



# *Hastings District Council*

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## **OPEN MINUTES**

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## **COUNCIL**

Meeting Date: **Thursday, 19 April 2012**

**Minutes of a Meeting of the Council held on  
19 April 2012 at 1.05pm**

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## HASTINGS DISTRICT COUNCIL

### MINUTES OF A MEETING OF THE COUNCIL HELD IN COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING, LYNDON ROAD EAST, HASTINGS ON THURSDAY, 19 APRIL 2012 AT 1.10PM

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- PRESENT:** Mayor Yule (Chair)  
Councillors Bowers (Deputy Mayor), Bradshaw, Collin, Hazlehurst, Heaps, Henderson, Kerr, Nixon, Roil, Twigg and Watkins.
- IN ATTENDANCE:** Chief Executive (Mr R McLeod)  
Group Manager: Asset Management (Mr D Fraser)  
Group Manager: Community Facilities & Programmes (Ms T Winter)  
Group Manager: Corporate and Customer Services (Mr M Maguire)  
Group Manager: Planning and Regulatory Services (Mr J O'Shaughnessy)  
Group Manager: Strategy and Development (Mr D Morgan)  
Chief Financial Officer (Mr T Gray)  
Acting Human Resources Manager (Mrs A Damen)  
Waste and Data Services Manager (Mr M Jarvis)  
Parks and Properties Asset Manager (Mr C Hosford)  
Legal Officer (Mr P Woodroffe)  
Strategic Financial Advisor (Mr B Allan)  
Committee Secretary (Mrs C Hunt)  
Democratic Support Manager (Mrs J Pani)
- AS REQUIRED:** The Rev'd Graeme Pilgrim, Anglican Parish of St Matthew and members of the Anglican Parish of St Matthew  
Mr E McGregor, Hawke's Bay Regional Council Deputy Chairman  
Item 7 – Mr Robert Griffiths , Managing Director Grieve Diamond Jeweller.  
Item 7 – Jenny Dobson, Spec Savers; Lesley Bott, Pascoes; Brett Hooker, Visique.  
Members of the public were present in the gallery for Item 7 and Item 9

**WELCOME:**

Mayor Yule welcomed everyone to the meeting, in particular, members of the public who were in attendance to support The Rev'd Graeme Pilgrim; and the Regional Council Deputy Chairman, Ewan McGregor.

**1. PRAYER**

The opening prayer was given by The Rev'd Graeme Pilgrim, the Anglican Parish of St Matthew.

Following the opening prayer, Mayor Yule, on behalf of the Council, made a presentation to Reverend Pilgrim in recognition of his retirement after 15 years serving the St Matthew's Parish. Mayor Yule thanked Reverend Pilgrim for his contribution to the Council and community over his time at the Anglican Parish of St Matthew and wished him well for his future.

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**2. APOLOGIES AND LEAVE OF ABSENCE**

**Apologies**

Councillor Heaps/Councillor Kerr

**That apologies for absence from Councillor O'Keefe and Councillor Poulain be accepted.**

**CARRIED**

**Leave of Absence**

Leave of Absence had been previously granted to Councillor Lester.

Mayor Yule/Councillor Watkins

**That leave of absence be granted for Councillor Collin as follows:**

**23 and 24 April 2012**

**3 May 2012**

**17 May 2012**

**CARRIED**

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**3. CONFLICT OF INTEREST**

Councillor Watkins declared a conflict of interest for Item 9 – Waimarama and Maraetotara and Districts War Memorial Hall – Relocation Options.

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**4. CONSIDERATION OF:**

**A) ADDITIONAL BUSINESS ITEMS**

**B) EXTRAORDINARY BUSINESS ITEMS**

There were no additional or extraordinary business items.

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## 5. MINUTES OF COUNCIL MEETINGS FOR CONFIRMATION

CO1 Mayor Yule/Councillor Nixon  
/12

**That the minutes of the Council meeting held 15 March 2012 be confirmed as a true and correct record and be adopted.**

**CARRIED**

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## 6. REPORTS OF COUNCIL REPRESENTATIVES ON OUTSIDE ORGANISATIONS

The following verbal reports were presented:

Councillor Hazlehurst *Hawke's Bay Trust for the Elderly* (The Trust has 3 new members, is revisiting its objectives, and is to be renamed Positive Ageing.)

*Te Mata Trust Board* – Two information evenings are being held regarding the new visitor centre.

*Hastings City Business Association* – The Association is in the process of recruiting a new General Manager.

Councillor Kerr *Waipatiki Bush Reserve Management Group* – In light of the success of this Group in resolving issues, the Group has gone into recess.

Mayor Yule Mayor Yule advised of a recent visit to Clifton and of the serious erosion issues that were highlighted, affecting the Clifton Camp. This erosion had taken another 7 metres from the camp grounds and the boat ramp was at serious risk.

Mayor Yule/Councillor Henderson

**That the verbal reports of Council representatives on outside organisations be received.**

**CARRIED**

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## 7. HERETAUNGA STREET WEST 200 BLOCK - PETITION REVIEW

The Chairman introduced this item and called to the table two Heretaunga Street retailers who had been granted speaking rights:

- Mr Robert Griffiths, the initiator of the petition received by the Council on 15 March 2012, read his submission.
- Ms Jenny Dobson circulated and read a submission signed by several retailers.

Questions of both Mr Griffiths and Ms Dobson followed.

CO2 Deputy Mayor Bowers/Councillor Henderson  
/12

**A) That the report of the Parks and Properties Asset Manager titled "Heretaunga Street West 200 Block - Petition Review" dated 19/04/2012**

be received.

- B) That Council undertake the modified mini upgrade of the Heretaunga Street West block as shown in Plan 1 attached to the agenda report in A) above.
- C) That the mini upgrade project be funded from the CBD Revitalisation project fund, to undertake the new adopted layout.
- D) That Council note that the petitioners' plea is effectively met.

With the reasons for this decision being that the objective of the decision will contribute to the Council's Strategic Objectives by:

Creating a town centre that enables and encourages multiple activities in a safe well designed CBD environment.

**CARRIED**

*Councillors Bradshaw and Nixon requested that their votes AGAINST this motion be recorded.*

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*With the agreement of the meeting Item 9, was taken out of order.*

## **9. WAIMARAMA AND MARAETOTARA AND DISTRICTS MEMORIAL HALL - RELOCATION OPTIONS**

*Councillor Watkins having previously declared a conflict of interest sat back from the table from 2.15pm and took no part in discussion or voting on this item.*

The Mayor referred to documentation previously circulated to Councillors, and advised that the following additional documents had recently been received and were made available to be circulated at the meeting:

- Correspondence from Bate Hallett Lawyers, on behalf of clients Mr and Mrs Tyler, Moori Road.
- Correspondence from Moori Road residents Christine and Marcus Helmore.

Councillors were given an opportunity to read the additional information.

Councillor Roil/Councillor Heaps

- A) That the report of the Parks and Properties Asset Manager titled "Waimarama and Maraetotara and Districts Memorial Hall - Relocation Options" dated 19/04/2012 be received.
- B) That pursuant to Hastings District Council Standing Orders, clause 3.7.5, Council revoke the following resolution of 15 March 2012; "*That the Council resolves to move the Waimarama and Maraetotara and Districts War Memorial Hall from the existing site*".

- C) That Council resolve in terms of section 79 of the Local Government Act 2002 that, based on the work undertaken by officers in considering options, the steps taken to consult with members of the community and ascertain the views of those who consider themselves affected by the options being considered by Council, the opportunity offered to those promoting varying views regarding options being considered by Council to appear before the Council, and the report presented to it summarising relevant decision-making considerations, it has achieved compliance with the requirements of sections 77 and 78 of the Local Government Act 2002.
- D) That Council resolve to retain the Waimarama and Maraetotara and Districts Memorial Hall on its current site.
- E) That the Pouhokio Stream be armoured.
- F) That the hall be resited to face north and a pedestrian accessway from the road to the hall be erected to ensure walking access is provided in times of emergency.
- G) That a meeting be held with the Waimarama community advising of the Council's decision to retain the Waimarama and Maraetotara Memorial Hall on its current site and the reasons for the Council decision including the new information that had come to hand.

With the reasons for this decision being that the objective of the decision will contribute to the Council's Strategic Objectives by:

- Restoring the Waimarama Hall and making it fit for public use.

**CARRIED**

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*Councillor Hazlehurst and Councillor Kerr exited the meeting at 3:15 pm.*

*The meeting adjourned at 3.15 pm for afternoon tea  
and reconvened at 3.28 pm.*

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*Councillor Watkins rejoined the meeting at 3.28 pm.*

## **8. CONDITION AND LANDSCAPE ASSESSMENT OF LONDON PLANE TREE AT FITZROY AVENUE**

Councillor Roil/Councillor Twigg

- A) That the report of the Parks and Properties Asset Manager titled "Condition and Landscape Assessment of London Plane Tree at Fitzroy Avenue" dated 19/04/2012 be received.
- B) That Council consent to the removal of the London Plane Tree on Cornwall Park, adjacent to the Fitzroy Avenue Nursery Site
- C) The plane tree removal, preparation of a landscape plan for the extended native area and the supply and planting of the trees contained in the landscape plan native area be a charge against the

development of the Fitzroy Avenue site.

- D) That officers prepare a landscape plan for the extended native area in consultation with the Hastings District Property Company.

With the reasons for this decision being that the objective of the decision will contribute to the Council's Strategic Objectives by:

Permitting the removal of a tree, a more efficient land use option can be permitted without impacting on the landscape values of Cornwall Park

**CARRIED**

*Councillors Bradshaw, Bowers and Heaps requested that their votes AGAINST this motion be recorded.*

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**10. LOCAL GOVERNMENT FUNDING AGENCY - HALF YEARLY REPORT AND DRAFT 2012/13 STATEMENT OF INTENT**

Mayor Yule/Deputy Mayor Bowers

- A) That the report of the Chief Financial Officer titled "Local Government Funding Agency - Half Yearly Report and Draft 2012/13 Statement of Intent" dated 19 April 2012 be received.
- B) That Council provide the feedback to the Local Government Funding Agency on the Draft 2012/13 Statement of Intent.

**CARRIED**

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**11. COMMITTEE STRUCTURE AND DELEGATIONS TO COMMITTEES**

The Group Manager: Corporate and Customer Services (Mr M Maguire) advised of a duplication requiring the following deletion: Delete "Cemetery (including Capital Works)" in the Works & Services Fields of Activity.

*Councillor Kerr rejoined the meeting at 3.58 pm.*

The meeting requested the following changes to the Draft Delegations attached as Schedule 1: In the Portfolio Leadership Section, Promotion and Marketing Fields of Activity change "town centre promotions" to read "District promotional activities".

Councillor Roil/Councillor Watkins

- A) That the report of the Mayor titled "Committee Structure and Delegations to Committees" dated 19 April 2012 be received.
- B) That the Council adopt the Committee Structure and Principles contained in Schedule 1 (attached to the report in A above) and,
- C) That the Council delegate to the Committees, Subcommittees and Working Parties the Powers, Duties and Functions set out in Schedule 1, Hastings District Council Committees and Rural Community Board Delegations Register April 2012 (attached to the report in A above) with the following amendment:



**Change “town centre promotions” to read “District promotional activities” in Promotion and Marketing Fields of Activity.**

**CARRIED**

*Councillors Heaps and Nixon requested that their votes AGAINST this motion be recorded*

## **12. REMUNERATION OF COUNCILLORS AND RURAL COMMUNITY BOARD MEMBERS FOR THE YEAR COMMENCING 1 JULY 2012**

Deputy Mayor Bowers/Councillor Roil

- A) That the report of the Group Manager: Corporate and Customer Services titled “Remuneration of Councillors and Rural Community Board Members for the year commencing 1 July 2012” dated 19 April 2012 be received.**
- B) That the Council recommend the following Remuneration from 1 July 2012, as the remuneration model for consideration by the Remuneration Authority.**

| <b>POSITION</b>               |   | <b>SALARY</b> |
|-------------------------------|---|---------------|
| Standing Committee Chairs     | 4 | \$ 41,320     |
| Hearing Committee Chair       | 1 | \$ 41,320     |
| Deputy Mayor                  | 1 | \$ 47,067     |
| Hearings Committee Member     | 1 | \$ 31,579     |
| Portfolio Leader              | 2 | \$ 35,047     |
| Councillor                    | 5 | \$ 30,707     |
| Chair, Rural Community Board  | 1 | \$ 13,649     |
| Member, Rural community Board | 3 | \$ 5,934      |

- C) That the Council adopt the attached Elected Members Expense Policy, attached to the report in A above, and**
- D) That the Council recommend to the Remuneration Authority that the attached Elected Members Expense Policy is confirmed.**

**CARRIED**

## **13. NEW COMMITTEE STRUCTURE - CHAIRMAN APPOINTMENTS**

Following discussion on Chairman appointments, the following nominations were made for the role of Deputy Chairman, Planning and Regulatory Committee.

Councillor Bradshaw (Moved Councillor Nixon/Seconded Councillor Heaps)  
Councillor Watkins (Moved Councillor Bowers/Seconded Councillor Twigg)

There being no further nominations, the Chairman called for voting by a show of hands, with 5 votes for Councillor Watkins and 4 votes for Councillor Bradshaw.

Councillor Watkins was declared Deputy Chairman, Planning and Regulatory

Committee.

Mayor Yule/Councillor Roil

- A) That the report of the Mayor titled “New Committee Structure - Chairman Appointments” dated 19 April 2012 be received.
- B) That the Council confirm the following appointments following changes made on 19 April 2012 to the Committee structure and the HDC Committees and Rural Community Board Delegations:

|  |                       |
|--|-----------------------|
| District Development Committee Chairman  | Councillor Collin     |
| Deputy Chairman                          | Councillor Lester     |
| Works & Services Committee Chairman      | Councillor Twigg      |
| Deputy Chairman                          | Councillor Roil       |
| Finance & Monitoring Committee Chairman  | Councillor Kerr       |
| Deputy Chairman                          | Councillor Bowers     |
| Planning & Regulatory Committee Chairman | Councillor Heaps      |
| Deputy Chairman                          | Councillor Watkins    |
| Portfolio Leader Promotion and Marketing | Councillor Hazlehurst |
| Portfolio Leader Civic Pride             | Councillor Watkins    |

**CARRIED**

**14. COUNCIL MEETING SCHEDULE FROM JUNE 2012**

Councillor Kerr/Councillor Heaps

- A) That the report of the Group Manager: Corporate and Customer Services titled “Council Meeting Schedule from June 2012” dated 19 April 2012 be received.
- B) That the Council adopt a revised meeting schedule presented as version 1 to the report in A above, effective from 1 June 2012.
- C) That Council’s schedule of meetings be advertised in accordance with the requirements of the Local Government Official Information and Meetings Act.

With the reasons for this decision being that the objective of the decision will contribute to the Council’s Strategic Objectives by:

Enabling the business of the Council to be conducted in an orderly manner, and to allow public notification of meetings to be given in compliance with the Local Government Official Information and Meetings Act 1987.

**CARRIED**

**15. REGIONAL POLICY STATEMENT CHANGE 4 - HEARING PANEL MEMBERSHIP**

Mayor Yule/Councillor Watkins

- A) That the report of the Group Manager: Corporate and Customer Services titled "Regional Policy Statement Change 4 - Hearing Panel Membership" dated 19 April 2012 be received.
- B) That Councillor Lester be appointed to the Hawke's Bay Regional Council Hearing Panel to hear submissions on the Regional Policy Statement Change 4.

**CARRIED**

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**16. 2012 LOCAL GOVERNMENT NEW ZEALAND CONFERENCE AND ANNUAL GENERAL MEETING**

Mayor Yule/Deputy Mayor Bowers

- A) That the report of the Group Manager: Corporate and Customer Services titled 2012 Local Government New Zealand Conference and Annual General Meeting dated 19 April 2012 be received.
- B) That the Council's delegates to the 2012 Local Government New Zealand Conference to be held in Queenstown be the Mayor, Chief Executive (or his nominee) and Councillors Hazlehurst, Nixon and Kerr
- C) That the Council's delegates to the Local Government New Zealand 2012 Annual General Meeting be:
- Councillor Kerr – Presiding Delegate
  - Councillors Hazlehurst and Nixon – Alternate Delegates
  - The Chief Executive (or his nominee) Subsequent Alternate Delegate.

**CARRIED**

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**17. ADDITIONAL BUSINESS ITEMS**

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**18. EXTRAORDINARY BUSINESS ITEMS**

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**19. RECOMMENDATION TO EXCLUDE THE PUBLIC FROM ITEMS 20, 21, 22 AND 23**

SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

Councillor Roil/Councillor Heaps

**THAT the public now be excluded from the following parts of the meeting, namely;**

- 20 Confirmation of the Minutes of Council held 15 March 2012 while the Public were Excluded**
- 21 Recommendations of the Omarunui Refuse Landfill Joint Committee meeting held while the Public were Excluded**
- 22 Fitzroy Avenue Business Case**
- 23 Recommendations from the Chairmen's Committee**

The general subject of the matter to be considered while the public is excluded, the reason for passing this Resolution in relation to the 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 is as follows:

| <i><b>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</b></i>   | <i><b>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED</b></i>  | <i><b>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION</b></i>  |
|---|--|---|
| <b>20 Confirmation of the Minutes of Council held 15 March 2012 while the Public were Excluded</b>                    | As stated in the minutes   | <b>Section 48(1)(a)(i)</b><br>Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act. |
| <b>21 Recommendations of the Omarunui Refuse Landfill Joint Committee meeting held while the Public were Excluded</b> | <b>Section 7 (2) (i)</b><br>The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).<br><br>To enable the development of a business case and negotiate with other parties. | <b>Section 48(1)(a)(i)</b><br>Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act. |

**22 Fitzroy Avenue Business Case**

**Section 7 (2) (h)**

The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.

**Section 7 (2) (i)**

The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

To enable Council to undertake negotiations, in particular commercial negotiations, and to protect any future commercial negotiations that may be required.

**Section 48(1)(a)(i)**

Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.

**23 Recommendations from the Chairmen's Committee**

**Section 7 (2) (a)**

The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.

To enable Council to carry out in accordance with the Local Government Act the employment review of the Chief Executive position.

**Section 48(1)(a)(i)**

Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.

**CARRIED**

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**The meeting closed at 4.28 pm**

**Confirmed:**

**Chairman:**

**Date:**