



## MINUTES OF A MEETING OF THE HAWKE'S BAY REGIONAL COUNCIL

- Date:** 28 April 2010
- 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:** P Drury – Group Manager Corporate Services  
M Adye – Group Manager Asset Management  
H Codlin – Group Manager Strategic Development  
L Lambert – Group Manager External Relations  
M Mohi – Chairman – Maori Committee  
C Gilbertson – Administration Manager

**1. WELCOME/PRAYER/APOLOGIES**

The Chairman welcomed all present and called on Mr Mike Mohi to deliver the prayer. He advised Council's Chief Executive was attending a meeting in Wellington to discuss water policy and integration of the water forum project and was not attending this meeting. He further advised that confirmation has been received from Audit NZ who have given clearance to Councillors McGregor and Gilbertson to be part of the Project Leadership Group for the Ruataniwha Water Storage project.

**2. CONFLICT OF INTEREST DECLARATIONS**

There were no conflicts of interest declared.

**3. CONFIRMATION OF MINUTES OF THE MEETING HELD ON 10 MARCH 2010**

Minutes of the meetings held on 10 March 2010, a copy having been circulated prior to the meeting, were taken as read and confirmed.

**Scott/Wilson  
CARRIED**

**CONFIRMATION OF MINUTES OF THE MEETING HELD ON 17 MARCH 2010**

Minutes of the meetings held on 17 March 2010, a copy having been circulated prior to the meeting, were taken as read and confirmed.

**Scott/von Dadelszen  
CARRIED**

**CONFIRMATION OF MINUTES OF THE MEETING HELD ON 14 APRIL 2010**

Minutes of the meetings held on 14 April 2010, a copy having been circulated prior to the meeting, were taken as read and confirmed.

**Rose/Scott  
CARRIED**

**4. MATTERS ARISING FROM MINUTES OF MEETINGS HELD ON 10 MARCH, 17 MARCH AND 14 APRIL 2010**

There were no matters arising from the minutes.

**5. ACTION ITEMS FROM COUNCIL MEETINGS**

**Visit to Wairoa District Council**

The Chairman advised that this visit would not now take place as it is too close to the holding of the elections and both Councils are extremely busy. The Chairman, Chief Executive and Councillor Wilson will undertake a visit on 25 May. The Chairman said that a follow up meeting should occur after the local body elections between the two Councils.

**Water metering – to Env Mgmt**

Mr Drury gave a verbal update on behalf of Mr Bruce Corbett who was unable to attend the meeting. Mr Kelvin Ferguson was also in attendance.

In response to a question about whether Council would be communicating to the consent holders around costs etc Mr Ferguson advised that an initial letter will be going out to approximately 200 consent holders to find out whether they have a water meter. Council will compile a list of approved installers and communicate that list through in to

consent holders to outline products and costs etc. The list will also be available on Council's web site with any technical specifications.

In response to a question about whether Council was going to have the option of providing a financing facility to consent holders to finance their water meters, Mr Drury advised advances had been considered but Council had not decided whether to go ahead with this. He noted there was a Council resolution that money be made available from the Sale of Land account for this purpose, if required.

### **Trip Across Cape Kidnappers**

Councillor McGregor said he was still keen for this trip to occur and will organise this with Mr Mike Adye, then he will advise Councillors of the date so they can decide whether to attend or not.

### **Present and Potential Government Collaboration**

A comment was made that this should have been progressed before now and disappointment that had not occurred yet.

#### **Resolution:**

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

**Gilbertson/Wilson  
CARRIED**

As Mr Mohi was attending a tangi at 10am it was agreed that item 9iii would be discussed out of agenda order.

### **9III.MAORI COMMITTEE REPORT**

Mr Mike Mohi, Chairman of Council's Maori Committee gave a verbal report from the meeting held on Tuesday, 27 April. The items discussed included the Notice of Motion from Councillor Remmerswaal regarding ECan, the Maori Committee supported the paper in principal but was mindful of iwi representation in that area and not compromising any views that Ngai Tahu had on the issue.

The next item discussed was the Ngaruroro pre-feasibility study where an outline of the series of hui to be held was presented and staff outlined what aspects of the pre-feasibility study will be discussed at these hui.

#### **Resolution:**

1. That Council receives the verbal update from the Maori Committee.

**McGregor/Rose  
CARRIED**

### **6. CONSIDERATION OF GENERAL BUSINESS**

- (a) Parking Facility at Peka Peka
- (b) Drought Symposium
- (c) Rural Pathways
- (d) Climate Change Field Trip
- (e) Earth Hour
- (f) The Roof
- (g) Tutira Farm

## 7. AFFIXING OF COMMON SEAL

The Common Seal has been affixed to the following documents and signed by the Chairman or Deputy Chairman and Chief Executive or a Group Manager.

	1	Seal No.	Date
1.1	<b>Leasehold Land Sales</b>		
	1.1.1 Lot 85  DP 11780 CT C3/513 - Agreement for Sale and Purchase	2938	19 March 2010
	1.1.2 Lot 10  DP 11689 CT C3/14 - Transfer	2939	29 March 2010
	1.1.3 Lot 255  DP 11194 CT D3/89 - Agreement for Sale and Purchase	2640  2942	12 April 2010  15 April 2010
	1.1.4 Lot 5  DP 13899 CT F4/428 - Agreement for Sale and Purchase	2945	20 April 2010
	1.1.5 Lot 27  DP 10513 CT E1/239 - Agreement for Sale and Purchase		
1.2	<b>Staff Warrants</b>	2941 2943 2944	13 April 2010 20 April 2010 20 April 2010
1.3	<b>Specification</b> Upper Tukituki River Stopbank Reconstruction (Contract No: 10-01-4191c – left bank)	2946	20 April 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**

## **8. ANNUAL PLAN PROGRESS REPORT TO 31 MARCH 2010**

Mr Drury presented the Annual Plan Progress report for the first 9 months of the 2009/10 financial year ending 30 June 2010. He commented that the financial reports were presented as well as the results of the reforecasting exercise to year end. Mr Drury then went through the highlights of the financial overview and took questions from Council.

In regard to the grant funding for Healthy Homes, Councillors questioned whether it was possible to seek consent information from the territorial authorities to obtain a complete picture of those upgrading fireplaces **taking up any subsidy**; some figures could also be provided by EECA. It was noted that Megan Rose updated the Maori Committee at their meeting on 27 April and a comment was made of the huge success story of this programme and what is being contributed to the Hawke's Bay community through this programme. The Chairman noted that the Council should be getting some positive publicity out on this.

### ***Mr Mike Mohi left the meeting at 10.00am.***

In relation to the positive favourable underspend under the Regional Land Transport Strategy, it was noted that the site for the second stock effluent facility would not be going ahead at the present time until the Glengarry site was installed and up and running.

In relation to the sale of poles and sleeves, a question was asked what would be happening to the excess poles that are unable to be sold and if they were surplus rather than destroy them they could be given away.

Councillors also discussed the staff vehicle fleet and questioned whether this could be done more efficiently and whether Council had a policy on this. Mr Mike Adye replied that there is a clear policy on the purchasing of vehicles to ensure fuel efficiency and the best fit vehicle was provided for the staff's purpose. Mr Adye said that the allocation of vehicles is done on the requirement of the work to be done outside the office basis.

In response to a question from the Chairman about whether there would be more of a business as usual approach to the coming financial year, Mr Drury acknowledged that the previous year had been a time of implementation of new initiatives and it was likely that 2010/11 would be more of a new level of business as usual and a 'no surprises' approach. He acknowledged that there was likely to be more certainty than there was a few years ago.

### ***The meeting adjourned at 10.30am and reconvened at 10.45am***

#### **Resolution:**

That Council receive the Annual Plan Progress Report for the first nine months of 2009/10 financial year and that the reforecast recommendations be adopted.

**Rose/Scott  
CARRIED**

## **14. VENTURE HAWKE'S BAY – THIRD QUARTER UPDATE**

Mrs Janet Takarangi, Mr Michael Wan and Mr Michael Bassett-Foss were in attendance to provide the third quarter update from Venture Hawke's Bay. Mrs Tatarangi outlined

achievements from the third quarter and acknowledged the concern around the current deficit tracking above expectations where this was discussed at the Venture Hawke's Bay April meeting and further work will be done on budgets following this meeting.

Mr Michael Wan then outlined the phase 2 of the "Everything under the Sun" campaign and handed out glow sticks which were now going to be distributed around Auckland and Wellington as well as an online campaign and a direct mail and other media channels would be used to promote this. The cost of this is about \$45,000 and the aim is to get Hawke's Bay noticed during the shoulder season of March, April, May and June. Mr Wan said he was working with Air New Zealand early in May to discuss the issue of the price of fares into Hawke's Bay.

Mr Wan said that Venture Hawke's Bay is looking to measure the economic impact of the extra visitors that were present in Hawke's Bay as a result of the phase one initiative during January. They are also looking at the economic impact of the investment that was made.

Mrs Takarangi also advised that the Venture Hawke's Bay had been part of the national cycle way bid that has been presented to Central Government.

**Resolution:**

That Council:

- 1.1. Receives the update from Venture Hawke's Bay.
- 1.2. Notes that a handout will be tabled at the Council meeting enclosing all material supporting the report.
- 1.3. Notes that Venture Hawke's Bay will be holding a workshop with Napier City Council to expand on the issues of mutual interest.

**Kirton/von Dadelszen  
CARRIED**

**9. RECOMMENDATIONS AND REPORTS FROM:**

**9I. STRATEGIC PLANNING AND FINANCE COMMITTEE**

**1. Risk Management**

Mr Mike Adye advised that updated risk statements were presented for the Councillor's information and for adoption.

**Resolution:**

1. 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 amended risk mitigation approach to each of the ten risk issues as set out in the briefing paper.

**Remmerswaal/McGregor  
CARRIED**

**2. Update on Passenger Transport Issues**

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. Receives the report "Update on Passenger Transport Issues".
- 1.3. Agree to submit to the Hastings District Council and Napier City Councils 'Annual Plans for secure bike shelters at the respective terminus locations.

**von Dadelszen/Rose  
CARRIED**

## **9II.REGIONAL TRANSPORT COMMITTEE**

### **1. Freight Transport Working Group – Terms of Reference**

#### **Resolution:**

1. That Council agree to leave this matter to lie on the table until the May Council meeting when the amended Terms of Reference will be presented.

**Dick/Gilbertson  
CARRIED**

### **2. Review of Concessionary Bus Fare**

An update was provided by Council's Public Transport Manager following discussion at the Transport Committee. Mrs Gilbertson reported after the Transport meeting on 23 April, Council staff contacted the Ministry of Social development and discussed the issue of beneficiary bus fares with Mr Noel O'Reilly. Mr O'Reilly advised that there were a wide range of benefits available to low income families and individuals. He suggested that these people would be eligible for a community services card and agreed with Council staff that replacing the beneficiary and disabled fare category with the community services card holder category could help eliminate the current misuse of the concessionary fare scheme. This would have no impact on the current SuperGold card scheme which is still available or to students who are required to present student id to obtain a concession fare. Council agreed that this was a sensible option. It was noted that this change would come in as of 1 June 2010 to coincide with the updating and reprinting of the bus timetable.

#### **Resolution:**

1. That the Council:
  - 1.1. Replaces the concessionary fare category for beneficiaries and disabled persons with a concessionary fare for passengers who would be required to produce a Community Services card;
  - 1.2. Notes that the tertiary or high school student ID card can still be presented for a concessionary fare;
  - 1.3. Notes that the SuperGold Card scheme still operates between the hours of 9am to 3pm off-peak and during the weekend period.

**Remmerswaal/Rose  
CARRIED**

## **10 CONTRIBUTION TO NATIONAL ELECTIONS CAMPAIGN**

Local Government New Zealand (LGNZ) recently canvassed all Council Chief Executive's on whether individual Council's would support a contribution towards a national approach to encouraging voters to vote in the 2010 local body elections.

The Chairman advised that since this paper had been written further information was available and noted that Hastings District Council and Napier City Council had agreed not to support contributing to a national campaign. The Chairman noted he had spoken to Council's Electoral Officer who advised that the regional electoral officers meet regularly during election time and suggested that there be some form of regional campaign to attract voters and candidates for the 2010 elections. Mrs Gilbertson, Council's Electoral Officer advised that the next regional meeting was being held in June and this could be an item put on the agenda for that meeting. Council agreed that this was a sensible approach and requested that following that Regional Electoral officer's meeting, a report be presented back to Council.

Councillor Remmerswaal then moved that Council support the allocation of \$10,000 to be funded from the Election's budget towards a national media campaign to attract voters for the 2010 elections, the motion lapsed due to the lack of a seconder.

**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. Agrees that the matter be reconsidered following a report from Council's Electoral Officer after the Regional EO meeting being held in June.

**Rose/Kirton  
CARRIED**

## **11 STRATEGIC PARTNERSHIPS – CRITERIA AND IDENTIFICATION UPDATE**

At its meeting on 24 February 2010 Council considered the concept of "strategic partnerships", the relative status of a range of relationships that Council has, and an assessment of the gaps in these formal relationships.

At that meeting Council requested that a revised report be brought back extending the range of strategic partnerships for consideration, in particular an additional category was requested for those organisations that lobby Council, where the relationship between Council and those organisations is important but considered not to be at a strategic partnership level.

Mrs Lambert noted that an additional category was presented for those organisations that lobby Council where the relationship between Council and the organisation is important but not considered to be at a strategic partnership level. Councillors discussed the wording "integrated" and whether this was the most appropriate label and Mrs Lambert advised that if anybody had a different label then to contact her for this.

**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. Endorses the criteria for the identification of strategic, integrated and operational partners for Council.

**Gilbertson/Kirton  
CARRIED**

## **12 NOTICE OF MOTION – CR L REMMERSWAAL**

The Chairman noted that he had agreed that this item now be placed on the Agenda for discussion at today's meeting rather than following a Notice of Motion procedure.

Councillor Remmerswaal presented her report advising that in her view this Council should be acting in solidarity with its peers for the principles of democracy. This Council, in her opinion, had a close relationship with ECan, and has similar issues around water. What has happened to ECan is not consistent with democratic principles. Councillor Remmerswaal also noted that the Act allowing the sacking of ECan was done under urgency so there was no provision for any consultation on this matter.

Cr Remmerswaal noted that when the HBDHB had been sacked in 2009, all five Hb councils opposed this to the tune of a \$100,000 judicial review funded by ratepayers, but no money was being asked for here. It was also noted that the Maori committee supported the motion in principle, but was awaiting guidance from Ngai Tahu.

Councillors then debated Councillor Remmerswaal's presentation.

Views were put forward for and against Cr Remmerwaal's comments, including making sure the Council shows some form of commitment on this and gives their support to what Councillor Remmerswaal has outlined. While there was some support for what Councillor Remmerswaal had presented, the majority of Councillors did not support putting forward some form of formal letter around the issue.

Councillor Remmerswaal was congratulated for her acknowledgment of the issue and her passionate plea; it was noted that the Government of the day is the supreme Crown who holds power and it has exercised its right in this respect.

There was a concern about timing of any resolution on this issue and the critical need for effective working relationships with the government ministers on the development of policy that is going to affect the National Water Strategy, it was noted that Council's the Chief Executive was in Wellington now getting involved in that work.

### **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. That HBRC wishes to express its deep concern at the sacking of ECan, the Canterbury Regional Council, and advises the Local Government Minister and the Minister for the Environment accordingly.,
  - 1.3. That Council views the sacking of ECan councillors, without following due process, as taking away a fundamental democratic right from the people of Canterbury to elect their representatives.

- 1.4. That council supports the principle of 'no taxation without representation', and believes the government action to be seriously in breach of this principle.
- 1.5. That elected regional councils in New Zealand fulfil the important role of enacting the Resource Management Government Act, managing water and protecting the environment, among other things, as well as providing a balance between rural and urban representation.
- 1.6. HBRC wishes to extend to colleagues at Ecan our sympathy at their enforced retirement.

**Remmerswaal/Gilbertson**  
**LOST 2/6**

**Division:**  
**For – Crs Remmerswaal, Gilbertson**  
**Against – Scott, Wilson, McGregor, Kirton, Rose, von Dadelszen**  
**1 abstention – Cr Dick**

*The meeting adjourned at 12.40pm and reconvened at 1.15pm*

### **13 UPDATE ON NGARURORO WATER STORAGE PREFEASIBILITY STUDY**

Mrs Lambert presented an update on the Ngaruroro water storage and augmentation prefeasibility study on behalf of Mr Bruce Corbett.

A number of questions were asked of Mrs Lambert of which she was unable to answer therefore it was decided to refer this issue to the Asset Management and Biosecurity Committee meeting when Mr Corbett would be asked to present this report himself.

**Resolution:**

That Council refers the report to the Asset Management and Biosecurity committee meeting to be represented at their next meeting.

**Rose/Wilson**  
**CARRIED**

### **15 LOOKING FORWARD**

Chairman Dick presented the report on behalf of the Chief Executive. A comment was made about the Annual Plan public meetings that because it was so focussed on water charges, other people were unable to comment on other issues in the Annual Plan.

**Resolution:**

That Council receives the Monthly Work Plan Looking Forward report

**Gilbertson/McGregor**  
**CARRIED**

### **16 CHAIRMAN'S MONTHLY REPORT**

The Chairman presented his monthly report for the period of 16 March to 28 April. Discussion was held on the Annual Plan public meetings in particular the meeting which was very difficult at Twyford in relation to the water charges issue. The Chairman said it was clear from that meeting that Council needed to undertake further communication to targeted growers in Hastings and all consent holders in that catchment to ensure further clarification and assurance was given to them. The Chairman noted that Council consistently undertakes science monitoring and resource management in this area really well.

**Resolution:**

That the Chairman's report for 16 March to 28 April 2010 be received.

## **17 GENERAL BUSINESS**

### **Parking Facility at Peka Peka**

Councillor McGregor noted that the parking facility at Peka Peka wetland was almost complete and praised Council for a very comprehensive excellent facility.

### **Drought Symposium**

Councillor Scott advised that she attended the Drought Symposium in March. She said there were huge learnings for this Council and the need for good science forecasting, monitoring and metering. Councillor Scott then tabled her report and some extracts from papers presented at that Symposium. She advised that other information was available from her on a CD.

### **Rural Pathways**

Councillor Scott said that the issue of cows on pathways had been in the media lately and suggest Council look at increasing the frequency of cleaning the pathways, as appropriate. Mr Adye said that any increase in the current programme of clearing the pathways would incur extra cost.

### **Climate Change Field Trip**

Councillor Remmerswaal noted that a number of field trips had been planned in Hawke's Bay on climate change but was disappointed that the two in particular that would be of benefit to Council had both clashed with Council meeting days and requested that in future meeting dates be provided to those that were organising these field trips.

### **Earth Hour**

Councillor Remmerswaal reported on the recent Earth Hour where this Council and Hastings District Council were participants. She reported that attendance was between 400 and 500 and noted that Council staff had done an excellent job of organising this.

### **The Roof**

Councillor Gilbertson asked for a progress report on the claim to the contractors for the rectification of the Dalton Street building roof. Mr Adye advised that this was handed to the debt collector, who put the claim into the District Court, Council has now made a counter-claim against this.

### **Tutira Farm**

Councillor Wilson requested an update on what is happening with this property in particular the lease and what trees have been planted and are now established, this will be provided at a future meeting.

**The Council moved into public excluded session at 2.10pm**

**18 CONFIRMATION OF PUBLIC EXCLUDED MINUTES OF MEETING HELD ON WEDNESDAY 17 MARCH 2010**

<b>GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED</b>	<b>REASON FOR PASSING THIS RESOLUTION</b>	<b>GROUND'S UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION</b>
Ruataniwha Water Storage Project – Stakeholder Liaison Group	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.
Recommendations on Submissions to Proposed Change 2 and Variation 2: Air Quality	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.
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.

**Scott/Rose  
CARRIED**

**19 SALE OF LEASED LAND IN WELLINGTON**

<b><u>GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED</u></b>	<b><u>REASON FOR PASSING THIS RESOLUTION</u></b>	<b><u>GROUND'S UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION</u></b>
18. Sale of Leased Land in Wellington	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/Rose  
CARRIED**

**Closure:**

There being no further business the Chairman declared the meeting closed at 2.40pm.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....