategic Integration of Infrastructure	Between July-Oct 2011
Plan Change 8	Growth management – Heretaunga Plains Strategy	Sept – Oct 2010
Plan Changes 9-16	Freshwater	Mar – July 2012

- 1.3. Instructs staff to present the need for two additional staff resources through the Annual Plan process, for Council's consideration.

von Dadelszen/Scott

CARRIED

14.v Maori Committee

Mr Mike Mohi, Chairman of the Maori Committee gave a verbal update from the meeting held on Tuesday, 23 February. He advised that a powhiri had been held for 2 new staff members Morehu Te Tomo and Joseph Stafford.

The other major item discussed at the Maori Committee was the Hapu Management Plan from Wairoa and this had been passed to Joseph Stafford for assessment and will then come back via the Environmental Management Committee.

Resolution:

That the verbal update from the Maori Committee be received.

McGregor/Gilbertson

CARRIED

The meeting adjourned at 12.45pm and reconvened at 1.15pm

22. VELODROME BID FUND

That the Council exclude the public from this section of the meeting being Agenda Item 22, 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	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
22. Velodrome Bid Fund	7(2)(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

And that Deputy Mayor of Hastings District Council, Cynthia Bowers and Mr Jock McIntosh be allowed to remain in the meeting due to their knowledge of this issue.

Gilbertson/Scott

CARRIED

The meeting went into public excluded session at 1.20pm and out of public excluded session at 1.50pm

15. ANNUAL PLAN PROGRESS REPORT TO 31 JANUARY 2010

Mr Drury advised the Annual Plan Progress Report was an abridged report and covered the first seven months of the 2009/10 financial year. Mr Drury highlighted key issues from his report.

Resolution:

That the Annual Plan Progress Report for the first seven months of 2009/10 financial year be received.

**Scott/von Dadelszen
CARRIED**

16. CHAIRMAN'S REPORT

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

Resolution:

That the Chairman's report for 16 December 2009 to 23 February 2010 be received.

**Rose/McGregor
CARRIED**

17. MONTHLY WORKPLAN LOOKING FORWARD

The Chief Executive outlined for Councillor's information an indication of issues and activities coming up over the next month in each area of Council.

Resolution:

That Council receives the Monthly Work Plan Looking Forward report.

**Gilbertson/von Dadelszen
CARRIED**

23. RUATANIWHA WATER STORAGE FEASIBILITY LEADERSHIP GROUP COMPOSITION

The Chairman advised that the appointments of Councillors to this Group would be discussed in the open part of the meeting.

Mr Newman advised that there was a need for two community based groups to handle various aspects of the Ruataniwha Water Storage Project – one group being the Leadership Group which will focus on ensuring the critical questions regarding the viability of the project are adequately addressed and answered; and the second group being a Stakeholder Liaison Group, consisting of Central Hawke's Bay District Council members, water users and other interested parties.

Mr Newman advised that up to 3 Councillors would be appointed to this Leadership Group and then called for nominations for these positions. He further advised that himself and Mr Adye would scrutinise the election process which would take part with Councillors all having 2 votes which would be recorded on a blank sheet of paper and then scrutinised.

Resolution:

That Council approves the process of appointing three elected members to the Leadership Group, to be held by secret ballot scrutinised by Mr Newman and Mr Adye.

**Dick/Wilson
CARRIED**

Following the secret ballot scrutinising Councillor Gilbertson received 8 votes, Councillor McGregor 4 votes, Councillor Wilson 8 votes and Councillor Rose 4 votes. Councillor Rose then removed himself from any further voting and Councillors Gilbertson, Wilson and McGregor were appointed to the Leadership Group.

Resolution:

That Crs Gilbertson, Wilson, McGregor, be appointed to the leadership group for the duration of the triennial term, with Councillor membership to be reviewed and re-established post the October 2010 elections, noting that Cr Rose graciously offered to stand down.

**Dick/von Dadelszen
CARRIED**

Item Not On the Agenda - Regional Transport Committee Recommendations

The Chairman advised that Item 14 vi – Regional Transport Committee Recommendations had not been included in the original agenda but following the Regional Transport meeting held on Thursday, 18 February, these recommendations needed to be adopted and endorsed by Council at this meeting because decisions needed to be made prior to the next Council meeting.

Resolution:

That under standing orders 3.7.5 it was agreed that item 14.vi – Regional Transport Committee be added to the agenda.

**Dick/Gilbertson
CARRIED**

14.vi. Regional Transport Committee

Resolution:

1. Variation (Committed Projects) – Regional Land Transport Programme

The Committee recommends Council:

- 1.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
- 1.2. Agrees that the proposed variation is not significant under the criteria contained in section 5.3 of the Regional Land Transport Programme 2009 – 2012 (RLTP) that sets out the Council's policy to determine the significance of a proposed variation to the RLTP.
- 1.3. Approves the variation to the Regional Land Transport Programme 2009 – 2012 to include the projects named in Appendix 1. (Item 10)

2. Variation (Phasing) – Regional Land Transport Programme

That the Committee recommends Council:

- 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 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.

- 2.2 Agrees that the proposed variation is not significant under the criteria contained in section 5.3 of the Regional Land Transport Programme 2009 – 2012 (RLTP) that sets out the Council's policy to determine the significance of a proposed variation to the RLTP.
- 2.3 Approves the proposal to prepare a variation of the RLTP in accordance with Section 18D of the Land Transport Management Act to include the projects named in Appendix 1 (Item 11).

3. REGIONAL TRANSPORT STRATEGY PROJECT PLAN

That the Committee recommends 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.
- 3.2. Approves the performance target date for the Review of the Regional Land Transport Strategy be amended to 30 June 2012, from 30 June 2011.

Gilbertson/von Dadelszen

CARRIED

18. GENERAL BUSINESS

Ngaruroro Consent Hearing Costs

Roof at HBRC Dalton Street Building

In response to a question Mr Adye advised that the debt collectors are now pursuing the account sent to the original contractor for the repair of the roof.

Compliance Officers Water Consents

Councillor Gilbertson asked that his thanks and appreciation be passed on via the Chief Executive to Ian Lilburn for the way he had handled the water consents and Councillor Gilbertson noted Mr Lilburn was very courteous and efficient and he appreciated this.

Pathways

In response to a question from Councillor Scott about whether there was much damage done to the pathways during the last storm, congratulations were passed onto Operations staff for any work that had needed to be done and at the speed in which they did that ensuring the pathways were still able to be used.

Water Forum

Councillor Wilson advised that he recently attended the Water Forum and will provide a follow up report to Councillors on this.

HBRC and Hastings District Council Constituent Issue

Councillor Rose advised that during a particularly sensitive issue with a constituent, that Paul Barrett, Ian Lilburn, Hastings District Council Officer and himself had met with this constituent. He praised the sensible compassionate way that staff handled this matter and said it was very commendable.

19. CONFIRMATION OF PUBLIC EXCLUDED MINUTES OF MEETING HELD ON WEDNESDAY 16 DECEMBER 2010

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASONS FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
Ruataniwha Plains Water Storage	7(2)(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.
Port of Napier Ltd Shares	7(2)(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**von Dadelszen/Gilbertson
CARRIED**

21. PUBLIC EXCLUDED REPORT AND RECOMMENDATIONS FROM THE ENVIRONMENTAL MANAGEMENT COMMITTEE

Resolution:

That the Council exclude the public from this section of the meeting being Agenda Item 21 Public Excluded Report and Recommendations from the 9 February 2010 Environmental Management Committee meeting, 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>
21. Recommendations on Submissions to Proposed Change 2 and Variation 2: Air Quality	<p>48(1)(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in:</p> <p>(a) Any proceedings before the local authority where:</p> <p>(i) A right of appeal lies to any Court or Tribunal against the final decision of the local authority in those proceedings.</p> <p>7(2)(c) That the public conduct of this part of the agenda item would be likely to result in the disclosure of information prior to its formal and complete release to the submitters and the general public where the withholding of the information is necessary to ensure factual information based on Council's final decision can be presented and made available to all interested parties in a managed and coordinated way.</p>	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**von Dadelszen/Gilbertson
CARRIED**

24. STAFF CLIMATE SURVEY (VERBAL UPDATE)

25. HALF YEARLY UPDATE ON CHIEF EXECUTIVE'S PROGRESS AND PERFORMANCE (VERBAL UPDATE)

That the Council exclude the public from this section of the meeting being Agenda Items 22, 23, 24 and 25 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	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
23. Ruataniwha Plains Water Storage	7(2)(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.
24. Staff Climate Survey	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.
25. Half Yearly Update on Chief Executive's Progress and Performance	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.

**von Dadelszen/Gilbertson
CARRIED**

The Council moved into public excluded session at 2.35pm and moved out of public excluded session at 3.50pm

Closure:

There being no further business the Chairman declared the meeting closed at 3.55pm.

Signed as a true and correct record.

DATE:

CHAIRMAN: