



## MINUTES OF A MEETING OF THE REGIONAL COUNCIL

**Date:** Wednesday 27 April 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  
E Lambert – Group Manager External Relations  
H Codlin – Group Manager Strategic Development  
L Hooper – Executive Assistant and Acting Administration Manager  
C Gilbertson – Governance and Public Transport Manager  
J Peacock – Financial Controller

## **1. WELCOME/PRAYER/APOLOGIES/NOTICES**

The Chairman welcomed everyone to the meeting, and Councillor McGregor offered the prayer.

Apologies were received from Mr Mohi.

Mr Newman then updated Council on the situation with the weather over night. The Regional Council has activated its internal operations centre to deal with issues as they arise. There have been some evacuations of coastal communities in the region.

Councillor von Dadelszen moved to waive the requirement of Standing Order 2.12.4, "an agenda detailing the business to be brought before that meeting together with relevant attachments must be received by every member not less than two clear working days before the day appointed for the meeting ..."

### **Resolution**

1. Council accepts receipt of the agenda and attachments for this meeting later than two clear working days before the day appointed for the meeting.

**von Dadelszen/Wilson  
CARRIED**

## **2. CONFLICT OF INTEREST DECLARATIONS**

There were no Conflict of Interest declarations.

## **16 MARCH 2011**

### **Resolution**

1. That the Minutes of the Regional Council Meeting held on Wednesday, 16 March 2011, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and accurate record.

**Scott/von Dadelszen  
CARRIED**

## **4. MATTERS ARISING FROM MINUTES OF THE REGIONAL COUNCIL MEETING HELD ON WEDNESDAY 16 MARCH 2011**

The Chairman confirmed that resolution 2 on page 5 of the 23 February 2011 meeting minutes had been recorded correctly as noted in the 16 March 2011 meeting minutes.

It was noted that the Draft Annual Plan text in relation to there being 2 Deputy Chairmen for Council needed correction.

## **5. ACTION ITEMS FROM COUNCIL MEETINGS**

Mr Newman updated the Council on the items on the Actions list.

In response to a question relating to the 10 May workshop being open to the public, the CE expressed his view that because the discussions would include resourcing issues that could impact individual staff members, this should be done with the public excluded. As this would be a very early stage in developing a discussion document, opportunities for public comment would be provided once that document was drafted.

### **Resolution**

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

**Gilbertson/von Dadelszen  
CARRIED**

**6. VERBAL REPORT FROM THE MAORI COMMITTEE HELD ON TUESDAY, 26 APRIL 2011**

The Chairman noted that as Mr Mohi had apologised for this meeting, the verbal report from the Maori Committee would be provided by Mrs Hooper and Councillors who had attended the meeting.

Mrs Hooper stated that she had spoken with Mr Mohi following the Maori Committee meeting yesterday, and that during that conversation he confirmed that the Committee had endorsed the naming of the Tutira investment property by local iwi.

Councillors Gilbertson, McGregor, Remmerswaal and Scott then provided brief comment as meeting attendees. It was noted that an appropriate staff member had not attended the meeting, to provide clarification around the on-site wastewater plan change item raised in General Business.

**Resolution**

1. That the verbal report from the Maori Committee be received.

**McGregor/Gilbertson  
CARRIED**

**7. CALL FOR GENERAL BUSINESS ITEMS**

- a. Update on progress on Regional Economic Development Strategy review (Dick)
- b. Inclusion of minutes with Agenda (Gilbertson)
- c. Parklands residential development (Kirton)
- d. Ballance Awards (Remmerswaal)
- e. Council planning diary items (Remmerswaal)
- f. Hipepe reserve (McGregor)

**8. 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.

		<b>Seal No.</b>	<b>Date</b>
1.1	<b>Leasehold Land Sales</b>		
1.1.1	Lot 56 DP 11103 CT B2/1271 - Agreement for Sale and Purchase	3031	17 March 2011
1.1.2	Lot 41 DP 13039 CT E2/1224 - Transfer	3033	4 April 2011
1.1.3	Lot 76 DP 10912 CT D3/586 - Transfer	3034	11 April 2011

	1.1.4 Lot 1 DP 10124 CT A1/75 - Agreement for Sale and Purchase - Transfer	3035 3036	13 April 2011 13 April 2011
1.2	<b>Deed of Grant of Easement (Clive River stopbank protection)</b> 1.2.1 1/10 <sup>th</sup> share Lot 1 DP 14152 CT F4/1437 1.2.1 1/10 <sup>th</sup> share Lot 1 DP 14152 CT F4/1445	3030 3037	15 March 2011 13 April 2011
1.3	<b>Staff Warrants</b> 1.3.1 B. Lawrence <i>(Delegations under s.650B Local Government Act 1974 and Schedule 7 Local Government Act 2002)</i>  1.3.2 P. Norman <i>(Delegations under s.650B Local Government Act 1974 and Schedule 7 Local Government Act 2002)</i>	3028  3029	7 March 2011  7 March 2011
1.4	<b>Specification</b> Harakeke Waterway (Plantation Drain) Enhancement Nash Street to Geddis Avenue Contract No: 10-04-4216c	3032	22 March 2011
1.5	<b>Memorandum of Agreement Pursuant to the Public Works Act 1981</b> Lot 4 DP 400033 CT 428868 (Karamu Stream Upgrade)	3038	14 April 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.

**Scott/Gilbertson  
CARRIED**

## 9. RECOMMENDATIONS FROM THE STRATEGIC PLANNING AND FINANCE COMMITTEE

The name for the Tutira Carbon Sequestration property - Waihapua Forest Park - was endorsed by the Maori Committee at their meeting held 26 April 2011.

## **Resolutions**

That Council:

### **Risk Assessment**

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. 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.
3. Approves the risk mitigation approach to each of the ten risk issues as set out in the attachments to the briefing paper.

### **Proposed Name For Council's Tutira Carbon Sequestration Property**

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. Endorses the name of Waihapua Forest Park for its Tutira investment property and notes that Council's standard signage for recreational areas on Council land will not be erected until such time as recreational facilities have been established.

**Scott/Gilbertson  
CARRIED**

## **10. RECOMMENDATIONS FROM THE ENVIRONMENTAL MANAGEMENT COMMITTEE**

Ms Lambert outlined the key changes incorporated into the updated Council submission on the Proposed National Policy Statement on Indigenous Biodiversity.

### **Resolutions**

That Council:

#### **Submission on Proposed National Policy Statement on Indigenous Biodiversity**

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 to lodge the submission to the Minister for the Environment, subject to amendments arising from the meeting.

### **Overall Status Report on Plan Change Workstreams**

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. Agrees that public notification of stormwater-related provisions be staggered, with the Regional Policy Statement (growth and infrastructure) provisions to be notified in October 2011 and the Regional Plan provisions notified following analysis of submissions received on the RPS change.

### **Wastewater Plan Change**

5. 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.
6. Instructs staff to prepare a proposed PRCEP and RRMP plan change to address on-site wastewater issues, enter into targeted consultation with the Sewage on Site (SOS) group and TLAs, and present the proposed plan change to the 15 June 2011 Environmental Management Committee meeting for consideration.
7. Instructs staff to include interested members of the public such as Ratepayer associations in the targeted consultation on the draft Plan Change.

### **Taharua Update**

8. 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.
9. Instructs staff to schedule a Councillor workshop to examine policy options in more detail.
10. Instructs staff to prepare a draft Taharua Strategy for informal consultation with additional stakeholders such as recreational users of the waterways and environmental groups.
11. Approves the postponement of the notification date for the Plan Change to December 2011.

**Scott/Rose  
CARRIED**

## **11. REVIEW OF COUNCIL COMMITTEE STRUCTURE**

Ms Lambert outlined the reasons for the need to review the structure of Council's committees, the rationale for the timing of this review, and the key considerations.

In presenting this item, staff were seeking direction from Council as to the best way to provide for potential inclusion of Treaty Claimant group representation in RMA Statutory planning functions.

Staff intend to take the direction from this meeting into consideration when preparing the reports, including Terms of Reference and possible committee names, for Councillors' consideration at the May Strategic Planning and Finance meeting.

## 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.

Councillor Kirton proposed an amendment to resolution number 2, seconded by Councillor Dick.

2. Adopts the following changes to the current committee structure, in principle and subject to further information including Terms of Reference being brought forward to the May Council meeting, with recommendations 2.1 and 2.2 to take effect from 1 July 2011:
  - 2.1 Establishes a new committee for Regional Planning, with membership comprising equal representation of councillors, and non-councillors from the Treaty claimant groups.
  - 2.2 Dis-establishes current separate Council committees of Environmental Management and Asset Management & Biosecurity and creates a Regulation, Monitoring and Operations Committee to recognise the strong cross-linkages between these service activities.
  - 2.3 Continues the other current committees of Council.
  - 2.4 Reviews the Terms of Reference for the Maori Committee, once the Regional Planning Committee is operating, to determine any changes required to the functions of the Maori Committee and its meeting frequency.

**Kirton/Dick  
CARRIED 6:3**

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

The meeting adjourned at 10.35 am and reconvened at 10.55 am.

## 12. HAWKE'S BAY TOURISM OPTIONS: UNINCORPORATED JOINT VENTURE AND INCORPORATED LIMITED LIABILITY MODELS

The Chairman welcomed Stuart Webster, Annie Dundas and Sam Orton, who outlined the advantages and disadvantages of the options for organisation of the Regional Tourism Organisation.

## 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.

Councillor Dick proposed an amendment to resolution number 2, seconded by Councillor

Remmerswaal.

2. Resolves that the preferred option for the carrying out of Hawke's Bay Tourism activities commencing 1 July 2011 is the Incorporated Limited Liability Model, subject to further consideration by Council of details such as board representation, performance measures and accountabilities, KPIs and brand ownership.

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

3. Notes that the support for the Incorporated Limited Liability Model reflects the protection that a limited liability status provides to the Council, the ability to control performance through key performance indicators entrenched in the funding contract, and the advantage that in the long term a limited liability company should move to a self-sustaining basis once the operation has proved its worth over the initial three year period.

**Dick/Remmerswaal  
CARRIED**

### **13. HERETAUNGA PLAINS URBAN DEVELOPMENT STRATEGY - ESTABLISHMENT OF IMPLEMENTATION COMMITTEE**

Ms Codlin provided Council with an overview of the proposed HPUDS Implementation Committee's structure and functions.

#### **Resolutions**

That Council:

1. Receives the report titled '*Heretaunga Plains Urban Development Strategy – Establishment of Implementation Committee*'.
2. 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.

**Kirton/Rose  
CARRIED**

3. Endorses the establishment of a Heretaunga Plains Urban Development Strategy Implementation Committee comprising two elected members of Hastings District Council, Napier City Council and Hawke's Bay Regional Council, with Mana Whenua representation to be decided by that Committee.

**von Dadelszen/Rose  
CARRIED**

4. Agrees that the Mayors and Chairs of the partner councils be ex-officio members of the Joint Committee.
5. Appoints Councillor von Dadelszen and Councillor Dick as the Hawke's Bay Regional Council's representatives on the Joint Committee.

**Scott/Rose  
CARRIED**

Councillor Scott moved an amendment to recommendation 6, seconded by Councillor Rose



- Instructs staff to make amendments to the HPUDS Implementation Committee's Terms of Reference and the proposed Agreement that reflect Council's concerns and brings the updated documents to the Strategic Planning and Finance Committee for consideration, recognising that the final form will be negotiated between the partner councils.

**Scott/Rose  
CARRIED**

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

The meeting adjourned at 1pm and reconvened at 1.40pm

#### **14. ADOPTION OF LOCAL GOVERNANCE STATEMENT 2010-13**

Ms Gilbertson explained the current Governance Statement provided for Council's consideration.

It was suggested that as there were amendments to Committee structures, etc already being discussed, this document be revised to include either some of those changes or advice to foreshadow them.

##### **Resolutions**

That Council:

- 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.
- Adopts the Local Governance Statement as set out in Attachment 1, and notes the Statement will be made available to the public following final production.

**Gilbertson/Rose  
CARRIED**

#### **15. COUNCILLOR REMUNERATION**

Mr Peacock provided an overview of the options available to the Council for consideration, as well as the requirements of the Remuneration Authority.

##### **Resolutions**

That Council:

- Resolves the level of payments to be made to Councillors with and without Chair responsibilities for the 2011/12 financial year, consistent with the remuneration pool as advised by the Remuneration Authority covering that period, and recommends to the Remuneration Authority that these payment levels be included in the determination for the 2011/12 financial year.
- Replaces (subject to the approval of the Remuneration Authority) Section 1.4.2 (Remuneration) of Council's Policy Handbook with the following from 1 July 2011, and with elected members only ever being eligible for one salary, with salary being the highest applicable from the table below.

<b>Role</b>		<b>Comment</b>	<b>Salary</b>
Chairman of Council	Salary	After deduction for full use of Council supplied vehicle	\$105,715.00
Deputy Chairman of Council	Salary	Representing a differentiation of \$4,500 between a Councillor with no Committee Chair responsibilities or Deputy Chairman responsibilities	\$50,192.25
Chair of: - Hearings Committee - Regional Transport Committee - Asset Management & Biosecurity Committee - Environmental Management Committee - Strategic Planning and Finance Committee	Salary	Representing a differentiation of \$4,500 between a Councillor with no Committee Chair responsibilities or Deputy Chairman responsibilities	\$50,192.25
Elected Members of Council	Salary		\$45,692.25

3. Resolves the level of remuneration for the Chairman of the Maori Committee be set for the 2011/12 financial year at the salary for an elected member of Council without Committee Chair responsibilities and notes that the payment of this salary is not funded from the net Council remuneration pool as advised by the Remuneration Authority.
4. Resolves that other tangata whenua appointed members of the Maori Committee (except the Chairman of the Maori Committee) who are appointed to Plan Hearings, that are not related to resource consent hearings, be remunerated at the hourly rates set out in the applicable Local Government Elected Members Determination for all Hearing time as defined in that determination.
5. Resolves that the level of meeting fees paid to members of the Maori Committee be increased from \$230 to \$265 per day from 1 July 2011.

**von Dadelszen/Rose  
CARRIED**

## **16. 2010-11 ANNUAL PLAN PROGRESS REPORT FOR NINE MONTHS ENDING 31 MARCH 2011**

Mr Peacock provided Councillors with a summary of the main elements contained within the regular nine month report on Annual Plan progress.

### **Resolution**

1. That Council receives the Annual Plan progress report for the first nine months of the 2010/11 financial year.

**Gilbertson/Rose  
CARRIED**

## **17. QUARTERLY SIGNIFICANT INITIATIVES UPDATE FOR COUNCIL**

Mr Newman responded to queries relating to details contained within the report, and confirmed that Councillors' comments would be taken on board by staff when refining the content and format of the document.

## **Resolution**

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

**Dick/Gilbertson  
CARRIED**

Mr Clode provided Council with an update on the Civil Defence situation in relation to the current flood event.

## **18. MONTHLY WORK PLAN LOOKING FORWARD**

The report was taken as read.

## **Resolution**

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

**Rose/von Dadelszen  
CARRIED**

## **19. CHAIRMAN'S MONTHLY REPORT**

The Chairman provided additional detail to Council in relation to his meeting with the Mayor of Gisborne. The next Zone 2 meeting being held in Hawke's Bay is scheduled for early November.

## **Resolution**

1. That the Chairman's report for 23 February 2011 to 19 April 2011 be received.

**McGregor/Rose  
CARRIED**

## **20. GENERAL BUSINESS**

- a. Update on progress on Regional Economic Development Strategy review (Dick)  
The Strategy is currently being 'refreshed' and a core Steering Group has been established. It is intended that a draft document will be brought to Council for consideration.
- b. Inclusion of minutes with Agenda (Gilbertson)  
A councillor suggested that staff consider whether the Unconfirmed Minutes of committee meetings could be emailed initially, and then distributed in paper form with the Agenda for the next meeting (where the minutes would be confirmed).
- c. Parklands residential development (Kirton)  
A request was made, that flooding/inundation risks for the Parklands subdivision area be reported to a future Council meeting.
- d. Ballance Awards (Remmerswaal)  
The winner of the Ballance awards hosted a field day recently, and Councillor Remmerswaal was disappointed that HBRC's significant support of the Awards was not highlighted to the attendees at the event. Such events are important in recognising HBRC's work and profile.
- e. Council planning diary items (Remmerswaal)  
It was noted that, among others, a recent public consultation meeting was not included on the Council meeting planner, and that Councillors would appreciate if an up to date council planning diary is used when planning meetings involving councillors to avoid clashes if possible.

- f. Heipepe reserve (McGregor)  
This reserve is at the back of Esk Valley winery, and a group has been working to restore this DoC land. An assessment has been carried out, however the land is now under Treaty claim.

**Closure:**

There being no further business the Chairman declared the meeting closed at 3.40pm on Wednesday, 27 April 2011.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....