

**MINUTES OF CENTRAL HAWKES BAY DISTRICT COUNCIL
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 28-32 RUATANIWHA STREET, WAIPAWA
ON THURSDAY, 28 FEBRUARY 2019 AT 9.00AM**

PRESENT: Mayor Alex Walker
Cr Ian Sharp (Deputy Mayor)
Cr Shelley Burne-Field
Cr Kelly Annand
Cr Tim Aitken
Cr Tim Chote
Cr Gerard Minehan
Cr Brent Muggeridge
Cr David Tennent

IN ATTENDANCE: Joshua Lloyd (Group Manager, Community Infrastructure and Development)
Shawn McKinley (Land Transport Manager)
Bronnda Smith (Group Manager, Corporate Support and Services)
Doug Tate (Group Manager, Customer and Community Partnerships)
Nicola Bousfield (People and Capability Manager)
Lisa Harrison (Organisation Transformation Lead)
Leigh Collecutt (Governance and Support Officer)

1 PRAYER

2 APOLOGIES

RESOLVED

Moved: Cr Kelly Annand
Seconded: Cr Tim Aitken

Dr Roger Maaka an apology due to commitments with the Ngaruroro Water Conservation Order Tribunal.

CARRIED

3 DECLARATIONS OF CONFLICTS OF INTEREST

None

4 STANDING ORDERS

RESOLVED: 19.1

Moved: Cr Ian Sharp

Seconded: Cr Gerard Minehan

THAT

1. The following standing orders are suspended for the duration of the meeting:
 - 20.2 Time limits on speakers
 - 20.5 Members may speak only once
 - 20.6 Limits on number of speakers
2. 21.4 Option C under section 21 General procedures for speaking and moving motions be used for the meeting.

CARRIED

MAYORAL REPORT

RESOLVED: 19.2

Moved: Cr Ian Sharp
Seconded: Cr David Tennent

That the Mayor's report be received.

CARRIED

5 CONFIRMATION OF MINUTES

RESOLVED: 19.3

Moved: Cr Tim Chote
Seconded: Cr Gerard Minehan

That the minutes of the Ordinary Council Meeting held on 13 December 2018 as circulated, be confirmed as true and correct.

CARRIED

6 LOCAL GOVERNMENT ACT COMPLIANCE – PLANNING, DECISION MAKING AND ACCOUNTABILITY

Council is required to make decisions in accordance with the requirements of Part 6 Subpart 1 of the Local Government Act 2002.

RESOLVED: 19.4

Moved: Mayor Alex Walker
Seconded: Cr Ian Sharp

THAT Council has read the reports associated with items 8.1 to 10.2 and considers in its discretion under Section 79(1)(a) that sufficient consultation has taken place in addition to the Councillors knowledge of the items to meet the requirements of Section 82(3) in such a manner that it is appropriate for decisions to be made during the course of this meeting.

MOTION

Moved: Mayor Alex Walker
Seconded: Cr Ian Sharp

That item 6 Local Government Act Compliance – Planning, Decision Making and Accountability be removed from all Council agendas going forward.

CARRIED

7 REPORTS FROM COMMITTEES

7.1 MINUTES OF THE FINANCE AND PLANNING COMMITTEE MEETING HELD ON 14 FEBRUARY 2019

RESOLVED: 19.5

Moved: Cr Brent Muggeridge
Seconded: Cr Kelly Annand

1. That the minutes of the meeting of the Finance and Planning Committee held on 14 February 2019 be received.

CARRIED

7.2 MINUTES OF THE COMMUNITY DEVELOPMENT COMMITTEE MEETING HELD ON 14 FEBRUARY 2019

RESOLVED: 19.6

Moved: Cr Kelly Annand
Seconded: Cr Tim Aitken

1. That the minutes of the meeting of the Community Development Committee held on 14 February 2019 be received.

CARRIED

7.3 MINUTES OF THE ENVIRONMENT AND REGULATORY COMMITTEE MEETING HELD ON 14 FEBRUARY 2019

RESOLVED: 19.7

Moved: Cr David Tennent
Seconded: Cr Brent Muggeridge

1. That the minutes of the meeting of the Environment and Regulatory Committee held on 14 February 2019 be received.

CARRIED

7.3.1 ADOPTION OF DRAFT ENVIRONMENTAL AND SUSTAINABILITY STRATEGY FOR CONSULTATION

RESOLVED: 19.8

Moved: Cr Kelly Annand
Seconded: Cr David Tennent

That having considered all matters raised in the report:

- a) That the Environment and Regulatory Committee recommends to Council the modified Draft Environmental and Sustainability Strategy for public consultation, to be included in the Draft Annual Plan 2019/20.

CARRIED

8 REPORT SECTION

8.1 ADOPTION OF THE ANNUAL PLAN 2019/20 CONSULTATION DOCUMENT AND SUPPORTING INFORMATION

PURPOSE

The matter for consideration by the Council is the adoption of the Annual Report 2019/20 Consultation Document and the Supporting Information and the Consultation Approach.

RESOLVED: 19.9

Moved: Cr Tim Chote
Seconded: Cr Ian Sharp

That having considered all matters raised in the report:

- a) Adopt the Draft Revenue and Financing Policy and Statement of Proposal in accordance with section 102(1) of the Local Government Act 2002.

CARRIED

- Cr Chote and Cr Sharp both spoke in support of the recommendation, indicating that the policy allows for a better balance of rates take across the district.

RESOLVED: 19.10

Moved: Cr Tim Aitken

Seconded: Cr Gerard Minehan

b) Adopt the CHBDC Rural Ward Fund Investment Commercial Structuring Discussion Paper to support the consultation process in accordance with section 95A of the Local Government Act 2002**CARRIED**

- Cr Aitken asked whether Council should have representation within Water Holdings CHB Ltd. Advice was received from officers that any refinement to conditions in the discussion document should be guided by community feedback and should not be modified at this time.
- Cr Tennent indicated that the discussion document outlined several important conditions for any potential payments from Council, and requested that these are emphasised in any community communications.
- Cr Aitken spoke about water storage being an issue across the district, not only for rural members of the community.
- Cr Minehan highlighted the importance that any proposals needed to take all of Hawke's Bay into account and that it was not an issue confined only to the Central Hawke's Bay District.
- Cr Burne-Field highlighted that the recommendation was about a discussion paper going out for consultation and indicated that it was a good opportunity for the community to have its say about what the outcome should be.
- Cr Muggeridge indicated the importance of communicating throughout the process that Water Holdings CHB Ltd would only be allocated funding on the basis of meeting milestones.
- Cr Sharp raised his support for consultation, and clarified that the proposal is not the same as the previous Ruataniwha Dam proposal.
- Mayor Walker spoke in support of the recommendation and highlighted that by removing politics from the process of developing options relating to water storage, it empowered the community and provides an opportunity to participate which it has not had previously.
- Cr Aitken reiterated that any payments would be coming from Rural Ward Funds which would not trigger any kind of rates increase.

RESOLVED: 19.11

Moved: Cr Tim Aitken

Seconded: Cr Brent Muggeridge

c) Adopt the Supporting Information for the Annual Plan 2019/20 to support the

consultation process in accordance with section 95A of the Local Government Act 2002

- d) Adopt the Consultation Document for the Annual Plan 2019/20 to support the consultation process in accordance with section 95A of the Local Government Act 2002.**

CARRIED

- Cr Tennent sought clarification about the increase in fees and charges between the Long Term Plan and this year's Annual Plan. Officers clarified that there was an approximate 7% increase across the activities to ensure alignment with the Revenue and Financing Policy.
- Cr Minehan sought clarification about how much was proposed to be put aside for iwi engagement in the annual plan. Officers confirmed the amount of \$20,000.
- Cr Burne-Field indicated her support that the fees and charges document was going out for consultation, but that she was against proposed increases for cemetery plot fees, dog fees and retirement housing fees.
- Mayor Walker highlighted that although there has been a rates increase from the Long Term Plan, that this increase is being invested in important projects which will benefit the community.

RESOLVED: 19.12

Moved: Cr David Tennent

Seconded: Cr Shelley Burne-Field

- e) Delegate responsibility to the Chief Executive to approve the final edits required to the Supporting Information and Consultation Document in order to finalise the documents for printing and distribution.**
- f) That Council approves the public consultation approach for the Annual Plan 2019/20.**

CARRIED

- Cr Tennent raised that the Council wanted to do its utmost to consult with the community on issues and hoped to get good attendance at consultation events and feedback through submissions to enable a balanced view.

8.2 PROPOSAL TO GRANT LEASE TO OTANE ARTS AND CRAFTS

PURPOSE

The matter for consideration by the Council is to seek their approval both as the Administering Body and under Delegated Authority of the Minister of Conservation of the Otane Old School Reserve, to grant a lease subject to not receiving any sustained objections following community consultation.

RESOLVED: 19.13

Moved: Cr Tim Chote

Seconded: Cr Kelly Annand

That having considered all matters raised in the report:

- a) **That Council grants a lease to the Otane Art and Crafts Incorporate to occupy a portion of the Otane Old School Reserve, on the Corner of White Road and Higginson Street, legally described as Part Lot 1 Deposited Plan 11995 Block VIII Waipukurau, Otane for a term of ten (10) years with two (2) rights of renewal of five (5) years, subject to not receiving any sustained objections following public consultation, as the administering body of the Reserve;**
- b) **That Council grants a lease to the Otane Art and Crafts Incorporate to occupy a portion of the Otane Old School Reserve, on the Corner of White Road and Higginson Street, legally described as Part Lot 1 Deposited Plan 11995 Block VIII Waipukurau, Otane for a term of ten (10) years with two (2) rights of renewal of five (5) years, subject to not receiving any sustained objections following public consultation, under delegated Authority from the Minister of Conservation.**

AMENDMENT

Moved: Cr Shelley Burne-Field

Seconded: Cr Gerard Minehan

That the lease amount is capped at one dollar per year.

In Favour: Crs Shelley Burne-Field and Gerard Minehan

Against: Crs Alex Walker, Ian Sharp, Kelly Annand, Tim Aitken, Tim Chote, Brent Mugeridge and David Tennent

LOST 2/7

MOTION

Moved: Mayor Alex Walker

Seconded: Cr Kelly Annand

That a draft community lease policy comes back to Council for consideration.

CARRIED

- Cr Chote raised his support to grant the lease because the Otane Arts and Crafts Society is an important community asset.

- Cr Burne-Field sought an amendment to the recommendation to ensure that the annual lease fee was capped at one dollar, rather than be raised to the \$504 amount indicated in the report.
- Councillors discussed that without clear policy direction in place, that it was difficult to set amounts for leases, however noted that in this case officers had worked with the society on the terms of the lease, including the annual charge.

8.3 PROPOSAL TO GRANT LICENCE TO OCCUPY - PART OF RUSSELL PARK

PURPOSE

The matter for consideration by the Council is to seek approval to grant a Licence to Occupy for part of Russell Park for the purposes of operating a Coffee cart, both as the Administering Body and under Delegated Authority of the Minister of Conservation, subject to not receiving any sustained objections following community consultation.

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report:

- a) That Council grants a licence to occupy for the purpose of operating a coffee on part of Russell Park, River Terrace, legally comprised of Lot 2 Deposited Plan 17698, Section 58 Survey Office Plan 8507 and Lot 1 Deposited Plan 8652 Waipukurau for a maximum term of five (5) years, subject to not receiving any sustained objections following public consultation, as the administering body of the Reserve;**
- b) That Council grants a licence to occupy for the purpose of operating a coffee on part of Russell Park, River Terrace, legally comprised of Lot 2 Deposited Plan 17698, Section 58 Survey Office Plan 8507 and Lot 1 Deposited Plan 8652 Waipukurau for a maximum term of five (5) years, subject to not receiving any sustained objections following public consultation, under delegated Authority from the Minister of Conservation;**

In Favour: Crs Alex Walker, Ian Sharp, Kelly Annand, Tim Aitken, Tim Chote, Gerard Minehan, Brent Muggeridge and David Tennent

Against: Cr Shelley Burne-Field

CARRIED 8/1

- Councillors discussed whether the resolution would limit potential vendors on Russell Park to only Coffee Cart providers. It was confirmed that it would not and that potential vendors would be explored through expression of interest.
- Cr Sharp sought clarity on whether the resolution would prevent charities from operating in the park. It was confirmed that it would not restrict other activities.
- Cr Burne-Field expressed concern about a 5 year license to occupy. Officers clarified that this was a maximum term but would be set by negotiations, acknowledging that a minimum term may be needed by potential vendors.

- Cr Burne-Field voted against motion, due to the cost of working through an expressions of interest process outweighing the benefit of doing so.
- Cr Sharp raised his support for the process being followed in absence of a policy.
- Cr Annand asked where reserve management plans fit in. Mrs Davidson indicated that this was a large piece of work which had been identified and officers would likely be seeking funding from Council through the next Long Term Plan process.

Meeting was suspended at 10.18am

Meeting reconvened at 10.30am

8.4 DECEMBER 2018 FLOOD EVENT FUNDING REQUEST

PURPOSE

The matter for consideration by the Council is the approval of the use of up to \$400,000 from the adverse events fund to support Councils contribution to the costs of repairing the December storm damage.

RESOLVED: 19.14

Moved: Cr Tim Aitken

Seconded: Cr Gerard Minehan

That having considered all matters raised in the report:

- a) That Council approve the use of up to \$400,000 from the Adverse Events Fund to support Councils contribution to the costs of repairing December storm damage.**
- b) That Council delegate authority to the Chief Executive to expedite the procurement of services to support repair works.**
- c) That Council strongly urges NZTA and the Ministry of Transport to extend timeframes in which emergency work is to be completed.**

CARRIED

- Cr Annand sought clarification on how the Adverse Events Fund could be replenished. Officers confirmed that this would be raised through a recommendation to Council during the Annual Plan process.
- Councillors discussed the Catastrophic Events Fund. Cr Sharp provided clarification that the fund is for all infrastructure in a big event such as an earthquake, not only for land transport matters.
- Cr Minehan and Cr Aitken raised concerns with the 30th June deadline. Cr Aitken asked officers to lobby to NZTA to extend this timeframe.

8.5 ADOPTION OF FOOTPATH POLICY**PURPOSE**

The matter for consideration by the Council is the adoption of the New Footpath Policy.

RESOLVED: 19.15

Moved: Cr Kelly Annand

Seconded: Cr Gerard Minehan

That having considered all matters raised in the report:

- a) Council adopt the amended Footpath Construction Policy.**

CARRIED

- Cr Annand sought clarification on how areas of interest were identified and sought an addition to the policy outlining Council's commitment to hearing community views on priorities.
- Cr Burne-Field sought clarification about whether the weighting included criteria around population density or income deprivation. It was confirmed that the weighting considered the number of pedestrian movements.

8.6 ORDER OF CANDIDATE NAMES ON VOTING DOCUMENTS FOR 2019 ELECTION**PURPOSE**

The matter for consideration by the Council is to obtain a decision on the order of candidate names on voting documents for the 2019 Local Body Elections.

RESOLVED: 19.16

Moved: Cr David Tennent

Seconded: Cr Gerard Minehan

That having considered all matters raised in the report:

- a) **That Council resolve to order candidate names by random order on voting papers for the 2019 Local Body Elections.**

CARRIED

9 CHIEF EXECUTIVE REPORT**9.1 CHIEF EXECUTIVE - SIX WEEK ORGANISATION REPORT****PURPOSE**

The purpose of this report is to present to Council, the six weekly organisation report for December/January.

RESOLVED: 19.17

Moved: Cr Gerard Minehan

Seconded: Cr Brent Muggeridge

That, having considered all matters raised in the report, the report be noted.

CARRIED

10 PUBLIC EXCLUDED BUSINESS**RESOLUTION TO EXCLUDE THE PUBLIC****RESOLVED: 19.18**

Moved: Cr David Tennent

Seconded: Cr Tim Aitken

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the

reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
10.1 - Procurement Plan - Waipawa Trunk Sewer Main Renewal	s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
10.2 - Extension of Maintenance and Re-seal Contracts	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
10.3 - Supplier Recommendation Water Treatment Plan Project - Porangahau and Takapau	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED

RESOLVED: 19.19

Moved: Cr Tim Aitken

Seconded: Cr Tim Chote

That Council moves out of Closed Council into Open Council.

CARRIED

11 DATE OF NEXT MEETING

RESOLVED: 19.20

Moved: Cr David Tennent

Seconded: Cr Tim Aitken

THAT the next meeting of the Central Hawke's Bay District Council be held on 10 April 2019.

CARRIED

12 TIME OF CLOSURE

The Meeting closed at 11.34am.

The minutes of this meeting were confirmed at the Council Meeting held on 11 April 2019.

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CHAIRPERSON