

MINUTES



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

MEMBERSHIP: Her Worship the Mayor Rehette Stoltz, Deputy Mayor Josh Wharehinga, Colin Alder, Andy Cranston, Larry Foster, Debbie Gregory, Ani Pahuru-Huriwai, Rawinia Parata, Aubrey Ria, Tony Robinson, Rob Telfer, Teddy Thompson, Rhonda Tibble and Nick Tupara

MINUTES of the GISBORNE DISTRICT COUNCIL/TE KAUNIHERA

Held in Te Ruma Kaunihera (Council Chambers), Awarua, Fitzherbert Street, Gisborne on Thursday 26 January 2023 at 9:00AM.

PRESENT:

Her Worship the Mayor Rehette Stoltz, Deputy Mayor Josh Wharehinga, Colin Alder, Andy Cranston, Larry Foster, Debbie Gregory, Rawinia Parata, Rob Telfer, Daniel Thompson, Rhonda Tibble and Nick Tupara.

IN ATTENDANCE:

Chief Executive Nedine Thatcher Swann, Director Lifelines David Wilson, Director Internal Partnerships James Baty, Director Liveable Communities Michele Frey, Director Engagement & Maori Responsiveness Anita Reedy-Holthausen, Chief Financial Officer Pauline Foreman, Chief of Strategy & Science Jo Noble, Democracy & Support Services Manager Heather Kohn and Committee Secretary Jill Simpson.

Secretarial Note: Cr Pahuru-Huriwai attended the meeting via audio visual link.

The meeting commenced with a prayer.

1. Apologies

MOVED by Cr Parata, seconded by Cr Foster

That the apologies from Cr Ria and Cr Robinson 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 15 December 2022

MOVED by Cr Cranston, seconded by Cr Thompson

That the Minutes of 15 December 2022 be accepted.

CARRIED

3.2 Action Sheet

Item 12.1 - Township Upgrades: There was a comprehensive report in November regarding township upgrades and an update again in December 2022. There will be a further update in the Chief Executive's Activity Report at the March Council meeting. A video will also be provided on some of the work being done in the townships. Councillors will also be visiting the townships during their hikoi early February 2023.

Item 14.2 - Waka Ama Group: Ensure there is ongoing support from Council regarding the Waka Ama facilities.

Item 14.3 - Biodiversity: Council's Compliance Team are taking a risk-based approach and visiting farms to identify if Farm Environmental Plans are in place. They will work through their compliance strategy to achieve compliance. New regulations will come into place later in 2023 and this will change the requirements for landowners.

4. Leave of Absence

There were no leaves of absence.

5. Acknowledgements and Tributes

Her Worship the Mayor extended aroha and love on behalf of our community to the family of the child who lost his life at Waikanae Beach on Wednesday evening. It is heartbreaking and an unimaginable loss to the whanau and Her Worship will reach out to the family to see how best we can support them.

6. Public Input and Petitions

6.1 Mana Taiao Tairāwhiti - Petition "Independent Inquiry and Rules Review"

Mana Taiao Tairāwhiti attended and presented their Petition to Council - "Independent Inquiry and Rules Review".

A letter of support from Toitu Te Ora Tairāwhiti was tabled along with suggested recommendations.

Her Worship thanked the delegation for taking the time and supporting Council to walk and talk together to leave a better legacy for our children in Uawa and the whole of Tairāwhiti. She acknowledged the emotional impact the events have had on our communities.

7. Extraordinary Business

MOVED by Cr Gregory, seconded by Cr Telfer

That the Council:

1. Accepts Report 23-24 Petition - Land Use Planning and Regulations as a Late Item.

CARRIED

8. Notices of Motion

There were no notices of motion.

9. Adjourned Business

There was no adjourned business.

10. Reports of the Chief Executive and Staff for DECISION

10.1 23-24 Petition - Land Use Planning and Regulations

Secretarial Note: Adam Hopkinson from Cooney Lees Morgan attended via audio visual link.

Mr Hopkinson explained that Enforcement Orders are an option and can be used to address complex issues, historical issues and prevent future issues. They are a flexible legal mechanism. A more difficult situation is that much of the slash is from historic harvesting (ie more than 2 years old), and this is more difficult to deal with in terms of prosecution or an abatement notice. An enforcement order could be used to require forestry companies, particularly if they own the land to remove residual slash and debris from properties.

The legality of an enforcement order in non-consented areas is more complex. There is a general duty under the Resource Management Act to avoid adverse environmental impacts and the complexity is where there is no active consent or there has never been a consent issued. The focus of an enforcement order would be on the landowner, and they are legally responsible for managing the risk on their property and ensuring there is no adverse environmental effects downstream of their property. Enforcement orders are the broadest and best mechanism and legal option available to the Council in addressing the more complex issues.

Questions of clarification included:

- The NES indicates that slash should be placed on stable ground or 'managed'. It is the 'managed' part that is up for interpretation.
- Council has increased its resourcing by nine additional monitoring and compliance roles and officers have been actively investigating and assessing high risk sites.
- The recommendations in the report are based on land use and not specific to a sector or an activity.
- On the consenting side there is the ability to require a bond but need to ensure the planning activities allow this.
- The Woody Debris Policy will include all the mechanisms available to Council and will be workshopped with Councillors on 16 February. Following the workshop there will be a period of community and stakeholder engagement. The Policy should be presented to Council mid-2023.
- Reprioritisation of work is an option for the Tairāwhiti Resource Management Plan.

Councillors thanked and acknowledged the whanau for the petition.

The Chief Executive advised that in terms of process the recommendations emailed to Council do not form part of Council's staff report. They are new items that have come in via public deputation and some are covered in the staff recommendations to Council. Other parts of the petition require more work and staff would need to analyse and make an informed decision on what that may mean and the outcomes it may achieve.

MOVED by Mayor Stoltz, seconded by Cr Wharehinga

That the Council/Te Kaunihera amends the recommendations as follows:

1. Reaffirms its support for an independent inquiry into the system for land use in Tairāwhiti with the focus of the inquiry and personnel conducting it being mutually agreed upon by Council and other key stakeholders.
2. Notes that central government is responsible for the primary forestry instrument being the National Environmental Standards for Plantation Forestry (NES-PF) and that staff have submitted to the Ministry for Primary Industries that a fundamental review of the NES-PF is required.
3. Investigates inclusion of a review of land use rules related to activities on the steep, erosion-prone land in Stage 1 of the Tairāwhiti Resource Management Plan review.
4. Notes that staff have been in discussion with officials from the Ministry for the Environment as to whether Council offers up our region as a model region as part of the RMA reforms, noting there are significant issues already identified with the current proposed legislation as outlined in report 23-7.
5. Directs staff to explore Tairāwhiti being a model region as part of piloting implementation of the RMA reforms if substantive issues can be resolved.
6. Notes that staff have been working with Trust Tairāwhiti and other agencies on a Just Transition Plan as part of our climate change response; however, the scope of this Plan differs from that envisaged in the petition. Strategic direction for sustainable land use falls within the ambit of the Tairāwhiti Resource Management Plan review and resource management reforms.
7. Directs staff to apply for an enforcement order to require removal of residual slash and woody debris and any other remediation required.
8. Directs staff to report back to Council on the recommendations submitted by Te Mana Taiao Tairāwhiti responses to the staff report.

CARRIED

Secretarial Note: The meeting adjourned at 10.30 for morning tea and reconvened at 10.45am.

10.2 23-4 Gisborne District Council Feedback on Proposed Changes to Class 4 Gambling Licensing System

Her worship the Mayor acknowledged Jo Noble and her team for the massive amount of work undertaken.

Questions of clarification included:

- There is no face-to-face support in Tairāwhiti for problem gambling, however online support is available.

MOVED by Cr Gregory, seconded by Cr Parata

That the Council/Te Kaunihera:

1. Approves the attached draft feedback to the Department of Internal Affairs on proposed changes to the Class 4 licensing system under the Gambling Act 2003.

CARRIED

10.3 23-20 Temporary Alcohol Ban – Summer Frequencies Update - February 2023

MOVED by Cr Foster, seconded by Cr Wharehinga

That the Council/Te Kaunihera Committee:

1. Exercises its power under clause 7.1 of the Gisborne District Alcohol Bylaw to prohibit the consumption, bringing into, or possession of alcohol:
 - a) From 8am on 3 February 2023 to 8am on 6 February 2023 in the areas shown on the map in Attachment 3 being the area bounded by Awapuni Road, Pacific Street, Centennial Marine Drive, Beacon Street, Salisbury Road and Midway Beach.

CARRIED

10.4 23-7 Resource Management Reforms – Submission on NBE and SP Bills

Senior Policy Advisor Paula Hansen and Chief of Strategy & Science attended and presented.

Questions of clarification included:

- It is the larger companies that have insurance for statutory non-compliance.
- There needs to be consistency in the use of the terms iwi and mana whenua.
- The Council appoints the regional members for the Regional Planning Committee. The regional bodies appoint the Maori representatives, and the Minister appoints the central government representative for the Regional Spatial Strategy. An Environment Court Judge is appointed to run the Independent Hearings Panel process.
- Ensure there is a balance with the financial modelling and ratepayers are not affected.
- There will be a Maori appointed body or bodies and iwi and hapu of the region will decide amongst themselves the structure of the body.
- Ministry for the Environment have been working with iwi across New Zealand on how to give effect to the current Treaty settlement via the Regional Planning Committees.
- The Prime Minister will be looking at the Work Programme that the current Government has in place and deciding on priorities.

MOVED by Cr Gregory, seconded by Cr Foster

That the Council/Te Kaunihera:

1. Agrees on the substantive matters highlighted within this report to be included in a submission on the Natural and Built Environment Bill and the Spatial Planning Bill, subject to any amendments and further contributions from Council.
2. Delegates the Mayor to sign off on the final submission to be submitted on the Natural and Built Environment Bill and the Spatial Planning Bill.

CARRIED

10.5 23-15 Proposed Submission on Water Services Legislation Bill 2022

Special Project Manager Yvette Kinsella attended and presented.

Her Worship the Mayor on behalf of Councillors thanked Yvette for the large amount of work that has been completed.

Questions of clarification included:

- Councillors expressed concern at the process.
- Submission to be strong on how we can control affordability for our community.
- Concerns expressed about being responsible and accountable to our community even when central government has moved the responsibility away from us. Concerns expressed around the responsibility of the communities that are not connected to any town water supply, how are they being captured.
- In terms of volumetrics, whilst Council has it in their Long Term Plan, it will not be the responsibility of Council, it will be determined by the Water Services Entity in the future.
- The Water Services Legislation Bill sets out all the information around pricing and charging. This Bill is critical - it sets out a number of principals and sets out the process for setting the charges.
- The Economic Regulation Bill will ensure transparency for consumers in price setting. They will have powers to regulate the pricing in terms of ensuring there is a price quality pathway.
- The Commerce Commission will review all the Asset Management Plans etc to ensure value for money for consumers.
- The Water Services Entity will request that Council collects the money for water services on their behalf. Reasonable costs for performing this service can be charged back to the Water Services Entity.
- Request that Tina Porou Advisor to the Iwi Chairs be present at the Workshop on 15 February 2023 to hear their views.
- Concern around the pressure and added economic demise of families who are already suffering. The process is intensely bureaucratic and complex.

MOVED by Mayor Stoltz, seconded by Cr Cranston

That the Council/Te Kaunihera:

1. Instructs the Chief Executive to prepare a submission to the Finance and Expenditure Select Committee on the Water Services Legislation Bill, outlining the points raised in this report, by 17 February 2023.
2. Directs the Chief Executive to include any other matters in the submission that may impact negatively on Te Tairāwhiti and/or the Gisborne District Council's ability to deliver its functions.
3. Resolves that the Mayor (and/or her delegate) will present in-person to the Finance and Expenditure Select Committee on the points raised in the Gisborne District Council submission.

CARRIED

10.6 23-16 Proposed Submission on Water Services Economic Regulation and Consumer Protection Bill 2022

MOVED by Mayor Stoltz, seconded by Cr Cranston

That the Council/Te Kaunihera Committee:

1. Instructs the Chief Executive to prepare a submission to the Finance and Expenditure Select Committee on the Water Services Economic Efficiency and Consumer Protection Bill endorsing the relevant points from the LGNZ and Taituara draft submissions by 17 February 2023.
2. Directs the Chief Executive to include any other emergent matters in the submission that may impact negatively on Te Tairāwhiti and/or the Gisborne District Council's ability to deliver its functions.
3. Resolves that the Mayor (and/or her delegate) will present in-person to the Finance and Expenditure Select Committee on the points raised in the Gisborne District Council submission.

CARRIED

11. Reports of the Chief Executive and Staff for INFORMATION

11.1 23-14 Water Services Entities Act 2022 - Summary and Implications

MOVED by Mayor Stoltz, seconded by Cr Cranston

That the Council/Te Kaunihera:

1. Notes the contents of this report.

CARRIED

12. Public Excluded Business

Secretarial Note: These Minutes include a public excluded section. They have been separated for receipt in Section 12 Public Excluded Business of Council.

13 READMITTANCE OF THE PUBLIC

Moved by Mayor Stoltz, seconded by Cr Tupara

That the Council/Te Kaunihera

1. Readmits the public.

CARRIED

14. Close of Meeting

There being no further business, the meeting concluded at 12:37 pm.

Rehette Stoltz

MAYOR