

MINUTES



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MEMBERSHIP: Her Worship the Mayor Rehette Stoltz, Deputy Mayor Josh Wharehinga, Meredith Akuhata-Brown, Bill Burdett, Andy Cranston, Shannon Dowsing, Sandra Faulkner, Larry Foster, Debbie Gregory, Isaac Hughes, Tony Robinson, Pat Seymour, Terry Sheldrake and Kerry Worsnop.

MINUTES of the GISBORNE DISTRICT COUNCIL

Held in Te Ruma Kaunihera (Council Chambers), Awarua, Fitzherbert Street, Gisborne on Thursday 11 August 2022 at 9:00AM.

PRESENT:

Her Worship the Mayor Rehette Stoltz, Deputy Mayor Josh Wharehinga, Meredith Akuhata-Brown, Bill Burdett, Andy Cranston, Shannon Dowsing, Sandra Faulkner, Larry Foster, Debbie Gregory, Isaac Hughes, Tony Robinson, Pat Seymour and Terry Sheldrake.

IN ATTENDANCE:

Chief Executive Nedine Thatcher Swann, Director Internal Partnerships James Baty, Director Environmental Services & Protection Helen Montgomery, Director Engagement & Māori Responsiveness Anita Reedy-Holthausen, Chief Financial Officer Pauline Foreman, Chief of Strategy & Science Jo Noble, Asset Planning Manager Tina Middlemiss, External Partner Yvette Kinsella, Democracy & Support Services Manager Heather Kohn and Committee Secretary Penny Lilburn.

The meeting commenced with a prayer.

Secretarial Note: Cr Akuhata-Brown arrived 9:07am.

1. Apologies

MOVED by Cr Seymour, seconded by Cr Hughes
That the apologies from Cr Worsnop be sustained.

CARRIED

2. Declarations of Interest

There were no interests declared.

3. Confirmation of non-confidential Minutes

3.1 Confirmation of non-confidential Minutes 23 June 2022

MOVED by Cr Burdett, seconded by Cr Sheldrake

That the Minutes of 23 June 2022 be accepted.

CARRIED

3.2 Confirmation of non-confidential Extraordinary Council Minutes 27 July 2022

MOVED by Cr Burdett, seconded by Cr Faulkner

That the Minutes of 27 July 2022 be accepted.

CARRIED

3.3. Action Sheet

Noted.

3.4. Governance Work Plan

Noted.

Leave of Absence

There were no leaves of absence.

5. Acknowledgements and Tributes

There were no acknowledgements or tributes.

6. Public Input and Petitions

There were no public input or petitions.

7. Extraordinary Business

There was no extraordinary business.

8. Notices of Motion

There were no notices of motion.

9. Adjourned Business

There was no adjourned business.

10. Committee Recommendations to Council

10.1 22-181 Committee Recommendations to Council - June 2022

Secretarial Note: There was an error in the bylaw version printed. The correct statement should read in Schedule 2(6), that the beaches have a speed limit of 5km/h rather than 20 km/h.

Discussions included:

- There is a separate consent that covers the beach races. While they are racing, they are breaking the speed limit, but the Police will not enforce this on the basis that there is a consent in place and a Safety Management Plan that covers the activity. Council can set temporary speed limits but that will only reduce speed and does not enforce it.
- 10km/per hour is a more sensible speed as the purpose of the speed limit is to ensure that vehicles are safe on the beach, not that they are immobile on the beach.
- Council officers asked for a priority order so that is why recommendation C is written as such.
- A hearing process is listening to the submitters both written and oral, and making cognitive decisions from the material provided.

MOVED by Cr Seymour, seconded by Cr Wharehinga

That the Council:

1. Adopts the recommendations from the Regulatory Committee:
 - a. Determines that the draft amended Speed Limit Bylaw 2013:
 - I. is the most appropriate form and the way to address speed limits.
 - II. amends the speed limit on Makorori beach and Kaiti Beach to 5 km/ph
 - III. does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
 - b. Makes the included amendments to the Speed Limit Bylaw 2013.
 - c. Introducing the reduced speed limits around schools be addressed as a priority, followed by townships and Makorori and Kaiti beach.

Voting by Division

FOR

Cr Dowsing
Cr Wharehinga
Cr Foster
Cr Gregory
Cr Akuhata-Brown
Cr Seymour
Cr Sheldrake
Cr Cranston
Mayor Stoltz
Cr Faulkner

AGAINST

Cr Hughes
Cr Burdett
Cr Robinson

CARRIED

11. Reports of the Chief Executive and Staff for DECISION

11.1 22-147 Declare Land Bright Street (stopped Road) Recreation Reserve

Discussions Included:

- The process of declaring roads stopped takes some time to complete as it goes through a series of steps that is not just within the confines of Council.
- Nobody can object to the new stopped road.

MOVED by Cr Seymour, seconded by Cr Sheldrake

That the Council:

1. Resolves that Pursuant to Section 14 of the Reserves Act 1977 and by a delegation from the Minister of Conservation Section 1 SO 569522 be declared a recreation reserve and to form part of Alfred Cox Park.

CARRIED

11.2 22-97 KIWA Pools - Fees and Charges

Have been through the fees and charges workshop under the management of Alice Heather at Xanthe consulting to decide the best approach. An analysis has now been completed and staff have spent time understanding the national benchmark and the criteria and assumptions that are being made locally and have established a model that is believed to be the best way forward. Noting that over time as more knowledge comes forward around the use of the facility, there is the opportunity to update them. Staff have also spent some time educating themselves on the Learn to Swim programme and the best way to offer it into the community.

Secretarial Note: Cr Hughes declared a conflict as he is a chairperson for Surf Lifesaving.

Discussions included:

- Council will not do the Learn to Swim programme themselves and will go out as per the procurement process and will see what Comet offers.
- Using the balanced model for fees and charges is going to price out a lot of people in Tairāwhiti who are challenged financially and does not fully capture the demographics of the community. The national benchmark is around \$5-6 at other centers so there is some precedent to charge at \$5 in Tairāwhiti.
- At the previous workshop there was talk of a community card being bought into the prices and the report has shown no evidence of this.
- There is not enough information to say prices have hit the mark correctly for the community.
- Entry fee to the pool should relate to the users as well. If the entry fee is lowered it will be more stressful on the ratepayers than the users.
- There are more people, not just the low-income demographic, who are struggling with the high costs of living, and there should be more consideration into pricing to ensure that everybody has the chance to use the pool.

- There is a Procurement Policy that Council follows for the tendering plan.
- The projected total income is based on the balanced model.
- \$1.20 extra to pay is minimal for the new facility. It is a small increment for what is currently being offered today.
- Schools from the coast come here which is a big cost for travel. From a cost perspective, has this been thoroughly looked into.
- The costs are increasing because it is a new facility and therefore it costs more. The reality is that if Council put the costs into the rates, it will affect the poorest people in the region. The balanced approach allows us to determine the community good versus the user pays. This plan needs to suit the new facility and not the old facility.
- The balanced model strikes a good balance between ratepayers and user payers.
- The math's for the group fees works out well and reflects a lot of the Tairāwhiti whanau that would use the pool.

MOVED by Seymour, seconded by Cr Cranston, for the late item.

That the Council:

1. Accepts Attachment 1 to Report 22-97 KIWA Pools – Fees and Charges as a Late Item.

CARRIED

MOVED by Cr Dowsing, seconded by Cr Foster

That the Council:

1. Approves the 'balanced model' for fees and charges.
2. Approves proceeding with a procurement process to identify an external learn to swim programme provider.

Voting by Division

For

Cr Dowsing
 Cr Wharehinga
 Cr Foster
 Cr Gregory
 Cr Seymour
 Cr Sheldrake
 Cr Cranston
 Mayor Stotlz
 Cr Faulkner

Against

Cr Akuhata-Brown
 Cr Burdett
 Cr Robinson

Abstained

Cr Hughes

CARRIED

11.3 22-183 Psychoactive Substances Policy Report

Discussions included:

- There are no approved psychoactive substances in New Zealand, so in effect this Policy is lying dormant.
- Addiction is very high and a very real problem in Tairāwhiti and conversations are being held with the Ministry of Health on how to best overcome and approach this problem.
- Wairoa and Gisborne are having trouble with vape shops selling 'nangs' (nitrous oxide), however because it is sold in a vape shop it cannot come under this Policy.
- It would be beneficial to incorporate a policy with a holistic approach that combines vaping, nangs and other psychoactive substances and make rules on what shops can go where, as currently they are everywhere in Tairāwhiti. Regarding our CBD, the community have come to Council about the number of two-dollar shops that are also opening. Council has the tools to be able to troubleshoot this problem and should be trying to do more.
- The Policy is meant to be reviewed every 5 years but will stay intact even if the review period is overdue. There was a small window of opportunity to bring the Policy to Council so it will remain intact for another five years now.
- The Policy is dormant as Council have no control over current legal psychoactive substances and the ability to influence this to apply it to vaping or two-dollar shops is not something within Council's control.
- Vaping is not a part of this Policy; however, it is a part of the Smoke Free Policy. Originally, Ministry of Health advised Councils to leave vaping out of the Policy. However, have been in discussion with health officials and the Police about the effects of vaping, and will come back to the new Council with advice early in the New Year.
- There are 23 vape shops in the community and that is going to be incredibly hard to get on top off to make a difference.
- Council has bylaws in order to have a local say and a make change, but it is nationally controlled, and Council needs to keep pushing for greater responsibility within the community by using these bylaws.

MOVED by Cr Dowsing, seconded by Cr Seymour

That the Council:

1. Approves the readoption of the Psychoactive Substances 2014 Policy.

CARRIED

11.4 22-193 Gisborne Holdings Limited Annual General Meeting and Appointment of Shareholder Proxy

Secretarial Note: As the Deputy Mayor Cr Josh Wharehinga is currently a Director of GHL, the Mayor asked Cr Terry Sheldrake to sign the proxy instrument on behalf of Council.

MOVED by Cr Burdett, seconded by Cr Akuhata-Brown

That the Council:

1. Appoints the Mayor as Proxy for the Annual General Meeting of Gisborne Holdings Limited to be held at 5.30pm Wednesday 28 September 2022 at the Waikanae Surf Lifesaving Club.
2. Instructs the Proxy to vote as follows:
 1. To receive, consider and adopt the annual report, including the financial statements and the audit report thereon, for the year ended 30 June 2022.
 2. To approve the dividend recommended by the Directors.
 3. To confirm the appointment of Ernst & Young as agents of the Office of the Auditor General to act as the Company's auditor for the ensuing year in accordance with section 70 of the Local Government Act 2002, and to authorise the directors to fix their remuneration.
 4. To approve the Directors recommendation for the directors' fee pool to remain at \$285,200 for the ensuing year.
 5. To deal with any other business that may properly be brought before the meeting.

CARRIED

11.5 22-115 Three Waters Better Off Funding

Special Project Manager Yvette Kinsella presented to the report. Discussions included:

- With the portion of the funding that has been approved, have tried to put forward projects which are able to be rolled out now. Putting cycleways through Elgin would be problematic to try and throw in at this stage and will be looked at with wider engagement and further funding.
- Circular economy needs to have a clearer definition with more user-friendly language.
- The \$2.9 million includes paying for and collecting the various receptacles from the kerbside. This would include the four new wheelie bins. Would also include looking at how to do this up the coast for separating waste.
- There has been a feasibility study done by Trust Tairāwhiti and Eastland Group on the use of changing waste into energy.

- \$2.9 million includes a roll out programme to help support householders within the community to learn about this waste process and the importance of it.
- Have been working with Apollo on the solar panels for Kiwa Pools. This includes discussion on hydrotherapy and money for internal hydro slides. The building has been designed to be able to add in bits as more money accumulates. The roof was designed with the solar panels in mind for installation.
- A Marae will be classified as a community supplier under 3-Waters and will be required to meet the drinking water standard. However, they will not transfer to the Water Service Entity so they will not have the same investment put into them as the Council and are left out on a limb. The \$1m will go towards drinking water and wastewater management and will get assessed on further future risks, particularly with drinking water. It will then be to fund the infrastructure towards the first four Marae. This decision will be made by Iwi.
- The Taruheru walking and cycleway project is a higher priority for the \$1.5m than zero carbon transport.
- Using zero carbon transport as the naming convention incorporates scooters, skateboards etc., not just bikes and cycleways.
- Hawaiiki Tūranga along with the Marae water and wastewater projects was put forward by the tangata whenua as their top priorities.
- There are no options for Tairāwhiti to apply for and hold the money, without it being linked to specific projects as requested and it would be irresponsible to not take the money.
- Can substitute the money allocated to the zero-carbon transport to the Taruheru project.
- Housing and growth have not been identified yet as there is more infrastructure funding coming in.
- If this is not taken the money would be lost.
- The final funding proposal needs to be submitted by 31st August with the DIA looking at the proposals by the end of September.
- It is a significant risk not to respond to the investment signals. Staff are expected to write up the proposals, engage with mana whenua, and based on the criteria and the short timelines these projects are the most appropriate.
- Declining mana whenua their input and aspirations would be in bad faith.
- A contingency plan is in place for the CDEM emergency centre if there is a disaster. There is budget in the Long-Term Plan for the new emergency centre.
- Over the last 18 months Council have made it clear to Central Government that they are uncomfortable with the changes.

MOVED by Dowsing, seconded by Cr Faulkner

That the Council:

1. Author a response to accept the better-off funding and focus on projects that are actively scoped and achievable for completion.

Voting by Division

Against

Cr Wharehinga
Cr Foster
Cr Gregory
Cr Burdett
Cr Seymour
Cr Sheldrake
Cr Cranston
Mayor Stoltz
Cr Robinson

For

Cr Dowsing
Cr Faulkner
Cr Akuhata-Brown
Cr Hughes

LOST

MOVED by Cr Stoltz, seconded by Cr Cranston

That the Council:

1. Directs the Chief Executive to submit a proposal for the Gisborne District Council allocation of Better Off Funding Tranche 1 with the following projects:
 - a. Circular economy – waste.
 - b. Kiwa Pools – solar panels.
 - c. Marae sustainability programme.
 - d. Carbon-friendly transport.
 - e. Hawaiiki Tūranga site remediation and installation.
 - f. Deliberative democracy on climate change adaptation.

CARRIED

12. Reports of the Chief Executive and Staff for INFORMATION

12.1 22-160 Chief Executive Activity Report August 2022

Discussions Included:

- All the Wards will be contested and that is a good sign that elections have been promoted well across the Tairāwhiti community.
- Acknowledge the staff, particularly Lillian Ward for the work that has been done on the playground at Te Araroa.

- An application to New Zealand Community Trust was deferred regarding township planning pending the decision from Council regarding the Sinking Lid Policy. Staff have written for clarification around this and have been advised by NZCT that they are keeping watch on the Policy and would look at the proposal at the end of August. The proposal is for around \$300,000.
- Looking at revisiting the Anti-Racism Working Group to include Pakeha and prioritising the work that is required in that area.
- Regarding the Hill Country Erosion Project, Council have applied for the funding and are waiting on a decision which will come in September.
- Staff are working closely with the contractors to reinstate the left-hand side of the pontoon. In terms of the right hand-side, it is still being reviewed as to how that will look in the future. Health and safety is a key issue for the contractors as they are only willing to re install it at a 200mm wave depth which hasn't been met yet.
- The boating community are currently climbing ropes and a pole at the wharf to get onto the boat pontoon. It is unsafe and not sustainable and putting the community at risk. Another option is to close the boat ramp until the pontoon is fixed. The short-term fix of using a ladder will be considered as part of the Home Safe response.

MOVED by Cr Burdett, seconded by Cr Akuhata-Brown

That the Council:

1. Notes the contents of this report.

CARRIED

13. Mayor, Deputy Mayor and Elected Members Reports for INFORMATION

13.1 22-198 Local Government New Zealand Conference - Te Maruata Roopu Whakahaere

MOVED by Cr Akuhata-Brown, seconded by Cr Dowsing

That the Council:

1. Notes the contents of this report.

CARRIED

14. Public Excluded Business

Secretarial Note: These Minutes include a public excluded section. They have been separated for receipt in Section 14 Public Excluded Business of Council.

15. RE-ADMITTANCE OF THE PUBLIC

MOVED by Cr Stoltz, seconded by Cr Burdett

That the Council:

1. Re-admits the public.

CARRIED

16. Close of Meeting

There being no further business, the meeting concluded at 11:53 am.

Rehette Stoltz

MAYOR