

# 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.

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## MINUTES of the GISBORNE DISTRICT COUNCIL

held in the Council Chambers, 15 Fitzherbert Street on Thursday 24 September 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, Hemi Hikawai, Gary Hope, 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 (from 9.52am), Community Planning and Development Manager Nedine Thatcher, Chief Financial Officer Mike Drummond, District Conservator Trevor Freeman and Committee Secretary Lesley Hillan

### OPENING PRAYER:

The meeting commenced with a prayer.

### APOLOGIES:

Cr Graeme Thomson and for lateness Cr Hemi Hikawai

#### 1. Apologies

MOVED by Cr Davidson, seconded Mayor Foon

That Council

1. sustains the apologies from Cr Graeme Thomson and for lateness Cr Hemi Hikawai.
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**CARRIED**

#### 5. Notification of late items

i) Report No 09/475 – Appointment of Hearings Commissioner

MOVED by Cr Burdett, seconded Cr Wilson

That the Council

1. considers Report No 09/475 – Appointment of Hearings Commissioner at its meeting on 24 September 2009
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2. notes that the item is not on the agenda as the report was not received until after the agenda had been prepared
3. considers the matter as the applicant's consultant has requested that the application be heard and decided by a Commissioner.

**CARRIED**

ii) Report No 09/479 – Tui Te Ora Community Health Centre

MOVED by Cr Burdett, seconded Cr Wilson

That the Council

1. considers Report No 09/479 – Tui Te Ora Community Health Centre at its meeting on 24 September 2009
2. notes that the item is not on the agenda as the report was not received until after the agenda had been prepared
3. considers the matter as the Tairāwhiti District Health Board requires a decision at the earliest opportunity.

**CARRIED**

iii) Report No 09/480 – Supplement to Chief Executive's Activity Report – Finance

MOVED by Cr Burdett, seconded Cr Wilson

That the Council

1. considers Report No 09/480 – Supplement to Chief Executive's Activity Report – Finance at its meeting on 24 September 2009
2. notes that the item is not on the agenda as the report was not received until after the agenda had been prepared
3. considers the matter as the Chief Executive's Activity Report had advised that financial results for July/August would be separately provided.

**CARRIED**

iv) Report No GDC09/484 – "Interim Delegations – The Resource Management (Simplifying and Streamlining) Amendment Act 2009" at its meeting on 24 September 2009

MOVED by Cr Burdett, seconded Cr Wilson

That the Council

1. considers Report No 09/484 – "Interim Delegations – The Resource Management (Simplifying and Streamlining) Amendment Act 2009", at its meeting on 24 September 2009
2. notes that the item is not on the agenda as the information was not available until after the agenda had been prepared
3. considers the matter because if the interim delegation is not adopted at this meeting, Council itself will be required to exercise any new or amended functions and powers provided for in the Resource Management Act.

**CARRIED**

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

- i) Climate Change: Chamber of Commerce representatives Clare Radomske and Simon Cave attended the meeting. Mr Radomske spoke on Mayor Foon's report on the Climate Change Position Statement (Report No 09/422). He said that the Chamber felt that the report should be left to lie on the table. He felt there was no need to rush it through and that it should be put on the back burner.

Cr Hikawai attended the meeting at 9.05am.

Mr Cave felt that there were many other things of more importance and also felt that the matter should be left to lie on the table.

## 3. Confirmation of Minutes – Council Meeting 27 August 2009

MOVED by

That Council

1. confirms the minutes of the Council meeting of 27 August 2009.
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**CARRIED**

### Action Sheet

The action sheet had been separately circulated and was noted.

## 4. Matters arising

- i) Item 11 Page 8 General Business – Possible Closure of Waikohu College: Cr Haisman had attended a meeting where it had been voted for an Area School.

## 6. Committee Minutes

- i) Wastewater Management – 26 August 2009

MOVED by Cr Wilson, seconded Cr Haisman

That all items be received.

**CARRIED**

- ii) Regional Land Transport – 3 September 2009

MOVED by Cr Burdett, seconded Cr Hall

That all items be received.

**CARRIED**

- iii) Community Development – 9 September 2009

MOVED by Cr Hikawai, seconded Cr Cranston

That Items 1 – 7(1), 7.2 (2 and 3) and 7.3 – 10 be received.

**CARRIED**

MOVED by Cr Hikawai, seconded Cr Aston

That Items 7.1(2) and 7.2(2) be adopted.

**CARRIED**

iv) Environment & Policy – 9 September 2009

MOVED by Cr Seymour, seconded Cr Cranston

That Items 1 – 7.4(1), 7.5(1) and 7.6 – 11 be received.

**CARRIED**

MOVED by Cr Seymour, seconded Cr Bauld

That Items 7.4(2) and 7.5(2) be adopted.

**CARRIED**

v) Finance & Monitoring – 10 September 2009

MOVED by Cr Bauld, seconded Cr Burdett

That all items (with the exception of 7.2(2)) be received.

**CARRIED**

MOVED by Cr Bauld, seconded Cr Burdett

That Item 7.2(2) be adopted.

**CARRIED**

vi) Operations – 10 September 2009

MOVED by Cr Hope, seconded Cr Poananga

That Items 1 – 7.5(1) and 7.6 – 11.1 be received.

**CARRIED**

Cr Hikawai left the meeting at 9.24am.

#### **Report 09/394 – Library and Olympic Pool Reporting**

MOVED by Cr Hope, seconded Cr Haisman

That the Committee

2. **recommends to Council** that the Pool and the Library should continue to report to the Community Development Committee for community components and the Operations Committee for asset issues only.

**LOST**

MOVED by Cr Bauld, seconded Cr Hall

That the Committee

2. **recommends to Council** that the Pool and the Library should in future report to the Community Development Committee for community components and the Operations Committee for asset issues.

**CARRIED**

Councillors Hope and Seymour voted against the motion.

In view of the different outcomes arising from the recommendations of the Community Development and Operations Committees on this matter, staff were asked to report back to Council.

Cr Hikawai returned to the meeting at 9.40am.

## 8. Staff Reports

### For decision

#### 8.1 09/467 – Clearway – Peel Street between Gladstone and Childers Roads

The Gisborne Police had requested that Council introduce a clearway zone along Peel Street between Gladstone and Childers Roads, from 11pm – 5am Monday to Sunday.

The Gisborne District Traffic and Parking Bylaw 2008 provides for the establishment of clearway zones from time to time, by resolution publicly notified.

Liquor Licensing Officer Sergeant Ngatai of the Gisborne Police attended the meeting and said that the Police favoured 11pm as the earlier they could do this the better.

Cr Sheldrake spoke in support of the recommendation.

Cr Hope did not support the recommendation.

Cr Hall said that there was a disabled park in the street and asked if that had been taken into consideration.

Engineering & Works Manager Peter Higgs said that the disabled park could be excluded from the clearway.

Cr Seymour supported the recommendation as she was aware of considerable problems in the area. She said the bollards were unsightly and if Council could move from them then it should be done.

Cr Wilson had some concerns but supported the recommendations as the situation was going to be reviewed again in six months.

MOVED by Cr Hikawai, seconded Cr Sheldrake

That Council

1. receives the report
2. establishes a clearway zone, pursuant to Section 5.1 of the Gisborne District Traffic and Parking Bylaw 2008, in Peel Street between Gladstone and Childers Roads, from 11pm – 5am, Monday to Sunday
3. amends Schedule ST857/18 of the Bylaw to give effect to Recommendation 2
4. reviews the matter in six month's time.

**CARRIED**

Cr Hope requested that his vote against the motion be recorded.

## 7. Mayor's and Councillors' Reports

### For decision

#### 7.1 09/422 – Climate Change Position Statement

The proposed Climate Change Local Government Leaders Position Statement was attached to Report No 09/422. Mayor Foon's report sought endorsement from the Council for him to sign the position statement.

MOVED by Cr Seymour, seconded Cr Hope

That Council

1. receives the report
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**CARRIED**

**8.2 09/459 – Tender Appraisal – Contract EW09/18 – 2009/10 Pavement Rehabilitation**

Awarding of Contract EW09/18 – 2009/10 Pavement Rehabilitation to Fulton Hogan Limited was recommended.

MOVED by Cr Burdett, seconded Cr Seymour

That Council

1. receives the report
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2. awards Contract EW09/18 – 2009/10 Pavement Rehabilitation, to Fulton Hogan Limited for \$2,846,598.08 GST exclusive.
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**CARRIED**

**Late item**

**Report No 09/479 – Tui Te Ora Community Health Centre**

Tairāwhiti District Health Project Manager Natasha Ashworth attended the meeting and spoke on the proposal that Council consider waiving the proposed development contribution for the resource consent for the Gisborne Registered Master Builders Tui Te Ora Community Health Centre.

Cr Davidson asked who would have ownership of the centre. Mrs Ashworth replied that it would be Tairāwhiti District Health.

Cr Davidson commented that this was a government organisation funded by the taxpayer.

Cr Hope said he was against any remission because the average ratepayer ended up picking up the bill.

Cr Davidson raised the matter of conflict of interest for those Councillors who were on the Tairāwhiti District Health Board.

Cr Seymour asked if it was the development contribution policy that needed to be looked at and she suggested that the matter lie on the table for more work to be done.

Cr Haisman had no doubt that Council shouldn't support the request. He suggested that if the Tairāwhiti District Health Board and Tui Te Ora Community Health Centre applied for a remission, the result of which would be the same.

Cr Burdett said that the community had got behind this, Council represented the community and he asked why Council would not be behind it.

Cr Hall supported Cr Burdett and said that if the impetus of this is lost it will be lost to the community.

Cr Bauld, Wilson and Hikawai declared an interest

Cr Poananga advised that she was going to be voting as there was no pecuniary gain for her personally.

Councillors' attention was drawn to Standing Orders with respect to pecuniary interest and Mayor Foon advised Cr Poananga not to vote. He said that if she did Council's process could be challenged.

Mrs Ashworth stated that Tairāwhiti District Health would be happy to pay something towards it.

MOVED by Cr Hope, seconded Cr Seymour

That the Council

1. receives the report	
2. <b>does not agree</b> to enter into a Special Circumstances Agreement under the Development Contributions Policy 2009 with Tairāwhiti District Health Board for the establishment of the Tui Te Ora Community Health Centre.	
<b>DIVISION</b>	
<b>For the Motion</b>	<b>Against the Motion</b>
Cr Davidson	Cr Burdett
Cr Haisman	Cr Cranston
Cr Hope	Cr Aston
Cr Seymour	Cr Hall
	Cr Poananga
	Cr Sheldrake
	Mayor Foon
<b>Abstentions (Conflict of Interest)</b>	
Cr Bauld	
Cr Wilson	
Cr Hikawai	

**LOST**

Mayor Foon proposed that a \$10,000 contribution to wastewater be sought by way of a compromise.

MOVED by Mayor Foon, seconded Cr Burdett

That the Council

1. receives the report	
2. agrees to enter into a Special Circumstances Agreement under the Development Contributions Policy 2009 with Tairāwhiti District Health Board for the establishment of the Tui Te Ora Community Health Centre	
3. sets the development contributions required for each activity in the Special Circumstances Agreement as:	
- Parks & Reserves	\$ 0
- Land Transport	\$ 0
- Water Supply	\$ 0
- Wastewater	\$ 10,000
- Stormwater	\$ 0
- Add GST	\$ <u>1,125</u>
TOTAL (incl GST)	\$ <u>11,125</u>

4. agrees that the reasons for the Special Circumstances Agreement are:
  - a. the centre will provide a valuable health service to the community
  - b. Tairāwhiti has a much higher than average incidence of diabetes in the community
  - c. there is no available central government funding (other than the initial \$150,000 from Tairāwhiti District Health Board)
  - d. the centre is being funded and built by local organisations
  - e. the building has become a focal point in uniting the community for charitable works
  - f. the centre will not greatly increase infrastructure demand
  - g. the reduced contribution for wastewater acknowledges the community benefit
  - h. the contribution for wastewater reflects the significant cost borne by the wider community for this service.

**CARRIED**

Crs Seymour and Hope voted against the motion.

Crs Bauld, Wilson and Hikawai abstained from voting due to a Conflict of Interest.

The meeting adjourned at 10.45am and reconvened at 10.55am.

### **8.3 09/436 – Tsunami Inundation Report**

To help confirm the extent of tsunami related inundation threats in the city and Wainui the Emergency Management Office commissioned the Institute of Geological & Nuclear Science to produce a report outlining these potential threats.

A copy of the full report had been circulated to Mayor Foon and Councillors only.

Geological & Nuclear Science representative Richard Power attended the meeting and delivered a PowerPoint presentation outlining the extent of potential tsunami related inundation threats in the City and Wainui.

MOVED by Cr Haisman, seconded Cr Hope

That Council

1. receives the report
2. agrees to the evacuation zones established by the Emergency Services Co-ordinating Committee for the City and Wainui
3. agrees that a letter be written to the Chief Executive of Geological & Nuclear Science thanking them for making this project possible.

**CARRIED**

### **8.4 09/457 – Chief Executive’s Activity Report – September 2009**

The activity report covered the period since Council’s 27 August 2009 meeting.

Cr Haisman spoke on recommendation (3) and felt that the matter should be taken with the public excluded.

Cr Seymour asked for information about the contract with BDO Spicers to continue the economic development work.

MOVED by Mayor Foon, seconded Cr Burdett

That Council

1. receives the report
2. notes the position concerning the possible sale of the AML site to the Crown

**CARRIED**

MOVED by Cr Hope, seconded Cr Seymour

That the Council

1. considers resolution (3) with the public excluded to protect the privacy of natural persons.

**CARRIED**

### **Supplement to Chief Executive's Activity Report – Finance**

The Chief Executive's Activity Report had advised that financial results for July/August would be separately provided. An overview provided an update to Councillors on key matters to be considered by the Finance & Monitoring Committee at its October committee meeting.

Cr Davidson asked about the operating deficit for July of \$1,38M compared to a budgeted surplus of \$726K.

Chief Financial Officer Mike Drummond explained that care needed to be taken in the interpretation of this result as most of the budget was still to be phased (allocated when income and expense is scheduled rather than spread evenly over 12 months).

MOVED by Cr Hope, seconded Cr Seymour

That the Council

1. receives the report.

**CARRIED**

### **8.5 09/452 – Disability Advisory Group – Appointment of Members**

Tenure for the Disability Advisory Group has expired with Council now required to reappoint or appoint new members. Applications were called for and a total of 10 individuals nominated themselves.

The group's Terms of Reference have also expired and require replacement via Council resolution.

It was with regret that Trudy Kells' name would be removed from the list of appointments, due to the fact that she had passed away earlier in the week.

Cr Hall spoke on Ms Kell's ability and recognised her valued input during her life.

Council's condolences were extended to her family.

MOVED by Cr Hall, seconded Cr Poananga

That Council

1. receives the report

2. appoints Trudel McKeown, Ally Bryan, Muriel Jones, Dr Margaret Scratchley, Nola Burgess, Lisa Henderson, Sandra Wood-Walker, Cr Allan Hall and Caroline Callow to the Disability Strategy - Advisory Group
3. approves the group's updated Terms of Reference.

**DIVISION**

**For the Motion**

Cr Bauld  
 Cr Burdett  
 Cr Cranston  
 Cr Davidson  
 Cr Aston  
 Cr Hall  
 Cr Wilson  
 Cr Haisman  
 Cr Seymour  
 Cr Hope  
 Cr Poananga  
 Cr Sheldrake  
 Mayor Foon

**Against the Motion**

Nil

**CARRIED**

**For noting**

**8.6 09/454 – Council Residents Satisfaction Survey**

The report provided Council with an overview of the findings from a recent survey carried out by staff for the 2008/09 Annual Report.

Cr Cranston asked whether the survey needed to go back to Communitrak.

Manager Community Planning & Development Nedine Thatcher explained that Communitrak broke down the categories more and there had been some concern also about how it was done in-house which needs to be sorted out.

MOVED by Cr Bauld, seconded Cr Sheldrake

That Council

1. receives the report.

**CARRIED**

**8.7 09/423 – Ten Year Plan Work Programme**

MOVED by Cr Bauld, seconded Cr Seymour

That Council

1. receives the report
2. notes that the actions noted in Report No 09/423 will be incorporated into committee Action Sheets and reported on.

**CARRIED**

## 9. Late items

### Report No 09/475 – Appointment of Hearings Commissioner

The applicant's consultant had requested that the application be heard and decided by a commissioner. The purpose of the report was to appoint a sole commissioner to hear and decide on these matters.

Cr Haisman questioned the appointment of an independent commissioner.

Cr Davidson felt that this was a forerunner to what was to come.

Cr Sheldrake asked how the commissioner was appointed and she was advised that there was only one accredited commissioner in Gisborne so it was proposed to appoint Mr Peter Crawford due to his 35 years experience in the Local Government planning field and over 20 years experience as an independent hearings commissioner. He had acted for Council before.

MOVED by Cr Seymour, seconded Cr Burdett

That the Council

1. receives the report
2. appoints Mr Peter Crawford as Commissioner and delegates to him, pursuant to Section 34A(1) of the Resource Management Act 1991, all the functions, powers and duties of the Council under the Resource Management Act 1991 necessary to hear and decide on:
  - a. the land use consents for the alteration of an existing residential accessory building to a residential dwelling
  - b. any other Resource Management Act matters ancillary or related to the land use application.

**CARRIED**

### Report No 09/484 – "Interim Delegations – The Resource Management (Simplifying and Streamlining) Amendment Act 2009"

The Resource Management (Simplifying and Streamlining) Amendment Act will come into force on 1 October 2009. Once the Act has received Royal Assent the Environment and Planning Delegations to Council Officers' Manual will be changed accordingly and presented to the next convenient Council meeting.

In the meantime, approval was sought from Council that any new or amended functions and powers provided for in the Act be delegated to the Chief Executive Officer and Environment and Planning Manager.

MOVED by Cr Seymour, seconded Cr Haisman

That the Council

1. receives the report
2. agrees that the Environment and Planning Department Delegations to Council Officers' Manual 2009 remains in force

3. agrees that new or amended functions and powers provided for the Resource Management (Simplifying and Streamlining) Amendment Act 2009 that can be delegated to Council staff, pursuant to section 34A of the Resource Management Act 1991, are delegated to the following Council officers:
  - a. Chief Executive Officer; and
  - b. Environment and Planning Manager
4. agrees that the exercise of functions and powers, pursuant to the delegation in (3) can be exercised by either delegate acting individually
5. agrees that the delegation in (3) will commence on 1 October 2009 and remain in force until replaced by a specific schedule of delegations adopted by Council.

**CARRIED**

**10. Questions**

There were no questions.

**11. General business**

- i) Mayor Foon tabled a document relating to restructuring of polytechnics and reduced representation on the board prepared by Palmerston North City Council. He advised Councillors that Council would only vote on the matter if requested to do so by the polytechnic.

**10. Public Excluded Business**

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

**MOVED by Mayor Foon, seconded Cr Poananga**

**THAT**

- (1) The public be excluded from the following part of the proceedings of this meeting, namely

Item 12.1 – 09/468 Surplus Property Project Update

Item 12.2 – 09/460 Wastewater Treatment Plant Funding Proposal

- (2) The general subject 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(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:-

<u>ITEM No.</u>	<u>MINUTES/ REPORT OF:</u>	<u>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</u>	<u>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER</u>	<u>GROUND UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION</u>
12.1	Community Property Officer	Surplus Property Project Update	Section 7(2)(i)	48(1)(a)
12.2	Chief Executive	Wastewater Treatment Plant Funding Proposal	Section 7(2)(i)	48(1)(a)

- (3) This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:-

Items 12.1 & 12.2:

Section 7(2)(i): To enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.

**CARRIED**

**Re-admittance of the public**

MOVED by Mayor Foon, seconded Cr Burdett

That the Council

- |                          |
|--------------------------|
| 1. re-admits the public. |
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**CARRIED**

**Report No 09/41 – Wastewater Treatment Plant: Funding Application to ECT**

MOVED by Mayor Foon, seconded Cr Burdett

That the Council

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| 1. makes the decision on the application for \$6M from ECT be made available to the public. |
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**CARRIED**

**13. CEO Matters**

Nil

There being no further business the meeting concluded at 1.55pm.

Meng Foon  
**Mayor**