



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 22 September 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
M Mohi – Chairman – Maori Committee
C Gilbertson – Governance and Public Transport Manager

1. WELCOME/PRAYER/APOLOGIES/NOTICES

The Chairman welcomed everyone to the meeting and called upon Councillor von Dadelszen to deliver the prayer.

The Chief Executive advised that a separate information session would be run following the local body elections to cover a presentation on the Local Government web portal and an update on the Rugby World Cup.

It was noted that some items would be discussed out of agenda order.

2. CONFLICT OF INTEREST DECLARATIONS

There were no conflict of interest declarations declared.

6. AFFIXING OF COMMON SEAL

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

		Seal No.	Date
1.1	Leasehold Land Sales		
1.1.1	Lot 162 DP 6598 CT C2/362 - Agreement for Sale and Purchase - Transfer	2994 2992	17 August 2010 17 August 2010
1.1.2	Lot 39 DP 9653 CT C2/438 - Transfer	2993	20 August 2010
1.1.3	Lot 10 DP 6391 CT D4/1420 - Agreement for Sale and Purchase	2999	15 September 2010
1.2	Staff Warrants	2995 & 2997	6 September 2010
1.3	Easement Instrument to Grant Easement Lots 6,7,11,14, 15 and 16 DP 431 824 CTs 526012, 526013, 526017	2996	8 September 2010
1.4	Agreement to Acquire Easement Lot 1 DP 14152 CT F4/1444 (Clive River)	2998	14 September 2010

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. Confirm the action to affix the Common Seal.

**Scott/von Dadelszen
CARRIED**

7. ADOPTION OF AUDITED ANNUAL REPORT 2009/10

Mr John Peacock said the final audited Annual Report for 2009/10 was presented to Council for adoption, to authorise the signing of the report and to consider the impact on cash operating balances at year end, 30 June 2010. He said there were no significant changes from the draft which Council had previously viewed.

He also advised that Audit New Zealand have issued an unqualified audit report on the Council's Annual Report for 2009/10.

There was a suggestion that future reports should provide more detail on some issues, in particular water quality and land management.

Following discussion a couple of small amendments were made to the Annual Report including an update on the Council meeting attendance table.

Resolution:

That the Council :

1. Adopt the 2009/10 Annual Report, under Section 98 of the Local Government Act 2002, and to authorise the Chairman and Chief Executive to sign the Annual Report on behalf of Council.
2. On receipt of the signed report from the Audit Office print and distribute the Annual Report.
3. Amend the Council's Policy Handbook Section 2.2.2 to reflect the above resolutions.

**Gilbertson/von Dadelszen
CARRIED**

AUGUST 2010

Resolution:

Minutes of the Regional Council Meeting held on Wednesday, 25 August 2010, a copy having been circulated prior to the meeting, were taken as read and confirmed.

**Rose/McGregor
CARRIED**

4. MATTERS ARISING FROM MINUTES OF THE REGIONAL COUNCIL MEETING HELD ON TUESDAY 21 SEPTEMBER 2010

Rural Pathways Maintenance

Clarification was given that the budget for maintaining the rural pathways is not extra funding, the resolution just noted the total funding for this budget.

Kai in the Bay

The Chief Executive confirmed that in-kind support has been offered to this project and Venture Hawke's Bay staff are liaising with the organisers of this event, assistance may include helping to set up the venue and promotion.

5. ACTION ITEMS FROM MEETINGS

Resolution:

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

**Scott/Wilson
CARRIED**

8. CENTRAL HAWKE'S BAY WASTE WATER PROJECT

Mr Newman advised that a change of classification is required to allow a secondary activity of waste water treatment on land currently classified as a Crown derived local purpose reserve for soil conservation and river control purposes. The Crown is the owner and the Department of Conservation (DoC) administers the land.

Councillors supported the change of classification and requested clarification of how much land is being applied for from DoC.

Resolution:

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2. Resolves to seek a change of classification for part of an area of land in the Tukituki River described as Section 1 Block XVI Waipukurau Survey District SO Plan 7085 comprising 132.9418 hectares currently controlled and managed by Hawke's Bay Regional Council as local purpose reserve for soil conservation and river control purposes, to allow its secondary use for waste water treatment and discharge in accordance with a resource consent.

**Rose/Gilbertson
CARRIED**

9. CODE OF CONDUCT

Mr Newman advised that it was appropriate for Council to review its current Code of Conduct and make any suggestions for improvement or amendments to the new Council.

The Chairman advised that when the new Council considers this Code, if he is re-elected to Council, he will be proposing amendments to cater for areas that are not already covered by this code, i.e distribution of malicious rumours; and the need for some form of formal mediation process if inter-personal relationships between Councillors gets to the point where it is interfering with good business of Council.

Resolution:

That the Council:

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2. Endorse the Code of Conduct as recommended to the incoming Council.

von Dadelszen/Rose

10. APPOINTMENT OF HEARING COMMISSIONERS

Mrs Annette Brosnan sought Council's approval for the appointment of a Hearings Committee for any resource consent applications or cost objections that need to be heard post the October 2010 local body elections and prior to the swearing in of the new Council members and establishment of a new Hearings Committee.

Council approved the request.

Resolution:

That the 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. Approves delegation for the current Hearing Committee members, being Christine Scott (Chair), Eileen von Dadelszen, Liz Remmerswaal, Ewan McGregor, Mike Mohi and Morry Black, to sit under clause 30(7) of Schedule 7 of the Local Government Act as an interim Hearings Committee until such time as the incoming Council is sworn and a new Hearings Committee has been ratified.
3. Delegates current Committee members the necessary powers, functions and duties set out in sections 37, 39 to 42A, 92, 99 to 108A and S357(D) of the Resource Management Act 1991.
4. Delegates to the interim Hearings Committee Chair, the power to appoint the appropriate hearing panels; and independent commissioners.

von Dadelszen/Rose
CARRIED

11. RATIFICATION OF OUTSTANDING COUNCIL AND COMMITTEE MEETING MINUTES

Resolution:

That the 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. Notwithstanding Clause 36.2 of Council's Standing Orders, that the Minutes of the Committees listed below be received, reviewed, and then signed by the Chairman of each Committee as a true and correct record.
 - Regional Transport Committee 8 July 2010
 - Environmental Management Committee (Public Excluded) 14 July 2010
 - Asset Management Biosecurity Committee 11 August 2010
 - Maori Committee 24 August 2010
 - Tenders Committee 10 March and 17 March 2010

- Civil Defence Emergency Management Committee 17 May 2010
3. Notwithstanding Clause 36.2 of Council's Standing Orders, that the Minutes of the Committees listed below be received, reviewed and then signed by the Chairman of Council as a true and correct record when they are finalised:
- Environmental Management Committee 8 September 2010
 - Environmental Management Committee (Public Excluded) 8 September 2010
 - Strategic Planning and Finance Committee 15 September 2010
 - Regional Council 21 September 2010
 - Regional Council 22 September 2010
 - Regional Transport Committee 23 September 2010

In the event of minutes not being completed and confirmed prior to 9 October, the authority to approve the minutes will be given to the Chief Executive.

**Gilbertson/McGregor
CARRIED**

12. RECOMMENDATIONS FROM ENVIRONMENTAL MANAGEMENT COMMITTEE

Resolution:

Plan Effectiveness Reporting

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 report on effectiveness of the Regional Resource Management Plan be prepared with a focus on the theme of 'water quality and ecology' and not the effectiveness of the Plan in its entirety.

Approach for Processing Cost Objections Received Outside of Statutory Timeframes

That Council:

3. 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.
4. Adopts the approach for accepting late cost objections, as set out in this report, for implementation by staff. In particular:
 - 4.1 The legal requirement is that cost objections must be lodged with the Council in writing within 15 working days of the invoice being received by the consent applicant.
 - 4.2 Cost objections *may* be accepted if they are lodged between 15 and 30 working days after receipt of the invoice but only if exceptional circumstances apply, such as:
 - 4.2.1 The invoice was delivered to an incorrect address, or for some other legitimate reason the applicant did not receive the invoice.
 - 4.2.2 The consent applicant has been seriously ill, or other similar personal

circumstances have inhibited their ability to meet the timeframe.

- 4.3 Once 30 working days (6 weeks) have passed from the delivery of the invoice, cost objections will not be accepted as a matter of policy.

**von Dadelszen/Scott
CARRIED**

The meeting adjourned at 10.35 am and reconvened at 10.50am

13. RECOMMENDATIONS FROM STRATEGIC PLANNING AND FINANCE COMMITTEE

Resolution:

RISK MANAGEMENT

That Council:

1. Notes 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. Noting feedback from the meeting.
2. Approves the proposed risk mitigation approach to each of the ten risk issues as set out in the Strategic Planning and Finance Committee briefing paper, noting the comments made at that meeting.

Dick/Kirton

Amendment:

Councillor L Remmerswaal moved an amendment to original Recommendation to include 3, seconded by Councillor A J Dick (pro-forma):

3. include biodiversity protection under the risk issues that it considers.

CARRIED 7/ 2

For: Gilbertson, Kirton, Remmerswaal, Rose, von Dadelszen, Wilson, Dick

Against: McGregor, Scott

CARRIED AS SUBSTANTIVE MOTION

PUBLIC TRANSPORT – FURTHER UPDATE

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided
2. Receives the report and instructs the Chief Executive to write to the Ministry of Transport stating that Council will not accept the changes to the SuperGold Card scheme and the subsequent loss of revenue resulting from their review of the scheme.

**Dick/Kirton
CARRIED**

VENTURE HAWKE'S BAY SUMMARY STRATEGIC PLAN AND BUDGET

This matter was left to lie on the table.

A paper providing year-to-date financials, a narrative on the 2010/11 budget, and the key items of operating expenditure that need approval for the first six months of the financial year, is to be circulated under separate cover.

PROPOSAL TO NEW COUNCIL FOR THE COMMITTEE STRUCTURE FOR NEXT TRIENNIAL TERM

During discussion on the recommendations from the Strategic Planning and Finance Committee Councillor von Dadelszen moved an amendment requesting Council consider establishing an Executive Committee in the next triennium, she noted that Council had previously had an Executive Committee which was disestablished and a Tenders Committee formed. She said this committee could consider specific issues that need to be raised; could consider some key items prior to them going to Council; and would give the opportunity for double debate. There was discussion around the amendment with some comments made in support for this committee, suggesting the new Council should debate this; other comments were made that did not support the amendment which included that it was not seen as necessary and it could be disempowering and anti-democratic. During discussion Councillors raised other issues including a view that a Finance Committee should be established; and the Hearings Committee needs to be reviewed and look at options for this. The amendment when put was **LOST 4/5**.

That Council:

1. Propose to the incoming Council for the triennial term October 2010 to September 2013 to:
 - 1.1 Establish a new joint Committee for Regional Planning, with membership comprising equal representation of Councillors, and non-Councillors from the Treaty claimant groups. *(Note: A chart detailing the plan development process is attached)*
 - 1.2 Retain the Environmental Management and Asset Management and Biosecurity Committees.
 - 1.3 Incorporate the reporting structures of Venture Hawke's Bay directly into Council, via the Strategic Planning and Finance Committee but establish industry advisory mechanisms to assist with direction setting.
 - 1.4 Or, subject to the Tourism Sector demonstrating a genuine multi-year financial commitment to Tourism promotion, splitting the Tourism component from Venture Hawke's Bay and governing this activity through an industry led Board, noting however the following caveats; Regional Council would retain financial control via its finance function; and the staff would remain Regional Council employees.
 - 1.5 Noting 1.3, review the performance and operation of Tourism sector activities specifically to establish what, if any, funding continues in the 2011/12 financial year.
 - 1.6 Re-establish the Maori Committee, with a review of its role in twelve months.
 - 1.7 Continue the other current committees of Council into the next term.
 - 1.8 Continue with established industry and community groups including the Ruataniwha Water Storage Leadership Group, the Ruataniwha Stakeholder Group and the Dairy Liaison Group.

Dick/Kirton

Amendment:

Councillor E von Dadelszen moved an amendment to original Recommendation 1, to include 1.9, seconded by Councillor K Rose:

- 1.9 Establish an Executive Committee with membership comprising the Chairman of the Council, the Deputy Chair of the Council, the Chairman of the Asset Management and Biosecurity Committee and the Chairman of the Environmental Management Committee (or if the Chairman or Deputy Chairman holds either of

those positions, two other Councillors).

LOST 4/ 5

For: Rose, Scott, von Dadelszen, Wilson

Against: Gilbertson, Kirton, McGregor, Remmerswaal, Dick

Substantive Resolution:

That Council:

1. Propose to the incoming Council for the triennial term October 2010 to September 2013 to:
 - 1.1 Establish a new joint Committee for Regional Planning, with membership comprising equal representation of Councillors, and non-Councillors from the Treaty claimant groups. *(Note: A chart detailing the plan development process is attached)*
 - 1.2 Retain the Environmental Management and Asset Management and Biosecurity Committees.
 - 1.3 Incorporate the reporting structures of Venture Hawke's Bay directly into Council, via the Strategic Planning and Finance Committee but establish industry advisory mechanisms to assist with direction setting.
 - 1.4 Or, subject to the Tourism Sector demonstrating a genuine multi-year financial commitment to Tourism promotion, splitting the Tourism component from Venture Hawke's Bay and governing this activity through an industry led Board, noting however the following caveats; Regional Council would retain financial control via its finance function; and the staff would remain Regional Council employees.
 - 1.5 Noting 1.3, review the performance and operation of Tourism sector activities specifically to establish what, if any, funding continues in the 2011/12 financial year.
 - 1.6 Re-establish the Maori Committee, with a review of its role in twelve months.
 - 1.7 Continue the other current committees of Council into the next term.
 - 1.8 Continue with established industry and community groups including the Ruataniwha Water Storage Leadership Group, the Ruataniwha Stakeholder Group and the Dairy Liaison Group.

**McGregor/Scott
AS SUBSTANTIVE MOTION
CARRIED**

14. VENTURE HAWKE'S BAY 2010/11 PLAN AND BUDGET INTERIM REPORT

Mr John Peacock reminded Councillors that at the Strategic Planning and Finance Committee meeting on 15 September 2010 a paper on the Venture Hawke's Bay (VHB) Summary Strategic Plan and budget was left to lie on the table. He said a detailed report would be presented to the new Council in November but, in the interim, decisions needed to be made by Council to allow the Venture Hawke's Bay work programme to continue.

Mr Peacock also presented the 2010/11 budget for Venture Hawke's Bay; year-to-date financial information and a key work programme.

Mr Michael Bassett-Foss was in attendance for this item and updated Councillors on the VHB Strategic Plan, which is still a work in progress.

Resolution:

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.

2. Receive the report on the balanced 2010/11 budget, and the year-to-date income and expenditure for Venture Hawke's Bay.
3. Approve the commitment of expenditure set out in Table 3 to deliver on the work programme within the required timelines.

**Kirton/Dick
CARRIED**

15. CHAIRMAN'S MONTHLY REPORT

The Chairman presented his last monthly report for the triennium and thanked Mr Mohi for his valuable contribution to the Maori Committee, Council and input into treaty claim issues over the last few years.

Chairman Dick also thank the Councillors for their contribution over the last three years, he said that while at times it has been turbulent there has been a lot achieved and he believes the Council in good shape for the new custodians.

The Councillors then thanked the Chairman for his qualities, experience, wisdom and fair way of dealing with people.

Mr Mike Mohi endorsed the comments from Councillors and thanked the Councillors for allowing him to attend the Council meetings. He advised that at a recent workshop of the Maori Committee treaty claims and issues they will be facing in future were discussed. Mr Mohi thanked the three Councillors on the Maori Committee and also those that have attended these meetings during the year.

Resolution:

That the report be received.

**Remmerswaal/Scott
CARRIED**

15. GENERAL BUSINESS

Election Website

Councillor Remmerswaal spoke about the new Election Portal run by Local Government NZ and said that there needed to be more promotion on this if it was used next time.

Update on Twyford Hearings

Councillor Scott updated the Councillors on the Twyford Hearings and thanked the Hearings Committee for their input.

16. CONFIRMATION OF PUBLIC EXCLUDED MINUTES OF MEETING HELD ON 25 AUGUST 2010

Resolution:

That the Council exclude the public from this section of the meeting being Agenda Item 16 Confirmation of Public Excluded Meeting held on 25 August 2010 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**

Council's Investment Portfolio
- Future Issues Port of Napier
Ltd Strategy

REASON FOR PASSING THIS RESOLUTION

7(2)(h) Enable the local authority holding
the information to carry out, without
prejudice or disadvantage, commercial
activities

**FOUNDATIONS UNDER SECTION 48(1) FOR
THE PASSING OF THE RESOLUTION**

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

**von Dadelszen/Rose
CARRIED**

**16. CONFIRMATION OF PUBLIC EXCLUDED MINUTES OF THE MEETING HELD ON 25
AUGUST 2010**

Resolution:

The Public Excluded minutes of the Regional Council Meeting held on Wednesday, 25
August 2010, a copy having been circulated prior to the meeting, were taken as read and
confirmed.

**Scott/Gilbertson
CARRIED**

**17. MATTERS ARISING FROM PUBLIC EXCLUDED MINUTES OF THE MEETING HELD ON
25 AUGUST 2010**

There were no matters arising from the minutes.

***The meeting went into public excluded session at 11.55am and out of public excluded
session at 12.00pm***

**von Dadelszen/Wilson
CARRIED**

Closure:

There being no further business the Chairman declared the meeting closed at 12.00pm on
Tuesday, 30 June 2009.

Signed as a true and correct record.

DATE:

CHAIRMAN: