



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

- Date:** Wednesday 16 March 2011
- Time:** 9.00am
- Venue:** Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER
- Present:** A J Dick
T Gilbertson
N Kirton
E McGregor
L Remmerswaal
K Rose
C Scott
E von Dadelszen
F Wilson - Chairman
- In Attendance:** A Newman – Chief Executive
H Codlin – Group Manager Strategic Development
M Adye – Group Manager Asset Management
M Mohi – Chairman – Maori Committee
P Drury – Group Manager Corporate Services
E Lambert – Group Manager External Relations
L Hooper – Executive Assistant & Acting Administration Manager
J Peacock – Financial Controller

1. WELCOME/PRAYER/APOLOGIES/NOTICES

Chairman Wilson welcomed everyone to the meeting and Councillor Rose said the prayer.

2. CONFLICT OF INTEREST DECLARATIONS

There were no conflict of interest declarations.

23 FEBRUARY 2011

Minutes of the Regional Council Meeting held on Wednesday, 23 February 2011, a copy having been circulated prior to the meeting, were taken as read and confirmed pending confirmation that the wording of Resolution 2 on page 5 was correct.

Following the meeting, the wording of the resolution in question was confirmed by the Committee Secretary.

**Scott/von Dadelszen
CARRIED**

4. MATTERS ARISING FROM MINUTES OF THE REGIONAL COUNCIL MEETING HELD ON WEDNESDAY 23 FEBRUARY 2011

There were no matters arising from the minutes.

5. ACTION ITEMS FROM COUNCIL MEETINGS

Mr Newman and Mr Adye provided Council with updates on the Action items listed.

Resolution

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

**Gilbertson/Scott
CARRIED**

6. CONSIDERATION OF GENERAL BUSINESS ITEMS

1. Civil Defence Emergency Management Group minutes & agenda
2. HB Cultural Trust
3. Local Government zone 2 meeting

7. 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 2 DP 12004 CT D1/1150 - Agreement for Sale and Purchase	3026	2 March 2011
1.2	Specification Upper Tukituki River Stopbank		

	Contract No: 10-05-4217C Plan 4217	3025	25 February 2011
1.3	Staff Warrants 1.3.1 B. Powell <i>(Delegations under Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; under Resource Management Act 1991; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174))</i>	3027	4 March 2011

Resolutions

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. Confirms the action to affix the Common Seal.

Gilbertson/Rose
CARRIED

8. ADOPTION OF THE DRAFT 2011/12 ANNUAL PLAN

Mr Drury sought Council's approval for printing and distribution of the Draft Annual Plan 2011/12 and pointed out significant changes from the LTCCP.

Councillors sought justification for a nil rates increase resulting in Council going into deficit. Originally a deficit of 3-400k was indicated, with a rates increase of approximately 3.8%.

In Mr Drury's opinion, even given the Velodrome funding no longer being required and changes to interest rates, the final Annual Plan is unlikely to reflect any significant change to the 'bottom line'.

If there is a zero rates increase this year, are staff able to foresee future rates rises in consequent years being necessary. Contingency budget of \$100,000 has been maintained.

Cash Operating Balance for the Plan is estimated to be 4.5-4.8 million.

Targeted Rate schemes are operated with 3 budgets: operating budget, disaster reserve, depreciation reserve. Flexibility is provided within those budgets for each of the schemes.

Council suggested that the funding for the National Cycleways needs to be highlighted.

Shift in funding principles to use of targeted rate to fund activities needs to be clearly stated, as this has significant impacts for ratepayers.

Resolutions

That Council:

1. Confirms that the Draft Annual Plan 2011/12 be subject to a special consultative procedure as required by section 95 (2) and 85 of the Local Government Act 2002.
2. Adopts the proposed scale and schedule of charges as set out in the "Resource Management Charges" section of the Draft Annual Plan 2011/12 included in Part 3 of that Plan, that these be part of the special consultative process as set out in section 85 of the Local Government Act 2002 (in conjunction with the Draft Annual Plan) and be part of the overall Statement of Proposal in accordance with section 36 (2) of the

Resource Management Act 1991.

3. Agrees to fund the underlying deficit shown in the Plan from cash operating balances which are estimated to be at a level which is sufficient to provide such funding.

**Dick/Scott
CARRIED**

Recommendation 4 in relation to funding assistance for Hastings District Council for the New Zealand Cycling Centre of Excellence proposed Velodrome was removed as it is not required with Hastings no longer being considered as the location for the Velodrome.

5. Adopts the Draft Annual Plan 2011/12 incorporating the changes initiated by Council on 9 February 2011 and 23 February 2011 and any changes made by Council at its meeting held on 16 March 2011, under sections 85 & 95 of the Local Government Act 2002 for the purposes of initiating special consultative procedure and that the Draft Annual Plan, as adopted, will be the Statement of Proposal.
6. Resolves that where special consultative procedures are required for any significant decisions that are included in the Draft Annual Plan 2011/12, that the Statement of Proposal as required under section 83(1)(a)(i) of the Local Government Act 2002 is the Draft Annual Plan 2011/12.
7. Resolves that the summary of information as required by section 83(1)(a)(ii) in section 89 will be in the form of the Draft Annual Plan Summary and will be issued in the April issue of the 'Big Picture'.
8. Resolves that the public notice pursuant to section 83(e), (f) & (g) of the Local Government Act 2002 be given to notify the adoption of the Draft Annual Plan with a closing date of submissions on 10 May 2011.

**Dick/Scott
CARRIED**

9. CONSULTATION ON DRAFT ANNUAL PLAN

Ms Lambert provided Council with the proposed plan for public consultation meetings and other forms of publicising the Draft Annual Plan 2011/12 and seeking submissions.

It is proposed that the CHB and WDC public meetings combine consultation on the Draft Annual Plan and the Investment Company Statement of Proposal, while separate meetings would be held in Napier and Hastings.

Councillors suggested that staff look at the 28 April meeting date/time as there was a potential conflict with another meeting, as well as considering the format for the meetings and possible notification via email to the contact on Council's database.

Resolutions

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. Endorses the Draft Annual Plan consultation programme set out in this agenda item.

**von Dadelszen/Gilbertson
CARRIED 8:1**

The meeting adjourned at 10.40am and reconvened at 10.55am.

10. INVESTMENT COMPANY STATEMENT OF PROPOSAL

Mr Drury outlined the Investment Company Statement of Proposal and Summary of the Proposal documents, in seeking Council's approval of the Summary content being released for public consultation.

Council questioned whether going to the Public with a 'set' company structure was wise. However, Ms Lambert advised that the legislation defining the 'Special Consultative Process' required Council to take a position and present a specific proposal for the public to submit on.

Summary of amendments agreed: add the words 'up to' in front of 'nine directors'; move the Disadvantages section to directly follow the Advantages section; and in section 5 paragraph 5b of the full Statement of Proposal, to further consider how to limit investment by 'local' stakeholders.

Ms Lambert outlined the proposed process for public consultation around this, as well as the assumptions (cost, significance of issue, submission dates) made in developing the schedule.

Resolution

That Council:

1. approves the content of the Summary of Statement of Proposal and the Statement of Proposal covering the proposed Investment Company, including amendments agreed at this meeting, and the issue of these statements to interested parties in the community.

**Kirton/Dick
CARRIED 7:2**

Councillor von Dadelszen then moved an amendment to Recommendation 2, which was seconded by Councillor Rose:

Amendment

Resolution

2. resolves to accept the proposed consultation process and timeline as set out in this paper, with the addition of a meeting to be held in the Hastings constituency focussed on this specific issue.

**von Dadelszen/Rose
CARRIED 5:4**

The amendment when put was **CARRIED** and hence became the substantive motion.

11. ELECTED MEMBERS' ALLOWANCES AND EXPENSES

Mr Peacock provided Councillors with clarity on aspects of the Remuneration Authority's rules pertaining to Elected Members' Allowances and Expenses.

Councillor Dick then moved an amendment to Recommendation 1, which was seconded by Councillor Rose:

Resolution

That Council:

1. Adopts the amended policy on Elected Members' Allowances and Expenses as set out in Attachment 2 to this paper, and as amended at this meeting, and submit this policy to the Remuneration Authority for their approval and incorporation in the Local Government Elected Members' Determination for the remainder of the 2010/11 financial year.

**Dick/Rose
CARRIED**

The amendment when put was **CARRIED** and hence became the substantive motion.

The meeting adjourned at 12.35pm and reconvened at 1.10pm.

12. RECOMMENDATIONS FROM THE ASSET MANAGEMENT AND BIOSECURITY COMMITTEE MEETING

Councillor Rose and Mr Adye acknowledged that there had been some confusion at the Committee meeting, about elements of the two items being brought to Council for consideration. Alternative recommendations for the Regional Pest Management Strategy Discussion Document were then tabled.

Resolutions

Mahia Community Wastewater Project – Memorandum of Understanding (MoU)

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. Endorses the signing of the Memorandum of Understanding (MOU) with the various Mahia community marae.
3. Delegates signing authority to the Council Chairman.

**Rose/Scott
CARRIED**

Regional Pest Management Strategy – Discussion Document

That Council:

4. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
5. Notes that in complying with the requirements of the Biosecurity Act 1993, Council will meet the requirements of the Local Government Act 2002.
6. Adopts, subject to any amendments agreed by Council, the Discussion Document for the Review of Council's Regional Pest Management Strategy as tabled.

**Rose/Scott
CARRIED**

Councillor Rose then moved an alternative to Recommendation 7, which was seconded by Councillor Scott:

7. Agrees to the following process for development of the Regional Pest Management Strategy:
 - 7.1 Publish and circulate Discussion Document for public comment. March 2011
 - 7.2 Responses close to Discussion Document April 2011
 - 7.3 Responses to discussion document be received by the Asset Management & Biosecurity Committee at its meeting on 11 May. Note all responses will be written. May 2011
 - 7.4 A workshop session of Asset Management Biosecurity Committee to be held on a date to be decided to develop a draft review of the Regional Pest Management Strategy.
 - 7.5 The final proposed Regional Pest Management Strategy to be considered by Asset Management & Biosecurity Committee, (or alternative committee responsible for Asset Management & Biosecurity issues), at its meeting to be held no later than 30 August 2011 and adopted by Council. August 2011
 - 7.6 Formal submissions on draft proposed Regional Pest Management Strategy to be considered by a panel comprising members from the Hearings Committee and the Chairman of Asset Management Biosecurity Committee. Note hearings will be open sessions with all Councillors able to attend. Nov 2011
 - 7.7 Revised Regional Pest Management Strategy document formally adopted by Council. December 2011

**Rose/Scott
CARRIED**

The amendment when put was **CARRIED** and hence became the substantive motion.

13. QUARTERLY SIGNIFICANT INITIATIVES UPDATE FOR COUNCIL

Mr Newman explained staff's rationale for developing this report for Council and how it was intended to inform councillors on the status of significant activities being undertaken by Council staff.

It was suggested that the report be formatted to have the issues appear under the major headings of Water Management, Land Management, Statutory Plans and Processes, Fit for Purpose Organisation and Community and People.

Mr Newman, Mr Adye and Ms Lambert responded to several questions from councillors on the information contained in the report, and will give consideration to suggestions from councillors on what they would like to be included in future reports.

Resolution

1. That Council receives the report titled '*Quarterly Significant Initiatives Update for Council*'.

**Remmerswaal/Scott
CARRIED**

14. MONTHLY WORK PLAN LOOKING FORWARD

Mr Newman explained to Council, the types of issues being updated through the monthly 'Looking Forward' reports.

Resolution

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

**McGregor/Scott
CARRIED**

15. CHAIRMAN'S MONTHLY REPORT (TO BE TABLED)

The Chairman apologised for not having a report to table, as significant recent events had meant that he had not been able to complete it on time. The Chairman sought, and was granted, Councillors' permission to distribute the March report via email once completed.

It was noted that the Chairman's February report had been left to lie on the table and so it was agreed to uplift and receive that report.

Resolution

1. That the Chairman's report for February be received.

**Rose/Gilbertson
CARRIED**

16. GENERAL BUSINESS

- a. Civil Defence Emergency Management Joint committee Agenda and Minutes have not been being distributed to councillors, so it was requested that staff look into including the HBRC councillors on the CDEM mail list.
- b. HB Cultural Trust – Councillor Scott took part in a 'behind the scenes' tour which resulted in her being very confident that the archives are being handled with the utmost professionalism and efficiency. If others are interested, there may be further tours run in the future.
- c. Local Government Zone 2 meeting – Councillors would appreciate receiving updates from Councillors attending these meetings.

17. CONFIRMATION OF THE PUBLIC EXCLUDED MINUTES FOR THE MEETING HELD ON 23 FEBRUARY 2011

Resolution

That the Council exclude the public from this section of the meeting being Agenda Item 17 Confirmation of the Public Excluded Minutes for the Meeting held on 23 February 2011 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

Confirmation of the Public Excluded Minutes for the Meeting held on 23 February 2011

REASON FOR PASSING THIS RESOLUTION

7(2)(b)(ii) 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.

GROUND 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.

**Scott/von Dadelszen
CARRIED**

The meeting went into public excluded session at 2.05pm and out of public excluded session at 2.10pm

Closure:

There being no further business the Chairman declared the meeting closed at 2.10pm on Wednesday, 16 March 2011.

Signed as a true and correct record.

DATE:

CHAIRMAN: