



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Unconfirmed

Date: Wednesday, 26 May 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: A Newman – Chief Executive
P Drury – Group Manager Corporate Services
L Lambert – Group Manager External Relations
M Mohi – Chairman – Maori Committee
M Drury – Minute Secretary

1. WELCOME/PRAYER/APOLOGIES

Chairman Dick welcomed everyone to the meeting and called on Councillor Rose to deliver the prayer.

Chairman Dick advised that Messrs Scotland and Cowie would join the meeting at 11.30am to present the public excluded agenda item on the Port of Napier Ltd.

2. CONFLICT OF INTEREST DECLARATIONS

There were no conflicts of interest declared.

3. CONFIRMATION OF MINUTES OF THE MEETING HELD ON WEDNESDAY, 28 APRIL 2010

Minutes of the meeting held on Wednesday, 28 April, a copy having been circulated prior to the meeting, were taken as read and confirmed following amendment.

**Scott/von Dadelszen
CARRIED**

4. MATTERS ARISING FROM MINUTES OF MEETINGS HELD ON WEDNESDAY, 28 APRIL 2010

Trip to Cape Kidnappers

Councillor McGregor advised that following inquiries, he had been advised the best time for a visit to Cape Kidnappers was in August so he would continue to facilitate this trip.

5. ACTION ITEMS FROM COUNCIL MEETINGS

Present and Potential Local Government Collaboration

Mrs Lambert advised that successful discussions had been held with Territorial Authorities in Hawke's Bay and with Regional Councils in other parts of the country in regard to the structure and collaboration of shared services. A very successful meeting was held with Horizons and a meeting with Environment Bay of Plenty was planned for next week.

Annual Plan Audit Opinion

Councillor Scott expressed concern that there may be larger ramifications than personal interests if Councillors McGregor and Gilbertson were unable to sit and hear annual plan submissions on water charges and said that this was her reason for requesting the Audit Office make a declaration on this inquiry. The Chairman advised a decision would be reached when Mrs Gilbertson returned from leave.

Tutira Property

Mr Newman advised that trees planted on the Tutira property are in good order.

Resolution:

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

**von Dadelszen/Gilbertson
CARRIED**

6. CONSIDERATION OF GENERAL BUSINESS

- (a) Annual Plan Submissions
- (b) Leave of Absence
- (c) Councillor's Room
- (d) Snapshot Bulletin
- (e) Rural Delivery – TV1
- (f) Submission to Hastings District Council
- (g) Erosion Seminar
- (h) Habitat for Humanity

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.

Council were advised there was currently a strong trend for the purchase of leasehold property which was then being quickly freeholded by the new owner.

Council suggested that a media release be prepared setting out updated information on the number of leasehold properties purchased.

		Seal No.	Date
1.1	Leasehold Land Sales		
1.1.1	Lot 85 DP 11780 CT C3/513 - Transfer	2953	29 April 2010
1.1.2	Lot 6 DP 6205 CT WN 5CD/1491 - Agreement for Sale and Purchase (Wellington Property) - Transfer	2954 2963	29 April 2010 19 May 2010
1.1.3	Lot 255 DP 11194 CT D3/89 - Transfer	2956	6 May 2010
1.1.4	Lot 3 DP 6391 CT D4/1414 - Agreement for Sale and Purchase - Transfer	2957 2961	10 May 2010 17 May 2010
1.1.5	Lot 205 DP 2172 CT 55/229 - Agreement for Sale and Purchase - Transfer	2958 2962	11 May 2010 18 May 2010

	1.1.6 Lot 5 DP 13899 CT F4/428 - Transfer	2959	12 May 2010
	1.1.7 Lot 27 DP 10513 CT E1/239 - Transfer	2960	13 May 2010
1.2	Staff Warrants	2947-2950 2951-2952 2955	23 April 2010 26 April 2010 30 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. RECOMMENDATIONS AND REPORTS FROM;

8.1 ASSET MANAGEMENT AND BIOSECURITY COMMITTEE

Biosecurity Operational Plans 2010/2011

Resolution:

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.

Adopt the:

- 1.2. Animal Pest Operational Plan 2010/11.
- 1.3. Plant Pest Operational Plan 2010/11.
- 1.4. Phytosanitary Operational Plan 2010/11.

In accordance with the requirements of the Biosecurity Act 1993; after the inclusion of any amendments made as a result of the Committee's consideration.

1. **Heretaunga Plains Flood Control Scheme – Rivers – Review of Levels of Service**

Resolution:

That 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 Endorses the Project Brief for the Heretaunga Plains Flood Control and Drainage Scheme – Rivers, Level of Service Review, and notes that Committee will be updated and have input to the project as it progresses.

2. **Review of RLS, Land Management measures**

Resolution:

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.
- 3.2 Approves revised approach to the Regional Landcare Scheme including that:
 - Projects be assessed based on a scoring system based on the number and extent of multiple beneficial outcomes provided by the project
 - Priority be given to projects that score equal to or over 65/100.
 - The following levels of subsidy be provided:
 - Projects with a score above 80/100 can warrant an increase of up to 80% contribution (unless the project is in a priority catchment, with specific approval for a Group Manager when a contribution of up to 90% may be agreed to)
 - Projects with a score of 40 to 80 = a contribution of 50%
 - Projects with a score of less than 40 will either be rejected or critiqued with a view to reducing the contribution to as low as 25%, at the discretion of staff.
 - Bulk subsidisation of pole planting be provided at 50% through pole purchases from the nursery.
- 3.3 Approves the expansion of research and demonstration work, up to a maximum of \$150,000 of investment from the RLS budget in any one year, on research and investigation work to:
 - Evaluate and disseminate how particular environmental, economic and social outcomes might be achieved in practice.

- Use as seed funding wherever possible to leverage funding from other sources.

- 3.4 Agrees that covenanting continue to be required for larger jobs in order to protect the Council investment.

Instructs staff to monitor the level of uptake of the RLS subsidy provision throughout the 2010/11 year and report be brought back to each Asset Management and Biosecurity Committee, meeting commencing November 2010 and for the remainder of that financial year; with that report including recommendations for any changes to the criteria, scoring system and level of subsidy if staff believe that staff believe appropriate. This ongoing 3 monthly reporting will be reviewed at the AM&B Committee meeting in August or September 2011.

- 3.5 Approves the Land Management measures as outlined in Appendix 3.
- 3.6 Instructs staff to produce a schedule of land management activities, performance measures and outcomes that clearly inform on progress towards achieving its land management goals.

3. **Asset Management Group Structure and Responsibilities**

That Council note the respective responsibilities of Council staff associated with the management, operations and maintenance of Council's infrastructure and land assets.

**Rose/Scott
CARRIED**

8II ENVIRONMENTAL MANAGEMENT COMMITTEE

1. Hearing Decision Writing and S.357 Objection Decisions

Council discussed the potential ambiguity in the wording of 1.4.1 and it was agreed that this would be looked at as part of the consideration of draft annual plan submissions.

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 Delegates to the Hearing Committee Chair, authority under s.34A of the Resource Management Act 1991 to appoint a suitable decision writer on a case by case basis.
 - 1.3 Adopts the 'Decision Writer Assessment Form' as reviewed and updated annually, to be used to formally document the decision to appoint a decision writer for any publicly or limited notified hearing or s.357 hearing.
 - 1.4 Instructs staff to prepare a staff submission on the 2010/11 draft annual plan to include the words:
 - 1.4.1 The cost of the decision writer to attend the hearing and deliberations, and the decision writing time. Where the

decision writer is an independent commissioner sitting as a panel member, the commissioner's time to attend the hearing and deliberations will be charged at actual cost. However, the additional cost of using an independent consultant to write the decision will not be charged to the applicant. That is, the cost of the decision writing time will be charged to the applicant at the same rate as if a Council consent officer were undertaking the work.

1.4.2 Where the decision writer is an external consultant not sitting as a panel member any additional cost of the consultant's time to attend the hearing and deliberations, and to write the decision will not be charged to the applicant. That is, the consultant's time will be charged to the applicant at the same rate as if a Council senior consent officer were undertaking the work."

1.5 Adopts a policy requiring panel members for s.357(B) hearings to fully justify, in writing, their decision to remit any additional charges, with reference to the relevant sections of the RMA, Council policies and case law.

1.6 Requires Council staff to include, in the scope of the short form contract provided to an independent commissioner before an s.357(B) hearing, the words:

1.6.1 "A full justification is required, in writing, of any decision to remit any additional charges, with reference to the relevant sections of the RMA, Council policies and case law".

2. Rivermouth Hazard areas Incorporated into Proposed Regional Coastal Environment Plan

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 Agrees, in principle, that a Variation be prepared and publicly notified in which the Proposed Regional Coastal Environment Plan would be varied to concurrently remove and reintroduce rivermouth hazard areas as part of Coastal Hazard Zone 1.

1.3 Instructs staff to prepare a draft Variation and present the draft Variation for consideration at the Environmental Management Committee meeting on 14 July 2010.

3. Plan Change 2 and Variation 2 Air Quality – Overview and Resolution Appeals

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 Agrees that the Hearing Committee be reconvened to determine Council's initial position and direction setting in relation to matters raised by appeals lodged against Plan Change 2 to the Regional Resource Management Plan and Variation 2 to the Proposed Regional Coastal Environment Plan.
- 1.3 Agrees that Mr Morry Black, appointee to the Hearings Committee, be remunerated at a rate of \$68 per hour, plus mileage at \$0.70 per kilometre, for time spent preparing for and attending a meeting of the Hearings Committee to consider the appeals to the Air Quality Plan changes.

**von Dadelszen/Scott
CARRIED**

8iii STRATEGIC PLANNING AND FINANCE COMMITTEE

1. Proposed Establishment of a Holding Company

Resolution:

That Council:

- 1.1 Note that the information contained in this paper is part of the process of establishing a Holding Company for Council's investment portfolio, the establishment of the Holding Company having been consulted on as part of the 10 Year Plan 2009-19 and further noting that submissions on this subject have been received for the 2010/11 Annual Plan.
- 1.2 Note the Peer Review Report made by Mr Turner, Senior Fellow of the School of Accounting and Commercial Law, Victoria University of Wellington
- 1.3 Note the proposed structure and continuing implementation process proposed for the Hawke's Bay Regional Investment Company (HBRIC) as set out in this paper, and further noting that issues covering the establishment of the Holding Company and transfer of assets will be discussed by Council on 9 & 10 June 2010 as part of the Annual Plan 2010/11 consultation process.
- 1.4 Note that subject to considering submissions an approval in principle could be considered by Council at the Annual Plan meetings on 9, 10 and 11 June 2010 and that in the event a final approval of the Holding Company structure would be considered by the Council at its meeting on 30 June 2010.
- 1.5 Note the Public Meetings scheduled on Monday, 31 May 2010 at Havelock North and Napier.

**von Dadelszen/Kirton
CARRIED 8/1**

8IV REGIONAL TRANSPORT COMMITTEE

1. Freight Transport Working Group – Terms of Reference

That Council:

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

**Gilbertson/Rose
CARRIED**

9. COUNCIL INSURANCE ISSUES

Mr Drury presented this agenda item which included the results of a bulk purchase exercise undertaken for insurance premium quotations by Council and also provided information on insurance premiums and risk, covering whether the insurance renewal for Public Liability, Professional Indemnity, Harbour Masters and Marine Wreck Removal insurance should be continued with Riskpool or placed with a commercial insurer.

Mr Drury advised that the four TLAs and the Regional Council had grouped together and requested quotations for bulk insurance premiums from two broking firms, Jardine Lloyd Thompson and Aon. As a result of this study considerable savings had resulted and Council insurance premiums would be reduced by \$26,000 or 20% from the premium levels currently being paid during 2009/10. with Jardine Lloyd Thompson being retained as the brokers for the group.

Mr Drury reminded Council that at 16 December 2009 Council meeting, approval had been granted for the provision of \$326,000 for future calls that Riskpool proposed to make over the next few years in order to cover the uninsured liability for leaky buildings up to the fund year 2008/09 and confirmed that from 1 July 2009 Riskpool would no longer cover the leaky building claims.

Mr Drury also described the insurance policies covered by Riskpool which was set up in 1993, noting that 77 councils were in Riskpool. Regarding the difference in premiums between Riskpool and commercial insurance. Council's insurance brokers had advised that this resulted from Riskpool incorporating the Harbour Masters and Marine Wreck Removal policies in to their main insurance programme which commercial insurers were unable to do. Consequently there was a significant difference in Council premiums from Riskpool and commercial insurance.

Council discussed the advantages of remaining with Riskpool and noted the conclusions from a BERL economic study undertaken to provide an independent review of Riskpool.

Responding to a question where Council was now placed in regard to insurance claims on leaky homes as nationwide there were still a number of historic claims coming out of the woodwork, Mr Drury advised that following discussion with Riskpool representatives there would not be an escalation in increased funds and it was hoped the liability may ease with the new Government scheme. Mr Drury also noted that the claim currently with us is full and final and there should be no further claims.

Following discussion on accidents in the Port precinct which were not the responsibility of the Harbour Master, Mr Drury undertook to confirm which company's insurance would cover this.

In moving the recommendation, Councillor Gilbertson congratulated staff on the report and an excellent financial outcome as a result of the 4 TAs and Council working together.

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. Note the savings in insurance premiums that will be made by this Council for the 2010/11 insurance year due to this Council grouping together with the four territorial local authorities in the Hawke's Bay region for the purposes of bulk insurance placement.
 - 1.3. Continue with the insurance placement to cover Public Liability, Professional Indemnity, Harbour Master and Marine Wreck Removal cost insurance with the New Zealand Mutual Liability Riskpool and noting that the Riskpool premiums are less than a commercial insurance placement for the same insurance and further Riskpool's commitment to fully reinsure for the risks assumed under the insurance policies.

**Gilbertson/Rose
CARRIED**

10. HOLDING COMPANY – UPDATED STATEMENT OF INTENT 2009-11

Mr Drury presented an amended copy of the Draft Statement of Intent for the establishment of a Holding Company (HBRIC) following discussion at the Strategic Planning and Finance Meeting on 19 May 2010.

The Chairman advised Council that as there were a number of submissions to the Draft Annual Plan regarding the transfer of the strategic assets and the issues surrounding this proposal, that a final decision would not be made by Council until submissions had been considered and final deliberations had taken place at the 30 June Council meeting.

The Chairman advised that following concerns raised by Port of Napier Ltd about points in the draft document, a meeting was planned for Monday, 31 May 2010 with Council's advisor from McDermott Miller, Mr Philpot and representatives of PONL.

Concern was expressed that when public submissions were prepared for the Draft Annual Plan, there was a lack of information available to the public and therefore they were unable to make an informed decision.

Councillors discussed the opportunities available for members of the public to express their view through the Draft Annual Plan submission process and agreed that consideration of the HBRIC proposal was an ongoing process which was necessary in order for Council to make a final well informed decision.

Mr Drury reminded Council that this was a working document and if the establishment of HBRIC was approved, the elected Board for HBRIC would approve the draft Statement of Intent.

Resolution:

That Council receive the revised HBRIC Draft Statement of Intent 2010-2012

**Rose/von Dadelszen
CARRIED 8/1**

Councillor Kirton left the meeting at 10.15am

11. LOOKING FORWARD

Mr Newman presented his report and updated Council on current progress with the consent application for the land based sewerage disposal system in Central Hawke's Bay. Mr Newman advised that modifications made to the proposed water system and irrigation systems had now been included and these would assist in faster movement of water. The land base had been expanded to include some farm land and some Council owned land to handle the peak flows. Mr Newman also advised that it was hoped to plant Council's sites in June which would be in advance of the consent being granted.

Responding to questions from Council, Mr Newman advised that as the forest became established, the capacity of the Council's land based receiving environment would improve, and that the ability to discharge water onto Council owned land would occur in 2 years. Mr Newman also advised that a 30 year crop rotation process would occur which would cover the likely duration of a consent and was confident that Council had more land than needed to cope with crop rotation.

Council also discussed the proposed decision to plant prior to the consent application being granted and Mr Newman undertook to prepare a paper on this topic for presentation at the Draft Annual Plan meeting on Wednesday, 9 June 2010.

Council also noted that if the decision is made to notify the consent application, the application would be heard by an independent commissioner.

Twyford Consents

Council was advised that the hearing of 220 resource consents will now take place in August not June as originally planned.

Odour Issues at Clive Wastewater Treatment Plant

Mr Newman updated Council on the current situation at the Clive Wastewater Treatment Plant and outlined two issues which Hastings District Council will have to resolve. In terms of the odour issue, HDC will submit a formal plan to HBRC in the future. A peer review carried out confirmed the proposed time frame was suitable.

Mr Newman said discussions between HDC and HBRC had been rigorous but very co-operative.

Taharua Strategy

Council requested an updated report on the Taharua Strategy be prepared for the Asset Management Meeting scheduled for 11 August.

Resolution:

That Council receives the Monthly Work Plan Looking Forward report.

**Gilbertson/Wilson
CARRIED**

Councillor Kirton returned to the meeting at 10.35am

The meeting adjourned at 10.40am and reconvened at 10.50am

Councillor Kirton left the meeting at 10.50am to attend to urgent business with Venture Hawke's Bay.

12. CHAIRMAN'S MONTHLY REPORT

The Chairman presented his monthly report for the period 29 April to 25 May and along with Mr Newman updated Council on issues discussed at the Regional Affairs Land and Water Forum meeting which they had attended on 21 May. The Chairman advised that a report currently being prepared by regional council representatives and representatives from Government department around significant elements of water management arrangements in New Zealand would be released in August.

Resolution:

That the Chairman's report for 29 April to 25 May be received.

**Rose/Scott
CARRIED**

13. GENERAL BUSINESS

- (a) Annual Plan – Hawke's Bay Hockey- Denise Eaglesome
- (b) Leave of Absence – Councillor Rose
- (c) Computer Facilities in Councillor's Room
- (d) SnapShot
- (e) Rural Delivery – TV1
- (f) HDC Submission – Councillor Remmerswaal
- (g) Erosion Seminar
- (h) Habitat for Humanity

Annual Plan – Hawke's Bay Hockey- Denise Eaglesome

Chairman Dick expressed concern about comments in the Hawke's Bay Hockey Association Draft Annual Plan submission and clarified his discussion with Hawke's Bay Hockey about their application for funding.

Councillor Wilson clarified that although Mrs Eaglesome was Deputy Mayor for Wairoa, this submission was a personal one.

Leave of Absence – Councillor Rose

Councillor Rose requested Leave of Absence from 22 June – 20 July 2010.

**Scott/McGregor
CARRIED**

Computer Facilities in Councillor's Room

Councillor Wilson expressed concern at the current state of technology facilities in the Councillor's Room and requested staff investigate the logging in delay time.

SnapShot

Following a query from Councillor Remmerswaal about Councillors no longer receiving the Snapshot bulletin, Mr Newman explained that this was an internal staff newsletter however, Councillors were able to receive a copy of this bulletin if desired.

Rural Delivery – TV1

Councillor Remmerswaal congratulated staff involved in the recent TV1 Rural Delivery programme about the Tukipo Floating Wetland.

HDC Submission – Councillor Remmerswaal

Councillor Remmerswaal advised that following a presentation by Council staff last week, she had forwarded a submission which included the staff presentation to Hastings District Council Draft Annual Plan. Councillor Remmerswaal sought Council support for this submission and requested staff speak to the submission.

Chairman Dick advised that under Standing Orders, decisions are not allowed for general business items and therefore Council was unable to assist.

Erosion Seminar

Councillor McGregor advised he had recently attended an Erosion Seminar in Havelock North jointly run by MAF and HBRC staff. Information and illustrations provided at the seminar were excellent and he hoped that this information could be extended to the rural constituency.

Councillor McGregor congratulated staff involved in the Seminar for their excellent contribution.

Habitat for Humanity

Councillor Scott advised that Habitat for Humanity had recently completed a new home and shop and that for the information for more recent councillors, Council staff had previously build a Habitat for Humanity home in Flaxmere. Representatives from Habitat for Humanity had expressed interest in involving Council in future projects.

14. CONFIRMATION OF PUBLIC EXCLUDED MINUTES OF MEETING HELD ON 28 APRIL 2010

Resolution:

That the Council exclude the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 14 with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being as follows:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	GROUNDS UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Confirmation of Public Excluded Minutes of Meeting held on Wednesday, 17 March 2010	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.
- Ruataniwha Water Storage Project – Stakeholder Liaison Group		
- 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.
- 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/von Dadelszen
CARRIED**

15. PORT OF NAPIER LIMITED – RESULTS FOR SIX MONTHS ENDED 31 MARCH 2010

Resolution:

That Council:

1. Approve that Messrs Jim Scotland (Chairman of the Port of Napier Limited) and Garth Cowie (Chief Executive of the Port of Napier Limited) be allowed to attend the Public Excluded portion of the meeting to discuss this item.
2. Exclude the public from this section of the meeting being Agenda Item 16 – Port of Napier Limited – Results for Six Months Ending 31 March 2010, 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
16. Port of Napier Limited - Results for Six Months Ending 31 March 2010	7(2)(c) That the public conduct of this part of the agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to honour an obligation of confidence.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.
	7(2)(b) That the public conduct of this part of	The Council is specified, in the

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.

First Schedule to this Act, as a body to which the Act applies.

**Scott/von Dadelszen
CARRIED**

The Council moved into Public Excluded Session at 11.25am and moved out of Public Excluded Session at 12.30pm

Councillor Kirton returned to the meeting at 11.45am

Closure:

There being no further business the Chairman declared the meeting closed at.12.35pm

Signed as a true and correct record.

DATE:

CHAIRMAN: