

MINUTES



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MEMBERSHIP: Mayor Meng Foon, Deputy Mayor Nona Aston,
Craig Bauld, Bill Burdett, Andy Cranston, Alan Davidson, Roger Haisman, Allan Hall, Hemi Hikawai,
Gary Hope, Atareta Poananga, Pat Seymour, Kathy Sheldrake, Graeme Thomson, Brian Wilson.

MINUTES of the GISBORNE DISTRICT COUNCIL

held in the Council Chambers, 15 Fitzherbert Street on Thursday 27 August 2009 at 9am.

PRESENT:

Mayor Meng Foon (chair), Deputy Mayor Nona Aston, Councillors Craig Bauld, Bill Burdett, Andy Cranston, Alan Davidson, Allan Hall, Roger Haisman, Pat Seymour, Atareta Poananga, Kathy Sheldrake and Brian Wilson

IN ATTENDANCE:

Chief Executive Lindsay McKenzie, Corporate Affairs Manager Douglas Birt, Engineering and Works Manager Peter Higgs, Environment and Planning Manager Hans van Kregten, Community Planning and Development Manager Nedine Thatcher, Chief Financial Officer Mike Drummond, Maori Liaison Officer Nick Tupara, Commercial Property Manager Matthew Feisst, Community Development Officer Grant McDonald, Principal Planner Urban Design Duncan Rothwell, Team Leader District Policy Kim Smith and Committee Secretary Lesley Hillan

OPENING PRAYER:

The meeting commenced with a prayer.

APOLOGIES:

Crs Hemi Hikawai, Gary Hope and Graeme Thomson

1. Apologies

MOVED by Mayor Foon, seconded Cr Wilson

That Council

1. sustains the apologies from Crs Hemi Hikawai, Gary Hope and Graeme Thomson.
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CARRIED

2. Public forum, petitions, deputations and representation from tangata whenua

There were no attendees for public forum, petitions, deputations or representatives from tangata whenua.

Supplementary Papers

MOVED by Cr Sheldrake, seconded Cr Seymour

That Council

1. considers the following supplementary papers
 - i) Report No 09/421 – Heads of Agreement to Lease Land to St John
 - ii) Report No 09/410 – Banks Street Building Relocation and Possible Commercial Lease (to be taken with the Public Excluded)
 - iii) Turanga Local Leadership Body (Deliberative Session - Confidential)
 - iv) WWTP Funding Proposal – ECT (Deliberative Session – Confidential)

CARRIED

3. Confirmation of Minutes

Gisborne District Council – Meeting 30 July 2009

MOVED by Cr Seymour, seconded Mayor Foon

That Council

1. confirms the minutes of the Council meeting of 30 July 2009.

CARRIED

Action Sheet

Noted

4. Matters arising

There were no matters arising.

5. Notification of late items, questions and general business

Nil

6. Committee Minutes

- i) Hearings – 29 July 2009

MOVED by Cr Haisman, seconded Cr Bauld

That Item 2 be received.

CARRIED

It was noted that there had been changes made to decision 5. The changes had been included in the signed copy of the minutes.

MOVED by Cr Haisman, seconded Cr Seymour

That Item 1 be adopted.

CARRIED

- ii) Community Development – 12 August 2009

MOVED by Cr Aston, seconded Cr Davidson

That all items be received.

CARRIED

- iii) Environment & Policy – 12 August 2009

MOVED by Cr Seymour, seconded Cr Bauld

That Items 1 – 7.3(1), 7.4(1) and 7.5 – 11 be received.

CARRIED

MOVED by Cr Seymour, seconded Cr Bauld
That Items 7.3(2) and 7.4(2-4) be adopted.

CARRIED

iv) Finance & Monitoring – 13 August 2009

MOVED by Cr Bauld, seconded Cr Wilson
That all items be received.

CARRIED

v) Operations – 13 August 2009

MOVED by Cr Bauld, seconded Cr Wilson
That all items be received.

CARRIED

Cr Poananga advised the meeting that she had apologised for her non-attendance at the Operations Committee meeting, but this was not recorded in the minutes. Noted.

7. Mayor's and Councillors' Reports

For noting

7.2 09/407 - Zone and Sector Key Issues Report August/September 2009

The Zone and Sector Key Issues Report for August/September 2009 was appended to the report.

MOVED by Mayor Foon, seconded Cr Seymour
That Council

1. receives the report.

CARRIED

8. Staff Reports

For decision

8.1 09/408 - Appointment of Hearings Commissioner

Council proposed to relocate the municipal dog pound from Carnarvon Street to a new building on Council-owned land at Dunstan Road. A facility for the collection and temporary storage of hazardous substances would also be associated with the pound. An application for the diversion of overland floodwaters that will be caused by the raised building platforms for the pound and hazardous substances storage building will also be required.

The appointment of a sole commissioner to determine the notification status of these consents and hear and decide on these matters was required.

Cr Sheldrake asked how long the process would take.

Environment & Planning Manager Hans van Kregten advised that it would take approximately 3 months if there were no appeals. If there were appeals it could take another 12 – 18 months.

Commercial Property Manager Matt Feisst explained that consultation had taken place.

MOVED by Cr Davidson, seconded Cr Aston

That Council

1. receives the report
2. appoints Mr Peter Kite as Commissioner and delegates to him, pursuant to Section 34 A (1) of the Resource Management Act 1991, all the functions, powers and duties of the Council under the Resource Management Act 1991 necessary to determine the notification status of these consents and to subsequently hear (if required) and decide on:
 - i) the land use consents for the
erection and operation of a municipal dog pound and associated facilities
erection and operation of a hazardous goods collection and temporary storage facility
 - ii) the Water Permit for the diversion of overland floodwaters caused by the raising of the natural ground level to create building platforms and the alteration of the natural ground level for the provision of car parking spaces
 - iii) any other Resource Management Act matters ancillary or related to the land use and water permit application.

CARRIED

8.2 09/337 - Environmental Monitoring Contract Extension

Council has various environmental monitoring obligations established under legislation, statutory plans and resource consents. Time dependant data collection and analysis requirements across Council are grouped together with Environmental Monitoring Contract EW02/01A. This contract has been awarded externally to Hydro-Technologies Ltd since mid-1999.

MOVED by Cr Wilson, seconded Cr Seymour

That Council

1. receives the report
2. approves the extension of Contract EW02/01A from 1 October 2009 to 30 September 2014 inclusive without changes to existing conditions of contract but with reductions in the amounts to be paid in respect of about 20 scheduled items totalling \$25,094 per year of unescalated (2002) rates.

CARRIED

8.3 09/396 – Chief Executive’s Activity Report – August 2009

The activity report covered the period since Council’s 30 July 2009 meeting.

Chief Executive Lindsay McKenzie reported that the Western Bay of Plenty District Council had requested that Council support the proposal for the Tauranga Eastern Link Road being a toll road.

The Office of Treaty Settlements had made contact to commence negotiations on the proposed sale of the former AML site. He advised that a review of the Tairawhiti Development Partnership structure and function had been requested.

Cr Davidson supported the Western Bay of Plenty District Council request that Council support the proposal for the Tauranga Eastern Link Road being a toll road.

Mayor Foon said that it was to Council's advantage with respect to the time taken on a trip.

Cr Burdett spoke on the roading contract process and asked where Council was at with this particularly with respect to Downer EDi and Fulton Hogan.

Chief Executive Lindsay McKenzie said that a decision had been made to separate the timing. There had been no further feedback since.

Cr Burdett asked for clarification on comments on the Tairawhiti Development Partnership.

Chief Executive Lindsay McKenzie explained that there had been expressions of concern about the effectiveness of the TDP in recent times. The concerns related to participation and the demands on time for the people involved because of the need to put energy and resources into the Foreshore and Seabed and Treaty Settlement negotiations. He said that he had been asked, in conjunction with Wairoa Chief Executive Peter Freeman, to prepare a paper for the Partnership's consideration.

Chief Executive Lindsay McKenzie explained that Mayor Foon had written to seek an amendment to the Port Companies Act. Subsequently Mr McKenzie had had a good meeting with Martin Matthews Chief Executive Officer of the Ministry of Transport and Bruce Johnston one of the General Managers and they are open to an amendment to provide for the Minister to remove Port status from entities not specifically operating as a port.

MOVED by Cr Burdett, seconded Cr Seymour

That Council

1. receives the report
2. advises the NZ Transport Agency that it supports the Tauranga Eastern Link Toll proposal and of the reasons for the decision
3. notes that the grants policies for the Gisborne Disaster Relief Trust will be developed on an events specific basis.

CARRIED

8.4 09/398 - Youth Governance

As part of the Council's Ten Year Plan 2009-2019 process a number of submissions were received that related to youth participation in governance.

A paper was presented to the Community Development Committee meeting on 15 July 2009 which outlined options. At that meeting it was agreed that staff further develop a report to Council that reflected the committee discussion favouring the establishment of a Youth Council.

Cr Aston congratulated and thanked those involved in progressing the matter.

Cr Cranston said that good parents listen to their children and good councils listen to their youth. He said that it was looking at the future of our region. Participants needed to be empowered so that it did not go anywhere.

Cr Hall supported the recommendations and thanked officers for a very full report. He said Council was compelled by statutes to allow participate and referred Councillors to Wellington's Terms of Reference (P. 97) and felt that they were a good way that Council could hear the views of youth.

Cr Burdett supported the initiative stating that the initiative was good for Council and the community.

Cr Seymour supported the recommendations but felt that the Terms of Reference should have been agreed first.

Community Development and Planning Manager Nedine Thatcher explained that it was felt that the group could work towards a Terms of Reference when agreement was made by Council.

Cr Poananga said she was pleased the matter was before Council. She said that it was really important that the group was set up and she had no problem with the Terms of Reference.

Cr Haisman felt that the work the group does should be done within the existing budget. He acknowledged the enthusiasm of youth but wondered if they would be disappointed at what they could achieve.

Community Development and Planning Manager Nedine Thatcher assured Cr Haisman that there would be no major move from the current budget. Community Development Officer Grant McDonald already spends time supporting Youth Voice within the current budget.

Cr Davidson supported the recommendations.

MOVED by Cr Aston, seconded Cr Cranston

That Council

1. receives the report
2. agrees to
 - a) appoint Tairawhiti Youth Voice as a Youth Council; and
 - b) seek agreement from Tairawhiti Youth Voice to be a Youth Council
3. notes that a Terms of Reference and procedural documentation will be developed by staff in collaboration with Taiawhiti Youth Voice and be brought back to Council for approval.

CARRIED

For noting

8.6 09/362 – Change to Deputy Electoral Officer

The Local Electoral Act 2001 requires the Electoral Officer to appoint a deputy who will act if the Electoral Officer dies, resigns, is dismissed, or becomes incapable.

The Deputy Electoral Officer in 2007 was Jon Davies who had extensive knowledge of the local authority elections and electoral process but he is often tied up with other priority

work. This sometimes limits the amount of time available to assist with the running of elections.

Donna Shaw (Council's Business Analyst) had therefore been appointed as Deputy Electoral Officer.

MOVED by Mayor Foon, seconded Cr Hall

That Council

1. receives the report.

CARRIED

For decision

8.5 09/421 – Heads of Agreement to lease Land to St John

St John sought to redevelop its building on the corner of Palmerston Road and Bright Street. St John had entered into a Heads of Agreement with Council to lease land for the project. Most of the land, including all of the land on which the buildings are proposed is owned by St John. The Heads of Agreement reflected Council's aspirations for community use, character and heritage of the wider Palmerston Road precinct. The Heads of Agreement had been signed by St John and the Council's Chief Executive, subject to Council approval.

It was noted that Council's Principal Urban Design Planner had reservations whether the St John's proposed building was consistent with the Heads of Agreement. Council's guidance was now sought on the Heads of Agreement and next steps to take.

St John representatives and Board Members Pat Naden and Richard (Tiny) White and Architect Chris Shaw attended the meeting. Mr Naden read additional material and Mr Shaw read an overview of the proposal. He also responded to the Principal Planner's report.

Cr Davidson said that normal practice was that the Planner speaks to the report.

Environment and Planning Manager Hans van Kregten spoke on the report from the Principal Planner Urban Development Duncan Rothwell and said that he was available to answer questions if required.

Mayor Foon asked why a resource consent was needed.

Environment and Planning Manager Hans van Kregten explained that all redevelopment in the CBD required resource consent.

Cr Aston supported Cr Seymour's motion.

Cr Bauld said he had no problem with the concept plan but he was not sure about the motion that Council agrees with the Heads of Agreement. He said that the design did not and the Heads of Agreement needed to be re-written.

Cr Wilson agreed.

Cr Bauld said that everyone supported the concept plan.

Chief Executive Lindsay McKenzie's view was that it is open to Council to decide that it agrees to, or does not agree to, the Heads of Agreement. He said that the assessment was subjective and it was open to Council to use its discretion.

Cr Cranston said that when Council looked at the area three years ago, he believed there was a drive-through required.

Cr Hall said that he had no doubt in his mind that the area was being enhanced by the new building. He supported the recommendations.

Cr Bauld suggested adding the word 'sufficiently' to 2a of the staff recommendation.

MOVED by Cr Seymour, seconded Cr Burdett

That Council

1. receives the report
2. a) agrees that the concept plan is sufficiently consistent with clauses in the Heads of Agreement
b) approves the Heads of Agreement and instructs staff to prepare a lease agreement on the same terms as that Agreement
3. notes that this decision is made by Council in its capacity as landlord and does not prejudice the outcome of any Resource Management Act process that may be required for the redevelopment.

CARRIED

The meeting adjourned for morning tea at 10.25am and reconvened at 10.38am.

9 Late items

There were no late items.

10. Questions

There were no questions.

11. General business

- i) Possible Closure of Waikohu College: Cr Aston brought to Councillors' attention the situation with Waikohu College. She said that at a meeting on social issues it was asked if Council was going to support the college.

Mayor Foon explained that Council had supported Waikohu College in the past and supports them now.

Cr Seymour felt that Council needed to be provided with proper information.

Cr Haisman said he didn't consider himself an expert on education and neither was Council. The key issue is meeting children's education and nobody seemed to be focussed on that. He said Council should leave it to the education people.

Mayor Foon said that it was important that the school asked Council for support.

Cr Davidson supported Cr Aston. He said that if you remove a school you remove a community.

Cr Haisman felt that the central issue was the education of young people.

Mayor Foon undertook to telephone the Principal.

12. Public Excluded Business

**RESOLUTION TO EXCLUDE THE PUBLIC
SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND
MEETINGS ACT 1987**

Re-admittance of the Public

MOVED by Cr Burdett, seconded Mayor Foon

That Council

1. re-admits the public.

CARRIED

There being no further business the meeting concluded at 1.40pm.

Meng Foon
Mayor