

MINUTES



P O Box 747, Gisborne, Ph 867 2049 Fax 867 8076
Email service@gdc.govt.nz Web www.gdc.govt.nz

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 30 September 2010 at 9am

PRESENT:

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

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, Maori Liaison Officer Nick Tupara, Chief Financial Officer Mike Drummond, District Conservator Trevor Freeman, Legal Officer Melanie Walker, Commercial Property Manager Matt Feisst, Construction/Consents Administrator Ian Petty and Committee Secretary Lesley Hillan.

APOLOGIES:

Councillor Hemi Hikawai and for early departure Councillor Atareta Poananga

The meeting commenced with a prayer.

BEAREAVEMENT:

The meeting stood for a minute's silence at the passing away in recent days of the fathers of Councillor Hope and Councillor Poananga.

1. Apologies

MOVED by Cr Davidson, seconded by Cr Wilson

That the apologies from Councillor Hemi Hikawai and for early departure Councillor Poananga, be sustained.

CARRIED

3. Confirmation of Minutes

Gisborne District Council – 26 August 2010

MOVED by Cr Bauld, seconded by Cr Burdett

That the Minutes of 26 August 2010 be accepted.

CARRIED

Action Sheet

Noted.

4. Matters Arising

There were no matters arising.

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

- i) Gisborne Youth Council (GYC): Rory McCourt delivered a visual presentation updating Council on Tairāwhiti Youth Voice and its role as the Gisborne Youth Council. He spoke on why Tairāwhiti Youth Voice exists, where its funding comes from, the structure and what TYV has done.

Nicki Kennedy spoke on a Graffiti Project, an Unleashing Potential Mentoring Programme, a Youth Vote Project (working with Voting Participation Group), a Diversity Project (with IHC and CCS) and the future plans of Tairāwhiti Youth Voice.

Rory thanked Council and spoke on a succession proposal in view of the fact that he would be going to University.

Mayor Foon thanked Rory, Nicki and the Gisborne Youth Council for the work they had done.

5. Notification of late items, questions and general business

MOVED by Cr Thomson, seconded by Cr Burdett

That the Council

1. considers the following reports at its meeting on 30 September 2010 – Report No. 10/670 Fees and Charges – GST Rate Rise and Supplementary Report No. 10/671 Changes to the 2009/10 Annual Report and Summary
2. notes that the items are not on the agenda because the matters they address came up after the agenda was prepared
3. recommends that the reports be accepted as late items because the new GST rate comes into force on 1 October 2010 and the Annual Report is included in the agenda for adoption.

CARRIED

6. Committee Minutes

- a) Hearings – 18 August 2010

MOVED by Cr Davidson, seconded by Cr Bauld

That all items be received.

CARRIED

- b) Regional Transport – 19 August 2010

MOVED by Cr Burdett, seconded by Cr Hall

That all items be received.

CARRIED

- c) Wastewater Management – 20 August 2010

MOVED by Cr Burdett, seconded by Cr Wilson

That all items be received.

CARRIED

- d) Community Development – 15 September 2010

MOVED by Cr Hall, seconded by Cr Cranston

That all items be received.

CARRIED

- e) Environment & Policy – 15 September 2010

MOVED by Cr Seymour, seconded by Cr Hope

That items 1 – 7.5 (1), 7.6 (1) – 7.11 be received.

CARRIED

MOVED by Cr Seymour, seconded by Cr Hope

That items 7.5 (2a) and 7.6 (2a and b) be adopted.

CARRIED

f) Finance & Monitoring – 16 September 2010

MOVED by Cr Bauld, seconded by Cr Hope

That all items be received with the exception of 7.14 (a, b, c and d), 7.19 (a, b, c, d & e) and 11.2 (3a)

CARRIED

MOVED by Cr Bauld, seconded by Cr Hope

That item 7.14 (a, b, c and d) be adopted.

CARRIED

MOVED by Cr Bauld, seconded by Cr Hope

That item 7.19 (a, b, c, d & e) be adopted.

CARRIED

MOVED by Cr Bauld, seconded by Cr Hope

That item 11.2 (3a) be adopted.

CARRIED

g) Operations – 16 September 2010

MOVED by Cr Thomson, seconded by Cr Burdett

That all items be received with the exception of 7.1 (2a, b and c) and 7.17 (2a) be received.

CARRIED

MOVED by Cr Thomson, seconded by Cr Burdett

That items 7.1 (2a, b and c) and 7.17 (2a) be adopted.

CARRIED

7. Mayor's and Councillors' Reports

For decision

Nil

For noting

7.1 No. 10/662 Report on the Regional Affairs Committee Meeting 16/17 September 2010

The report informed Council on specific items of interest from the Regional Affairs Committee meeting that Councillor Seymour and the Mayor attended on 16/17 September 2010.

The Regional Affairs Committee meeting agenda was tabled.

MOVED by Cr Seymour, seconded by Cr Hope

That the Council

1. receives the report.

CARRIED

8. Staff Reports

For decision

8.1 No. 10/660 Tender Appraisal – Contract EW10/10 – Tolaga Bay Community Caretaker

It was recommended that the contract be awarded to Parekura Bunny Gray.

MOVED by Cr Seymour, seconded by Cr Burdett

That the Council

1. receives the report

2. awards Contract EW10/10 – Tolaga Bay Community Caretaker to Parekura Bunny Gray for \$154,083.20 GST exclusive.

CARRIED

8.2 No. 10/654 Proposed Paper Road Purchase

In June 2010 Council was approached by Trevor Jukes, Director of Tonlyn Holdings Limited about the possible purchase of a paper road at the end of Ormond Valley Road. He had been advised that any road stopping must go through a legal process as required by the Local Government Act 1974 and/or the Public Works Act 1981.

Cr Bauld asked whether the applicant was aware of costs.

Engineering & Works Manager Peter Higgs said that he was. He also said that a neighbour, Mr Watson, supported the proposal.

MOVED by Cr Seymour, seconded by Cr Hope

That the Council

1. receives the report
2. agrees in principle to the disposal of a paper road at the end of Ormond Valley Road to Tonlyn Holdings Limited subject to the statutory process including outcome of public notification and all costs being met by the applicant.

CARRIED

8.3 No. 10/656 Leaky Homes Financial Assistance Package (FAP)

A request had been received from the Minister for Building and Housing asking that councils consider the government's proposed Financial Assistance Package and indicate whether or not it is supported before the end of this council's term.

MOVED by Cr Seymour, seconded by Cr Bauld

That the Council

1. receives the report
2. endorses the assistance package process with the recommendation it will only apply to claims where the Building Consent Authority has issued a Code Compliance Certificate.

CARRIED

8.4 No. 10/655 Implications of the Proposed National Environmental Standard for Plantation Forestry

The proposed National Environmental Standard for Plantation Forestry ("the NES") is a central government initiative that aims to establish a nationally consistent framework for plantation forest regulation. It would override many rules in regional and district plans.

Environment & Planning Manager Hans van Kregten explained that staff were very concerned about the proposal. He advised that District Conservator Trevor Freeman was a member of a working party that had provided input to the NES.

Cr Hall endorsed the staff's comments and supported the recommendations. He said it was essential that forests are replanted to conserve soil and prevent damage to downstream land on the flats.

Cr Hope drew attention to costs to Council (page 97). He asked whether Council needed to give Wellington a stronger message.

Cr Seymour felt that Council should be making strong representations to the Minister.

Cr Burdett did not think Council understood the seriousness of the issue.

MOVED by Cr Seymour, seconded by Cr Hope

That the Council

1. receives the report
2. notes the significant adverse implications for Gisborne District Council of the proposed National Environmental Standard for Plantation Forestry and requests the Minister to not proceed further with this initiative
3. outlines that the key reasons for the request are to costs to Council, its likely adverse environmental effects in the Gisborne District and the nullifying of the significant successful methods that Council, the forestry industry, and the local community have already undertaken in Gisborne in respect of arriving at a system of sustainable management of forestry in the Gisborne District whilst recognising social, economic and cultural outcomes
4. delegates to the Environment and Planning Manager the task of forwarding a detailed technical submission to the Minister for the Environment by 18 October 2010 to further underline the rationale for 2 and 3
5. agrees that Council will make direct representation to the Government through the Ministers for Conservation, Agriculture and the Environment as well as local MPs.

CARRIED

The meeting adjourned for morning tea at 10.05am and reconvened at 10.23am.

Councillor Poananga did not return to the meeting after the morning tea adjournment.

8.5 No. 10/652 Transition to New Council following the Elections

The report provided information about the transition between Councils and the measures proposed to continue the business of Council during the interregnum. The report covered coming into and leaving office, power to act, business in the interregnum and inauguration and transition planning. Cr Bauld asked that the delegation to affix the common seal be clarified. The Chief Executive said that the delegation was to him and one Group Manager to jointly affix the seal.

MOVED by Cr Wilson, seconded by Burdett

That the Council

1. receives the report
2. appoints Councillors Alan Davidson, Roger Haisman and Pat Seymour as Hearings Commissioners, and separately and jointly grants them authority to exercise the functions delegated to the Hearings Committee under the Resource Management Act 1991 from 13 October 2010 until such time that a new Committee with such functions has been appointed by the new Council following the elections on 9 October 2010
3. delegates to the Chief Executive and to any one of the Group Managers to affix the common seal on behalf of the Council on any document of an administrative nature, i.e. not requiring a decision of the Council or any of its Committees.

CARRIED

8.6 No. 10/651 Eastland Community Trust – Trustee Remuneration

The Trustees of the Eastland Community Trust had sought approval to increase their remuneration.

Councillor Seymour felt that the matter should lie on the table to allow the incoming Council to consider the matter. It was suggested that the matter be placed on the Council agenda for the meeting on 28 October.

MOVED by Cr Seymour, seconded by Cr Haisman

That the Council

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| 1. leaves the matter to lie on the table for the decision to be made by the incoming Council. |
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DIVISION

For the motion

Cr Bauld	Cr Seymour
Cr Burdett	Cr Thomson
Cr Cranston	Mayor Foon
Cr Haisman	

Against the motion

Cr Davidson
Cr Aston
Cr Hall
Cr Hope
Cr Sheldrake

CARRIED

Councillor Wilson declared an interest and neither spoke nor voted on the above matter.

8.7 No. 10/659 Council Fees and Charges – GST Rate Rise

Fees and charges were set by Council earlier this year as part of the Annual Plan process. The schedule attached to the report updated the fees and charges as a result of the increase in GST to 15%.

No. 10/670 Fees and Charges – GST Rate Rise

Since providing the above report, Council had been advised by the Liquor Licensing Authority that it cannot round up fees for liquor licences to full dollar amounts.

Two errors in respect of building fees also needed correction, i.e. page 120 the DBH levy should be \$2.01 per \$1,000 of building value and the level from which this levy imposed is a building consent value of \$20,000.

Corporate Affairs Manager Douglas Birt referred to page 139 and advised that charges for Spa Therapy had been changed, i.e. Category I to \$4.60, Category II to \$4.20 and Category III to \$3.60.

MOVED by Cr Sheldrake, seconded by Cr Seymour

That the Council

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| 1. receives the report |
| 2. approves the revised Fees and Charges, including the amendments made by Report No. 10/670, effective from 1 October 2010. |

CARRIED

8.8 No. 10/648 Annual Report and Summary Adoption + Supplementary Report No. 10/671 Changes to the 2009/10 Annual Report and Summary

Report No. 10/648 recommended that Council adopts the 2009/10 Gisborne District Council Annual Report and Summary which had been prepared in accordance with Local Government Act 2002 requirements.

Supplementary Report No. 10/671 explained the changes to the 2009/10 Annual Report and Annual Report Summary due to a late directive by the Office of the Auditor General. The Chief Executive explained that the late matters meant that the Auditors signed opinion was not available to be tabled. He proposed an amended recommendation which was accepted.

MOVED by Cr Seymour, seconded by Cr Hope

That the Council

1. notes that the Audit Opinion for inclusion in the Annual Report and Summary will be issued by the auditors on an unqualified basis once they have been notified Council has adopted resolution (b).

CARRIED

MOVED by Cr Bauld, seconded by Cr Aston

That the Council

- a) receives the report
- b) adopts the 2009/10 Annual Report and Annual Report Summary subject to the amendments set out in Attachment 1 of report 10/671
- c) approves the Annual Report Summary for circulation to households in the district.

CARRIED

For noting

8.9 No. 10/666 Development Contributions for Stormwater and Drainage Aerodrome Road Area and Western Industrial Area

This report provided advice about item 7.1 in the minutes of the Operations Committee's 14 September 2010 meeting.

MOVED by Cr Bauld, seconded by Cr Seymour

That the Council

1. receives the report.

CARRIED

8.10 No. 10/663 July Heavy Rainfall Event

MOVED by Cr Bauld, seconded by Cr Burdett

That the Council

1. receives the report.

CARRIED

8.11 No. 10/667 Community Caretakers Contracts Overview

With many contracts for services to rural communities expiring this year they were retendered and rebranded as community caretakers. The report summarised the contracts approved up to now and how these are compared to previous costs.

MOVED by Cr Seymour, seconded by Mayor Foon

That the Council

1. receives the report.

CARRIED

8.12 No. 10.650 Chief Executive's Activity Report – August/September 2010

Cr Seymour requested Chief Executive Lindsay McKenzie to report on Council Controlled Organisations (CCOs) and Eastland Community Trust (ECT) as two separate entities in future.

MOVED by Cr Bauld, seconded by Cr Cranston

That the Council

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| <ol style="list-style-type: none">1. receives the report2. instructs the Chief Executive to engage with Local Government NZ on the funding of depreciation. |
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CARRIED

8.13 No. 10/653 Use of Council Seal: July to September 2010

MOVED by Mayor Foon, seconded by Cr Sheldrake

That the Council

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| <ol style="list-style-type: none">1. receives the report. |
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CARRIED

9. Late items

There were no late items.

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 Mayor Foon, seconded by Cr Wilson

That

- 1) the public be excluded from the following part of the proceedings of this meeting, namely
 - i) Report No. 10/661 Tender Appraisal – Contract EW10/12 Te Puia Springs/Waipiro Bay Community Caretaker
 - ii) Council Minutes – 24 August 2010 – Item 12.2 GHL Governance
 - iii) Verbal report from Chief Executive re Sale of part of the AML Site and Port Land Swap

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	Reasons for passing this resolution in relation to each matter	Grounds under section 48(1) for the passing of this resolution
12.1	Solid Waste Engineer	Tender Appraisal – Contract EW10/12 – Te Puia Springs/Waipiro Bay Community Caretaker	Section No. 7(2)(h)	48(1)(a)
12.2	Council Minutes Item 12.2	GHG Governance	Section No. 7(2)(a) and Section No. 7(2)(h)	48(1)(a)
12.3	Verbal report from Chief Executive	Sale of part of the AML Site and Port Land Swap	Section No. 7(2)(h) and Section No. 7(2)(i)	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:

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

Item 12.2:

Section 7(2)(a) to protect the privacy of natural persons

Item 12.3:

Section 7(2)(h): to enable the Gisborne District Council to carry out without prejudice or disadvantage commercial activities; and

Section 7(2)(i): to enable the Gisborne District Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

CARRIED

Re-admittance of the Public

MOVED by Cr Wilson, seconded by Cr Seymour

That the Council

1. re-admits the public.

CARRIED

There being no further business, the meeting concluded at 11.50am.

Meng Foon
Mayor