

# 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 27 May 2010 at 9am.

### PRESENT:

Mayor Meng Foon (chair), Deputy Mayor Nona Aston, Councillors Craig Bauld, Bill Burdett, Andy Cranston, Alan Davidson, Roger Haisman, Allan Hall, Gary Hope, Pat Seymour, Kathy Sheldrake and Graeme Thomson

### IN ATTENDANCE:

Chief Executive Lindsay McKenzie, Community Planning & Development Manager Nedine Thatcher-Swann, Corporate Affairs Manager Douglas Birt, Engineering & Works Manager Peter Higgs, Environment & Planning Manager Hans van Kregten, Chief Financial Officer Mike Drummond, Planning & Performance Team Leader Harley Dibble, Communications Officer Toni Lexmond (from 1.50pm), Community Facilities Assets Manager Terry McMillan, Legal Officer Melanie Walker and Committee Secretary Lesley Hillan

### APOLOGIES:

Councillors Hemi Hikawai and Brian Wilson

The meeting commenced with a prayer.

### BEREAVEMENT:

The meeting stood for a minute's silence in memory of former Mayor and Councillor Brian Crawshaw QSM JP, who had passed away earlier in the week.

Leo TeKira was also remembered. He had been fatally injured in an accident on or near the Whataupoko Reserve earlier in the week.

### 1. Apologies

MOVED by Cr Davidson, seconded by Cr Seymour

That the apologies from Councillors Hemi Hikawai and Brian Wilson be sustained.

**CARRIED**

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

See commentary later in the meeting.

a) Les McGreevy – O'Waiapu Girl Guides (12.20pm)

b) Rongowhakaata presentation re progressing a relationship with Gisborne District Council (1pm)

### 3. Confirmation of Minutes

Gisborne District Council –29 April 2010

MOVED by Cr Seymour, seconded by Cr Burdett

That the Minutes of 29 April 2010 be accepted.

**CARRIED**

#### Matters arising

There were no matters arising.

Gisborne District Council – 5 – 6 May 2010

MOVED by Cr Bauld, seconded by Cr Aston

That the Minutes of 5 – 6 May 2010 be accepted.

**CARRIED**

#### Action Sheet

The Action Sheet was tabled and noted.

Councillor Seymour referred to Report No. 232 Deliberative – Port Lands, the status of which was noted as completed. She felt that this was incorrect as more work is to be done.

### 4. Matters Arising

There were no matters arising.

### 5. Notification of late items, questions and general business

a) No. 10/375 Report of the Regional Affairs Committee 20/21 May 2010

MOVED by Cr Seymour, seconded by Mayor Foon

That the Council

1. considers Report No. 10/375 – Report of the Regional Affairs Committee 20/21 May 2010 by Councillor Pat Seymour
2. notes that the item is not on the agenda as the information has just come to hand.

**CARRIED**

b) No. 10/382 Regional Affairs Committee 20/21 May 2010

MOVED by Cr Seymour, seconded by Mayor Foon

That the Council

1. considers Report No. 10/382 – Regional Affairs Committee 20/21 May 2010 by Hans van Kregten
2. notes that the item is not on the agenda as the information has just come to hand.

**CARRIED**

c) No. 10/384 Eastland Community Trust Deed Review – Supplementary Report to Report No. 10/328

MOVED by Cr Seymour, seconded by Mayor Foon

That the Council

1. considers the following report – Report No. 10/384 – Eastland Community Trust Deed Review – Supplementary Report to 10/328
2. notes that the report was not on the agenda because the subject matter arose after the agenda closed and reports had been circulated

3. notes that the report cannot wait because the ECT meets on 31 May 2010 to consider variations to the Deed.

**CARRIED**

d) Confirmation of the minutes of a meeting of the Gisborne District Council held on 5-6 May 2010 (**Public Excluded**)

e) Confirmation of the minutes of an Extraordinary Meeting of the Gisborne District Council held on 24 May 2010 (**Public Excluded**)

MOVED by Cr Seymour, seconded by Mayor Foon

That the Council

1. accepts all late items.

**CARRIED**

## 6. Committee Minutes

a) Wastewater Management – 22 April 2010

MOVED by Cr Burdett, seconded by Cr Cranston

That all items be received.

**CARRIED**

b) Hearings – 4 May 2010

MOVED by Cr Davidson, seconded by Cr Bauld

That items 1, 2 and 3.1 be received.

**CARRIED**

MOVED by Cr Davidson, seconded by Cr Bauld

That item 3.2 be adopted.

**CARRIED**

c) Community Development – 12 May 2010

MOVED by Cr Cranston, seconded by Cr Burdett

That all items be received.

**CARRIED**

d) Environment & Policy – 12 May 2010

MOVED by Cr Seymour, seconded by Cr Sheldrake

That all items be received.

**CARRIED**

e) Finance & Monitoring – 13 May 2010

MOVED by Cr Bauld, seconded by Cr Hope

That all items be received.

**CARRIED**

f) Operations – 13 May 2010

An amended copy of the minutes was tabled. Changes had been made to the narrative and to the list of those present. The resolutions had not changed.

MOVED by Cr Thomson, seconded by Cr Hope

That all items be received.

**CARRIED**

## 7. Mayor's and Councillors' Reports

### For decision

### 7.1 No.10/269 Entranceway to Gisborne from the Western State Highways

The current "Welcome to Gisborne" sign is requiring replacement. At the Art in Public Places meeting earlier in the month discussion took place on the location of a welcome area and a number of options were explored. The Mayor's preference was the Makaraka lay-by.

Councillor Cranston spoke against the resolution. He supported a gateway approach on both sides of the road.

Councillor Hall agreed with Councillor Cranston and said that he supported something more obvious and significant.

Councillor Haisman asked whether the Turanga claimants were going to be helping with finance.

Councillor Hope supported Councillor Cranston and suggested that the sign be further in by Champion College.

Councillor Aston supported the recommendations as she felt that if the sign was at Makaraka it was making the area part of Gisborne.

Councillor Bauld agreed with Councillor Hall.

Councillor Seymour drew attention to the fact that there were four entrances to the city.

MOVED by Cr Seymour, seconded by Cr Aston

That the Council

1. receives the report
2. supports the Makaraka lay-by area as the place for a welcome infrastructure for our region
3. works collaboratively with iwi to achieve the project plan (for Welcome to Gisborne infrastructure).

#### **DIVISION**

For the Motion

Cr Burdett

Cr Aston

Cr Seymour

Mayor Foon

Against the Motion

Cr Bauld

Cr Cranston

Cr Hall

Cr Hope

Cr Sheldrake

Cr Thomson

**LOST**

MOVED by Cr Bauld, seconded by Cr Hope

That the Council

1. receives the report
2. works collaboratively with iwi to achieve the project plan.

**CARRIED**

The meeting adjourned at 9.18am to allow Councillors to attend a Post Budget 2010 Combined Tairāwhiti Business Leaders Forum with the Hon Bill English Deputy Prime Minister and Minister of Finance.

The meeting reconvened at 11.10am

## **8. Staff Reports**

### **For decision**

#### **8.1 No. 10/328 Eastland Community Trust Deed Review + Supplementary Report No. 10/384**

The Eastland Community Trust (ECT) had given notice to Council that the Trust was reviewing the Trust Deed to ensure its 'sufficiency in the 2010 regulatory and operating environment', to see whether ECT could become charitable and tax exempt, and to consider alternative appointment models for Trustees.

Mr Ron Atkinson attended the meeting and gave his personal perspective on the Trust. He said that the Council was going about this the wrong way; the only party that could change the Trust Deed was the court. He said the Trust has had a Charitable Trust in existence since 2002.

Councillors had met with ECT on Monday 24 May 2010 and further discussion took place on the outcome of that meeting.

Mayor Foon explained the position as it stood after the meeting with the Trust. The majority of Councillors felt that Council should be the body that appointed Trustees as representatives of the community.

Councillor Burdett attended the meeting after the morning tea break at 11.20am.

Mayor Foon referred to difficulties that some organisations had in getting funding from ECT. He said that this had affected peoples' opinions about the Trust. He felt that Council, as representatives of the community, needed to send a strong message to ECT that Councillors wish to appoint the trustees.

### **Recommendations – Consultation**

MOVED by Cr Bauld, seconded by Cr Hope

That the Council

1. requests that the Eastland Community Trust extends the consultation period on the Deed variation proposal to enable thorough input and considered responses by the parties.

#### **DIVISION:**

For the Motion

Cr Bauld

Cr Burdett

Cr Cranston

Cr Aston

Cr Hall

Cr Haisman

Cr Seymour

Cr Hope

Cr Sheldrake

Cr Thomson

Mayor Foon

Against the Motion

Cr Davidson

**CARRIED**

The reasons for the decision being that:

- a. A period of three weeks from the date of receipt of the detailed proposal is impossibly short given the complexity of the issues raised, their financial implications, the need for Council to obtain quality advice, assemble for consultation meetings twice (once with the Trustees) and to give requisite notice under the Local Government Official Information & Meetings Act of meetings, agendas and reports.

NB: The time has been:

- 5 May proposal received from Trust
- 13 May Councillors met legal advisor
- 21 May Council responded to proposal with questions and comments

- 24 May Council and Trustees met to consider 21 May letter
- 27 May Council decides
- 31 May Trust decides.

**Recommendations – Definition of Capital of the Trust**

MOVED by Cr Bauld, seconded by Cr Hope

That the Council

2. requests that the Trustees not proceed with the proposal to define the value of the Capital of the Trust Fund in the manner proposed in new clause 1.18.

**DIVISION**

For the Motion

Against the Motion

Cr Bauld

Cr Davidson

Cr Burdett

Cr Cranston

Cr Aston

Cr Hall

Cr Haisman

Cr Seymour

Cr Hope

Cr Sheldrake

Cr Thomson

Mayor Foon

**CARRIED**

The reasons for the decision being that:

- The proposed definition modifies or affects clauses including 5.1.1 and 6.2 of the Deed which may be beyond the Trustees' powers to do.
- The narrow definition of the Capital of the Trust (to the original \$100 and value of the shares, equity and debt issued to the Trust in 1993) reduces the Trustees' obligation to protect the capital to the 1993 figures. This also potentially limits the capital to be held in Trust for the Council on termination.
- There is a wider issue with the definition of Capital of the Trust. Council accepts that the capital to be protected by the Trustees does need to be defined as does the capital to be held in Trust for the Council on termination. There may also be limits on the Trustees' ability to commit capital of the Trust to some forms of investment or grants which should be addressed in such a review. Council supports a comprehensive review of these provisions with a view to dealing with these issues as a whole.

**Recommendations – Appointment Model for Trustees**

MOVED by Cr Bauld, seconded by Cr Hope

That the Council

3. requests that the Eastland Community Trust not vary the Deed to change the Trustee appointment model.

**DIVISION:**

For the Motion

Cr Bauld

Cr Burdett

Cr Cranston

Cr Aston

Cr Haisman

Cr Seymour

Cr Hope

Cr Sheldrake

Cr Thomson

Mayor Foon

Against the Motion

Cr Davidson

Cr Hall

**CARRIED**

4. requests that – in the event that the Trustees decide changing the appointment model is a necessary re-condition on achieving charitable status, the Electoral College option be adopted in principle so that the machinery provisions can be agreed with the Council as a second step.

**DIVISION:**

For the Motion

Cr Bauld

Cr Aston

Cr Sheldrake

Against the Motion

Cr Burdett

Cr Cranston

Cr Davidson

Cr Hall

Cr Haisman

Cr Seymour

Cr Hope

Cr Thomson

Mayor Foon

**LOST**

The reasons for the decision being that:

- a. It is clear to Council from the consultation with ECT that general dissatisfaction with the current appointment model on the Trustees' part was the catalyst for the proposal with charitable status being a secondary and more recently identified reason for change.
- b. The role of community elected representatives in appointing Trustees provides ECT with a unique community mandate. The Trustees' desire is for Trustees to be appointed who can govern the complex portfolio of investments owned by ECT into the future. Council's interest on behalf of the community is to balance those skills on the Trust with those that will enable the Trust's charitable purpose to be met. No Trust purpose is to have greater significance than any other purpose. A concern in changing the appointment model is that the community mandate

that elected members bring to the appointment process will be lost. The Trustees' skills can always be complemented by external service providers.

- c. Dissatisfaction with the current model and a desire for a more robust, less political process is insufficient reason to change. The current process vests Trustee appointments in people elected by the community and, by design, brings the diversity of community views and values to bear in decision making. That was what the people who set up the Trust must have intended and Councillors do not want to give that away lightly, nor change the overall stewardship regime in the Trust Deed.
- d. A better way to resolve concerns with the current model and compliance with the Council's policy on Director and Trustee appointments is for the Council and Trust Chairman to work more closely on the process. The policy provides for that and Council acknowledges that it has not involved the Trust Chairman to the extent that it could have. It is noted that the Chairman's views are to be a consideration, rather than be determining.
- e. The change may not be needed to achieve charitable status or be the critical element. The potential for a change in appointment model to ease the way to charitable status for the Trust is noted and if the benefits promised are realised a change to the appointment model may be justified. One difficulty that the Council has in accepting the bona fides of the proposal is that while the Trust is asking Council to accept changes that could lead to charitable (and tax exempt) status, the Trust continues to see itself as a investor not as a grant giver and says that this is the message it is trying to get across.
- f. Time is needed to deal with the machinery issues of change. If, notwithstanding these concerns, the Trustees decide that changing the appointment model is a necessary prerequisite to obtaining charitable status and is committed to completing that process in a timely way, an in-principle decision would allow the machinery provisions to be agreed, including:
  - Transition arrangements
  - Appointment of the Council Trustee
  - Retirement of the Council Trustee
  - Removal of the Council Trustee
  - Reference to Council's policy on Trustee appointments
  - The quorum of the Electoral College.
- g. Council has appointed two Trustees to replace those who are retiring and, under the current Trust Deed, these appointees should take up their role on 1 July 2010.

MOVED by Cr Seymour, seconded by Cr Haisman

That the Council

5. requests that the two Trustees that Council has appointed to replace those who are retiring under the current Trust Deed take up their role on 1 July 2010.

**CARRIED**

## **No. 10/328 Eastland Community Trust Deed Review**

MOVED by Cr Bauld, seconded by Cr Hope

That the Council

1. receives the report.

**CARRIED**

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

Councillor Davidson left the meeting at 12.35pm.

- i) Blake Keane – Keane Properties re St Mary’s School site:

Mr Keane attended the meeting and tabled two letters relating to the previous St Mary’s Site in Childers Road and also an opinion piece. In his letter of 27 April 2010 to Mayor Foon, Mr Kean felt that the Council should purchase the whole site as this would be a great advantage to sport and recreation for the Gisborne community.

- ii) Les McGreevy – O’Waiapu Girl Guides:

Mr McGreevy attended the meeting and outlined the background to the land which was owned by O’Waiapu Girl Guides for use by the community and the Girl Guides. The property had been used extensively until about January 2008 when the Council said that the use of it had to be stopped as there had been complaints from a neighbour. Since then the building has become almost derelict and Girl Guides have to pay rates. He asked Council to have discussions with the Girl Guides and the neighbours if necessary, and try to come to an arrangement so that the O’Waiapu Girl Guides site can be used for the purpose of renting it out, excluding 21<sup>st</sup> parties and wedding parties and similar sorts of things. Mr McGreevy said the property is a treasured asset of this community and it is not allowed to be used.

Councillor Aston requested Chief Executive Lindsay McKenzie and Mr McGreevy meet to discuss the matter.

The meeting adjourned for lunch at 12.50pm and reconvened at 1.10pm.

## **7. Mayor’s and Councillors’ Reports**

### **7.3 No. 10/369 Business Led Economic Development**

A submission to the Council’s Annual Plan 2010 by the Chamber of Commerce suggested devolving some functions that Council’s Economic Development Unit performs.

MOVED by Cr Thomson, seconded by Cr Seymour

That the Council

1. receives the report
2. invites the Chamber of Commerce to investigate options for an Economic Development Agency for the Gisborne district and report these back to Council.

**CARRIED**

## **8. Staff Reports**

### **8.2 No. 10/329 Gisborne Rally 2010**

Rally New Zealand was proposing to run a one day regional championship rally in the Gisborne area on Saturday 7 August 2010.

MOVED by Cr Haisman, seconded by Cr Hall

That the Council

1. receives the report
2. agrees to proceed with public notification of road closure proposals for Parikanapa, Ruakaka and Pehiri-Taumata Roads on 7 August 2010.

**CARRIED**

### **8.9 No. 10/366 Appointment of Hearings Commissioners**

An application for Resource Consent had been received from Gisborne District Council (Rivers and Land Drainage) to construct coastal protection works within the Coastal Marine Area at the southern end of Wainui Beach.

MOVED by Cr Thomson, seconded by Cr Seymour

That the Council

1. receives the report
2. appoints Mr John Matthews, Mr Ross Muir, Mr Craig Bauld, and Mr Jim Dahm as Commissioners and delegates to them, 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) application for the coastal permit for protection work at Wainui Beach from the southern side of the Wainui Stream to the concrete groyne near Tuahine Crescent, a distance of Approximately 370 metres
  - b) any other Resource Management Act matters ancillary or related to the coastal permit application
  - c) Commissioner J Matthews be appointed to chair the panel of commissioners appointed in 2. above.

**CARRIED**

### **8.3 No. 10/327 Te Araroa Domain Leasing Decision**

There are two sporting clubrooms situated on Te Araroa Domain that do not have any occupational agreement in place. It was proposed that Council enter into lease agreements with the clubs to formalise the occupation of recreation reserve.

Cr Burdett asked what the position was with the rest of the Domain land.

Community Property Officer Angus Glengarry explained that toilets would be located between the two clubrooms. The lease was for the rest of the building and the remainder is Recreational Reserve.

MOVED by Cr Burdett, seconded by Mayor Foon

That the Council

1. receives the report
2. agrees to enter into two separate lease agreements with the Tokararangi Sports Club Incorporated and East Cape Hunting Fishing and Tourism Incorporated for part of the Te Araroa Domain
3. agrees to a lease term of five years with two five year rights of renewal expiring 30 May 2025. The annual rental shall be \$225 excluding GST, to be reviewed every five years in accordance with the GDC Reserves Rental Policy.

**CARRIED**

#### 8.4 No. 10/308 Local Government New Zealand AGM Remit

Hastings District Council had requested Council's support for a remit to this year's Local Government New Zealand (LGNZ) Annual General Meeting requesting Government bring forward a planned review of the Dog Control Act 1996.

MOVED by Cr Sheldrake, seconded by Cr Seymour

That the Council

1. receives the report
2. supports the remit from Hastings District Council to Local Government New Zealand to accelerate a review of the Dog Control Act 1996 as a matter of urgency.

**CARRIED**

#### 8.7 No. 10/325 Tender Appraisal – Contract EW10/01 Northern Region Road Maintenance 2010-2013

Tenders were invited for the maintenance of 705 km of sealed and unsealed roads within the Northern Region roading network.

MOVED by Cr Thomson, seconded by Cr Burdett

That the Council

1. receives the report
2. awards Contract EW10/01 – Northern Region Road Maintenance 2010-2013, to HEB Construction Limited for \$7,545,500 GST exclusive.

**CARRIED**

Councillor Davidson returned to the meeting at 1.20pm.

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

- ii) Rongowhakaata presentation re progressing a relationship with Gisborne District Council:

Mayor Foon welcomed the Rongowhakaata whanau to the meeting.

Kaumatua Darcy Ria spoke to the meeting with respect to Watson Park and explained that he had instigated the return of Watson Park to Rongowhakaata.

Jodie Toroa and Kristen Maynard presented a PowerPoint on Awapuni/Watson Park which included:

The Purpose was:

- to outline the unique aspects of the Treaty claim, the boundaries of Rongowhakaata's rohe, and lands currently in Council ownership
- to inform Council about Rongowhakaata's particular mamae with the taking of Awapuni/Watson Park
- to suggest a way forward for working together to obtain a mutually beneficial outcome on the lands in Council ownership
- to leave Council with some ideas on how this could be achieved
- to establish a productive relationship with Council.

She gave an overview of the negotiations process, Rongowhakaata's key objectives, unique features of the claim, the Rongowhakaata rohe, background to

Awapuni/Watson Park, key tribunal findings, and suggestions for moving forward were also discussed.

Kristen Maynard explained that there would be other claim matters that Rongowhakaata would like to discuss with Council, but in the meantime would like to discuss with Council ways in which they could get their land in Council ownership returned, have more say over what happens to the land, and/or increase acknowledgement of their connection to the land.

The aim was to get an agreement in principle between Rongowhakaata and Council on options for the land, particularly Awapuni by mid June and also organise a joint meeting with the Crown by the end of June.

Some options were:

The return of land

- Crown purchases land/s by way of a deferred payment agreement (e.g. 5 years) and transfers land/s back to Rongowhakaata with no restrictions
- Right of first refusal for land/s between Council and Rongowhakaata
- Transfer of title for land/s from Council to Rongowhakaata with a long term lease back to Council

Joint management/co-governance of land/s

- Council retains ownership or transfers ownership to Rongowhakaata with a co-governance agreement in place to manage land/s

Acknowledgements

- Appropriate memorials/acknowledgements erected on land/s.

A copy of the PowerPoint was tabled.

Councillor Sheldrake left the meeting at 1.43pm.

Councillor Bauld asked why a purchase by way of deferred payment had been proposed, to which Kristen Maynard replied that they were looking at a way of doing this and needed to work with Council.

The contact person for Rongowhakaata was to be Jodie Toroa.

### **8.5 No. 10/312 Local Government Act 2002 Amendment Bill**

Two documents were attached to the report for Council to note. The first was a summary by Brookfields Lawyers that described the Local Government Act 2002 Amendment Bill that was introduced into Parliament on 29 April 2010. The second document was Local Government New Zealand's memo that provided a critique of the Bill. The Environment and Local Government Select Committee is currently calling for public submissions which are due on 18 June 2010.

Cr Seymour felt that staff should be making comment from a district perspective.

MOVED by Cr Mayor Foon, seconded by Cr Seymour

That the Council

1. receives the report
2. agrees that Council staff prepare a submission to the Environment and Local Government Select Committee regarding the Local Government Act 2002 Amendment Bill

3. delegates approval of Council's submission to the Finance and Monitoring Committee.

**CARRIED**

### **8.6 No. 10/311 Annual Plan Adopting Report**

Council has completed its formal consultation process for the 2010/11 Annual Plan. In the 2010/11 year, a 6.3% increase in rates revenue is required.

An amendment was noted on page 53. The word 'Waipaoa' should read 'Waiapu'.

Decommissioning of the Waihirere Pool was to be included on page 61.

MOVED by Cr Bauld, seconded by Cr Burdett

That the Council

1. receives the report
2. adopts the 2010/11 Gisborne District Council Annual Plan as attached to this report
3. requests that officers prepare the rates strike for consideration by Council in June 2010.

**CARRIED**

### **8.8 No. 10/320 Council Membership on Public Engagement Advisory Group**

In May 2009, the Community Development Committee received a staff report (09/234) noting the rationale for the guidelines and the draft Terms of Reference. The work is now being progressed this year. The overall aim of this process is to achieve a consistent best practice approach for the organisation when considering how to engage the public on any Council matters as may be required. Councillor Seymour spoke against the proposal.

Councillor Sheldrake returned to the meeting at 2.10pm.

MOVED by Cr Seymour, seconded by Cr Hope

That the Council

1. receives the report
2. declines to set up a committee from consultation on public engagement.

**CARRIED**

Councillor Sheldrake abstained from voting on the above matter.

### **7.2 No. 10/291 War Memorial Theatre (WMT) Upgrade Report**

The report requested Council to accept the transfer of Lot 1 DP 466 and Lot 1 DP 6044 of the RSA land and buildings at 184 Childers Road and Lot 1 DP 1274 Masonic Hall land and buildings at 188 Childers Road to Council ownership.

Letters were tabled from the Masonic Hall Trustees and the RSA Trustees gifting land and buildings to Council. Property Details were also tabled with amended recommendations for Council's consideration

MOVED by Cr Hope, seconded by Cr Hall

That the Council

1. receives the report
2. authorises the Chief Executive to negotiate final terms and conditions of transfer of properties with the owners and report back to Council for a final decision
3. acknowledges and thanks the RSA Trustees and the Masonic Hall Trustees for their respective offers.

## DIVISION

For the motion

Cr Burdett

Cr Cranston

Cr Aston

Cr Haisman

Cr Seymour

Cr Hope

Cr Sheldrake

Mayor Foon

Against the motion

Cr Bauld

Cr Hall

Cr Thomson

**CARRIED**

### For noting

#### 8.10 No. 10/323 Chief Executive's Activity Report – May 2010

The Activity Report covered the period since Council's 29 April 2010 meeting and provided updates on current issues.

Councillor Seymour suggested that the heading on page 144 which referred to Council Controlled Organisations be reworded.

In reply to a question from Councillor Haisman, Chief Executive Lindsay McKenzie explained the position with the Tairawhiti Development Partnership.

MOVED by Cr Seymour, seconded by Cr Hope

That the Council

1. receives the report

**CARRIED**

#### 8.11 No. 10/316 Use of Council Seal: January to May 2010

The schedule recorded the use of the Council Seal for the period January to May 2010.

MOVED by Cr Seymour, seconded by Cr Sheldrake

That the Council

1. receives the report

**CARRIED**

#### 8.12 No. 10/323 Arts and Culture Advisory Group – Terms of Reference

An Arts and Culture Strategy is currently being written to provide a strategic overview of arts and culture in Tairawhiti. An Advisory Group has been established to oversee this process. Two Councillors have been supported by the Community Development Committee to be appointed to this group (Councillors Allan Hall and Andy Cranston).

MOVED by Cr Hall, seconded by Cr Cranston

That the Council

1. receives the report

2. notes the Terms of Reference for the Arts and Culture Advisory Group.

**CARRIED**

### 9. Late items

#### a) Report No. 10/382 Regional Affairs Committee 20/21 May 2010

MOVED by Cr Seymour, seconded by Cr Hope

That the Council

1. receives the report.

**CARRIED**

**b) Report No. 10/375 Report of the Regional Affairs Committee 20/21 May 2010**

MOVED by Cr Seymour, seconded Cr Hope

That the Council

1. receives the report
2. agrees that a report be prepared for the July Environment and Policy Committee on the status of the Water Plan preparations within Gisborne District Council
3. agrees that a report be prepared for the Finance and Monitoring Committee on the Local Government Debt Vehicle
4. agrees that the Gisborne District Council policy and implementation information on permits relating to freedom camping be sent by Gisborne District Council staff to Local Government New Zealand.

**CARRIED**

**10. Questions**

There were no questions.

**11. General Business**

There was no general business.

**12. Public Excluded Business**

**RESOLUTION TO EXCLUDE THE PUBLIC**

**Section 48, LOCAL GOVERNMENT OFFICIAL INFORMATION and MEETINGS ACT 1987**

MOVED by Cr Bauld, seconded by Cr Aston

That

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

**ITEM 12.1 – 10/326 Provision of Rating Valuation Services**

**ITEM 12.2 – Confirmation of the minutes of the Gisborne District Council meeting held on 5–6 May 2010 (public excluded section)**

**ITEM 12.3 – Confirmation of the minutes of an Extraordinary meeting of the Gisborne District Council held on 24 May 2010**

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 & Meetings Act 1987 for the passing of this resolution are as follows:

Item No.	Minutes/Report of	General Subject of each matter to be Considered	Reason for passing this resolution in relation to each matter	Grounds under section 48(1) for the Passing of this Resolution
12.1	Information Manager	Provision of Rating Valuation Services	Section No. 7(2)(i)	48(1)(a)
12.2	Committee Secretary	Confirmation of Council minutes – 5-6 May 2010	Section No. 7(2)(a)	48(1)(a)
12.3	Chief Executive	Confirmation of minutes of an Extraordinary Council meeting – 24 May 2010	Section No. 7(2)(a)	48(1)(a)

(2) This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information & Meetings Act 1987 and the particular interest of 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:

ITEM 12.1 No. 10/326 Provision of Rating Valuation Services

ITEM 12.2 Confirmation of the minutes of the Gisborne District Council on 5-6 May 2010 (public excluded section).

Section 7(2)(i): To enable Gisborne District Council to carry out without prejudice or disadvantage commercial activities.

ITEM 12.3 Confirmation of the minutes of an Extraordinary Council meeting on 24 May 2010

Section 7(2)(a): To protect the privacy of natural persons.

CARRIED

#### RE-ADMITTANCE OF THE PUBLIC

MOVED by Cr Mayor Foon, seconded by Cr Thomson

That the Council

1. re-admits the public.

CARRIED

Councillor Bauld left the meeting at 3.20pm.

There being no further business, the meeting concluded at 3.25pm.

Meng Foon  
Mayor

A Deliberative Session (**Public Excluded**) took place at the conclusion of the meeting to discuss the Port Lands Exchange. A **confidential** internal memo had been provided to Mayor Foon and Councillors.

Eastland Group Limited Chief Executive Matt Todd did not attend the meeting as previously arranged.

Councillor Sheldrake returned to the meeting at 3.30pm.

Councillor Bauld returned to the meeting at 3.30pm.

Chief Executive Lindsay McKenzie was asked to do the best he could to conclude the agreement and report back to Council.

The deliberative session concluded at 3.38pm.