



Hastings District Council

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OPEN MINUTES

COUNCIL

Meeting Date: **Thursday, 25 October 2012**

**Minutes of a Meeting of the Council held on
25 October 2012 at 2.00pm**

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HASTINGS DISTRICT COUNCIL

MINUTES OF A MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING, LYNDON ROAD EAST, HASTINGS ON THURSDAY, 25 OCTOBER 2012 AT 2.00PM

PRESENT: Mayor Yule (Chair)
Councillors Bowers (Deputy Mayor), Bradshaw, Collin,
Hazlehurst, Heaps, Henderson, Kerr, Lester, Nixon, O'Keefe,
Poulain, Roil, Twigg and Watkins.

IN ATTENDANCE: Chief Executive (Mr R McLeod)
Group Manager: Asset Management (Mr D Fraser)
Acting Group Manager: Community Facilities & Programmes (Mr C
Thew)
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)
Legal Officer (Mr P Woodroffe)
Strategy Manager (Mr L Verhoeven)
Accounting Manager (Ms A Louwrens)
Accountant (Ms Simone Knight)
Democratic Support Manager (Mrs J Pani)

ALSO IN ATTENDANCE:

Associate Pastor Duncan Leighton, New Hope Community Church
Peter Kay, John Buck and Anthony Morley for Item 5
Members of the public were in the public gallery

1. PRAYER

The opening prayer was given by Associate Pastor Duncan Leighton, New Hope Community Church.

2. APOLOGIES

There were no apologies.

Leave of Absence

Mayor Yule/Councillor Watkins

That leave of absence be granted as follows:

Councillor Twigg – 9 November 2012

Councillor O'Keefe – 29, 30 and 31 October 2012

Councillor Poulain – 29, 30 and 31 October 2012

Councillor Henderson – 1 and 2 November 2012

CARRIED 12/15

3. CONFLICTS OF INTEREST

Councillor Bowers, as a submitter to the Hastings District Council Representation Review Initial Proposal, declared a conflict of interest for Item 5, Review of Representation Arrangements for the Hastings District.

4. MINUTES OF COUNCIL MEETINGS FOR CONFIRMATION

Councillor Nixon/Councillor Lester

That the minutes of the Council Meeting held 27 September 2012 be confirmed as a true and correct record and be adopted.

CARRIED 12/16

Councillor Bowers having declared a conflict of interest and being a submitter on the issue sat in the public gallery and took no part in discussion and voting on Item 5.

5. REVIEW OF REPRESENTATION ARRANGEMENTS FOR THE HASTINGS DISTRICT - FURTHER REPORT FOLLOWING RECEIPT OF SUBMISSIONS - HEARING OF SUBMISSIONS

Mayor Yule asked Councillor Poulain to consider whether she had a conflict of interest with regard to this item given her involvement in encouraging particular submissions from the community. In particular, he asked her to consider whether should thought she could participate in the hearing of submissions and the decision-making process with an open mind and with the public perception of an open mind.

There was discussion with regard to whether Councillors had a conflict of interest. The Mayor advised that there was the potential to place the Council at legal risk if Councillors participate in this submission process having publicly declared a position or taken other actions that suggest they are not able to hear submissions with an open mind.

During this discussion Councillor O'Keefe stated that because of his views on Flaxmere he could not consider the issues with an open mind.

Councillor Poulain sought clarity on the legal position affecting the Council by her remaining in the process.

The meeting adjourned at 2:27pm and reconvened at 2.37pm

The Chief Executive briefed the meeting on the potential risk to Council if Councillors participate when they have a conflict of interest. He commented that it is often not clear-cut whether an individual councillor has a conflict of interest and in this case councillors need to ask themselves whether they are able to participate around the Council table – including listening to and considering submissions – with an open mind.

The Chief Executive advised that in this instance the legal risk to Council's process was not large because there is an appeal process to the Local Government Commission available to submitters following Council deciding its Final Proposal. He, however, cautioned Council on the risk to the integrity of the Council's

governance process if councillors participated in the hearing of submissions and decision-making when there was a strong perception of a conflict of interest. In this case having publicly stated that they had a predetermined position and did not have an open mind, or having taken steps in organising submissions that suggested that they did not have an open mind.

The process following the Council making a decision on a Final Proposal was explained, including the opportunity for those that had made a submission to the Initial Proposal being able to appeal the Council's Final Proposal.

If Council confirmed its Initial Proposal submitters could make a further submission to the Local Government Commission. If the Council amended its Initial Proposal, that opened up the Final Proposal objection process to anyone to put in an objection expressing a view on the Final Proposal. Appeals and/or objections would be forwarded to the Local Government Commission, along with all the documentation considered by the Council and the Representation Review Subcommittee. The Local Government Commission would then make a Determination for the representation arrangements for the triennial election of the Hastings District Council to be held in October 2013.

Councillor Poulain and Councillor O'Keefe declared conflicts of interest and withdrew from the table and took no part in discussion and voting on Item 5, Review of Representation Arrangements for the Hastings District.

Of the 147 submitters to the Hastings District Council Initial Proposal, the following spoke to their submissions. Questions of the submitters followed.

- Peter Kay
- Anthony Morley
- John Buck
- Cynthia Bowers

*The meeting adjourned at 3:55pm for afternoon tea
and reconvened at 4.13pm*

At the request of the Mayor, the Chief Executive reiterated the process for the representation arrangements from this point forward.

At the conclusion of the submission hearing process, it was moved by Councillor Twigg, seconded by Councillor Hazlehurst, that the proposal presented in the submissions by Cynthia Bowers, Peter Kay and Dariel Evans with the inclusion of a community board for the Hastings Ward area, with five members (four elected and one appointed member of the Council) and outlined below be adopted. It was noted that the submission point from John Buck, which was discussed during questions put to Mr Buck, for the introduction of additional community boards, was included in the Motion by creating a community board for the Hastings Ward.

The submissions from Anthony Morley, Martin Genet, Kimi Ora School and the 141 individually signed and dated submissions from individuals supporting the Initial Proposal were rejected as it was considered that effective representation of the District's communities of interest is adequately addressed through the establishment of community boards.

There were speakers for and against the Motion.

The Motion was then PUT and declared CARRIED on a Show of Hands 7 Votes FOR and 5 Votes AGAINST.

Councillor Twigg/Councillor Hazlehurst

- A) That the report of the Group Manager: Corporate and Customer Services titled “Review of Representation Arrangements for the Hastings District - Further Report Following Receipt of Submissions - Hearing of Submissions” dated 25 October 2012 be received.**
- B) That the Hastings District Council establish the following representation arrangements for the triennial election of the Hastings District Council to be held on Saturday 12th October 2013:**
 - 1) That Hastings District as delineated on SO Plan 10297 be divided into five wards.**
 - 2) That those five wards shall be –**
 - a) The Hastings Ward comprising the area delineated on SO Plan 10303 with the following additional meshblocks:
1471202 Lyndhurst Block
1471300 Gracelands Block
1471401 Northwood Block
1473200 Summerset – Ada Street Block**
 - b) The Havelock North Ward, comprising the area delineated on SO Plan 10304.**
 - c) The Flaxmere Ward, comprising the area delineated on SO Plan 10302.**
 - d) The Heretaunga Ward, comprising the area delineated on SO Plan 386134 less the meshblocks transferred to the Hastings Ward described in 2(a) above.**
 - e) The Rural Ward, comprising the areas delineated on SO Plans 386135 and 386136.**
 - 3) That the Council comprise the Mayor and nine Councillors elected as follows:**
 - a) Three councillors elected by the electors of the Hastings Ward.**
 - b) One councillor elected by the electors of the Havelock North Ward.**
 - c) One councillor elected by the electors of the Flaxmere Ward.**
 - d) One councillor elected by the electors of the Heretaunga Ward.**
 - e) One councillor elected by the electors of the Rural Ward.**
 - f) Two councillors elected “at large” by the electors of Hastings District.**
 - 4) That there be a Hastings District Rural Community as delineated on SO Plan 386137 comprising the area of the Rural Ward.**
 - 5) That the Hastings District Rural Community be subdivided into four for**

electoral purposes.

- 6) That those four subdivisions be –**
 - a) The Tutira Subdivision comprising the area delineated on SO Plan 386138.**
 - b) The Kaweka Subdivision comprising the area delineated on SO Plan 386139.**
 - c) The Maraekakaho Subdivision comprising the area delineated on SO Plan 386140.**
 - d) The Poukawa Subdivision comprising the area delineated on SO Plan 386141.**

- 7) That the Hastings District Rural Community Board comprise five members as follows:**
 - a) One member elected by the electors of the Tutira Subdivision.**
 - b) One member elected by the electors of the Kaweka Subdivision.**
 - c) One member elected by the electors of the Maraekakaho Subdivision.**
 - d) One member elected by the electors of the Poukawa Subdivision.**
 - e) The member of the Council representing the Rural Ward.**

- 8) That there be a Heretaunga Plains Community comprising the area of the Heretaunga Ward.**

- 9) That the Heretaunga Plains Community be subdivided into five for electoral purposes.**

- 10) That those five subdivisions be –**
 - a) Coast Subdivision**
 - b) Clive Subdivision**
 - c) Whakatu Subdivision**
 - d) Twyford Subdivision**
 - e) Karamu Subdivision**

– all as shown on the plan titled Heretaunga Plains Community dated 15 June 2012

- 11) That the Heretaunga Plains Community Board comprise six members as follows:**
 - a) One member elected by the electors of the Coast Subdivision.**
 - b) One member elected by the electors of the Clive Subdivision.**
 - c) One member elected by the electors of the Whakatu Subdivision.**
 - d) One member elected by the electors of the Twyford Subdivision.**
 - e) One member elected by the electors of the Karamu Subdivision.**
 - f) The member of the Council representing the Heretaunga Ward.**

- 12) That there be a Flaxmere Community comprising the area of the**

Flaxmere Ward.

- 13) That the Flaxmere Community Board comprise five members as follows:
 - a) Four members elected by the electors of the Flaxmere Ward.
 - b) The member of the Council representing the Flaxmere Ward.
- 14) That there be a Havelock North Community comprising the area of the Havelock North Ward.
- 15) That the Havelock North Community Board comprise five members as follows:
 - a) Four members elected by the electors of the Havelock North Ward.
 - b) The member of the Council representing the Havelock North Ward.
- 16) That there be a Hastings Community comprising the area of the Hastings Ward.
- 17) That the Hastings Community Board comprise five members as follows:
 - a) Four members elected by the electors of the Hastings Ward.
 - b) One member of the Council representing the Hastings Ward.
- 18) That, as required by section 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards, communities and subdivisions coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand.
- 19) That, as the ward boundaries coincide with community boundaries, the requirements of section 19T(c) of the Local Electoral Act 2001 are accordingly met.
- 20) That, as required by sections 19T(a) and 19W(b) of the Local Electoral Act 2001, the five wards and four communities being created and the number of members of each ward and community and subdivision will provide effective representation of communities of interest within Hastings District because:
 - a) The five wards represent the current significant and distinct communities of interest that the Council has identified within Hastings District, namely –
 - Hastings
 - Havelock North
 - Flaxmere
 - Heretaunga Plains
 - Rural area
 - b) The reduction of the number of councillors from fourteen to nine and the creation of community boards for those wards and the creation of subdivisions for the Hastings District Rural and Heretaunga Plains communities will enable councillors to focus more on policy and

governance matters with the community boards able to focus more on local issues affecting that community.

- 21) That the requirement for “fair representation” set out in section 19V of the Local Electoral Act is met in respect of all wards and subdivisions, except Havelock North Ward, where the variation is 15.9% for the Council member and except for the Poukawa Subdivision where the variation is 15.7%.
- 22) That the Council considers there is still fair representation for Havelock North as
- i. The removal of urban meshblocks from Havelock North Ward would completely undermine the existing community of interest.
 - ii. The variation is statistically minor and reflects the population growth of Havelock North Ward within its community of interest.
 - iii. The Havelock North Community Board has been created.
- 23) That the Council considers there is still fair representation for the Poukawa Subdivision as
- i. The existing community of interest is retained.
 - ii. The variation is statistically minor and reflects the population growth of Waimarama and the Havelock Hills within its community of interest.

CARRIED 12/17

Councillor Bowers and Councillor Poulain rejoined the meeting at 5:00pm.

6. TELECOM MOBILE LIMITED - PROPOSED NEW LEASE AT FLAXMERE

Councillor Kerr/Councillor Lester

- A) That the report of the Legal Officer titled “Telecom Mobile Limited - Proposed New Lease at Flaxmere” dated 25/10/2012 be received.
- B) That Hastings District Council approve the relocation of the site for the present lease to the general location referred to in the Legal Officer’s report on the south-west corner of Flaxmere Waterworld, approximately 25 metres from the existing site.
- C) That Hastings District Council approve the granting of a new lease to Telecom Mobile Limited (or an associated Telecom company) for a term of 6 years from 1st August 2014 (with 4 rights of renewal of 6 years each) to the general location referred to in the Legal Officer’s report on the south-west corner of Flaxmere Waterworld, and that the Chief Executive be authorised to sign such a lease.

With the reason for this decision being that the relocation or replacement of the existing cellphone tower is required to allow the earthquake-strengthening of Flaxmere Waterworld and to provide continuity of service for Telecom’s customers in the Flaxmere area.

CARRIED 12/18

7. PERFORMANCE MANAGEMENT FRAMEWORK

Councillor Lester/Councillor Watkins

- A) That the report of the Strategy Manager titled "Performance Management Framework" dated 25/10/2012 be received.
- B) That the Performance Management Framework and Reporting timetable attached be adopted.

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

Ensuring that a comprehensive system of performance management is in place to monitor progress on strategic objectives and the performance commitments outlined to the community within the Long Term Plan 2012/22.

CARRIED 12/19

8. NEW ZEALAND LOCAL GOVERNMENT FUNDING AGENCY LIMITED - ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2012

Councillor Kerr/Councillor Henderson

- A) That the report of the Chief Financial Officer titled "New Zealand Local Government Funding Agency Limited - Annual Report for the year ended 30 June 2012" dated 25/10/2012 be received.
- B) That the New Zealand Local Government Funding Agency Limited Annual Report for the 7 months ended 30 June 2012 be received.

CARRIED 12/20

9. ADOPTION OF THE ANNUAL REPORT AND SUMMARY 2011/12

Councillor Kerr/Councillor Lester

- A) That the report of the Accounting Manager titled "Adoption of the Annual Report and Summary 2011/12" dated 25/10/2012 be received.
- B) That the 2011/12 Annual Report be adopted.
- C) That the 2011/12 Summary Annual Report be adopted.

CARRIED 12/21

10. 2013 SCHEDULE OF MEETINGS

Councillor Bowers/Councillor Kerr

- A) That the report of the Democratic Support Manager titled "2013 Schedule of Meetings" dated 25/10/2012 be received.
- B) That the Proposed Council and Committee Schedule of Meetings for 2013 attached be adopted.

CARRIED 12/22

11. ADDITIONAL BUSINESS ITEMS

There were no additional business items.

12. EXTRAORDINARY BUSINESS ITEMS

There were no extraordinary business items.

13. RECOMMENDATION TO EXCLUDE THE PUBLIC FROM ITEM 14

SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

Councillor Lester/Councillor Kerr

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

14 Summary of Recommendations of the Rural Community Board meeting held 27 August 2012 while the Public were Excluded

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>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</i>	<i>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED</i>	<i>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION</i>
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14 Summary of Recommendations of the Rural Community Board meeting held 27 August 2012 while the Public were Excluded	As stated in the minutes	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.
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CARRIED 12/23

The meeting closed at 5.12pm

Confirmed:

Chairman:

Date: