



Hastings District Council

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OPEN MINUTES

COUNCIL

Meeting Date: Thursday, 19 December 2013

**Minutes of a Meeting of the Council held on
19 December 2013 at 1.05pm**

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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, 19 DECEMBER 2013 AT 1.05PM

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

IN ATTENDANCE: Chief Executive (Mr R McLeod)
Group Manager: Asset Management (Mr D Fraser)
Group Manager: Community Facilities & Programmes (Ms A Heather)
Group Manager: Corporate and Customer Services (Mr M Maguire)
Group Manager: Human Resources (Mrs B Bayliss)
Group Manager: Planning and Regulatory Services (Mr J O'Shaughnessy)
Group Manager: Strategy and Development (Mr D Morgan)
Chief Financial Officer (Mr T Gray)
Principal Advisor: Infrastructure (Mr C Thew)
Parks Planning and Development Manager (Mrs R Stuart)
Legal Officer (Mr P Woodroffe)
Community Safety Manager (Mr P Evans)
Senior Environmental Planner (Mrs C Boulton)
Committee Secretary (Mrs C Hunt)

ALSO ATTENDING: Jocelyn Cowan, Community Health Advisor, Cancer Society (Item 9)
Mr Jock Mackintosh, Chief Executive, Hawke's Bay Regional Sports Park (Item 10)
Members of the public were present in the gallery for Items 11 and 13

1. PRAYER

The opening prayer was given by Group Manager: Asset Management, Mr Fraser.

2. APOLOGIES

Mayor Yule/Councillor Heaps

That apologies for lateness from Councillors Pierce and Watkins be accepted.

CARRIED 13/73

3. CONFLICTS OF INTEREST

- Mayor Yule declared a conflict of interest in Item 10 – Hawke’s Bay Regional Sports Park.
- Councillor Poulain declared a conflict of interest in Item 13 – Fluoride Referendum.

4. CONFIRMATION OF MINUTES

Councillor Lester/Councillor Kerr

That the minutes of the Council Meeting held 19 November 2013 be confirmed as a true and correct record and be adopted.

CARRIED 13/74

5. SUMMARY OF RECOMMENDATIONS OF THE HASTINGS DISTRICT RURAL COMMUNITY BOARD MEETING HELD 2 DECEMBER 2013 (13/823)

Councillor Lester/Councillor Kerr

- A) That the report of the Democratic Support Manager titled “Summary of Recommendations of the Hastings District Rural Community Board meeting held 2 December 2013” be received.
- B) The following recommendations of the Hastings District Rural Community Board meeting held 02 December 2013 be ratified:

“6. DISUSED STOCK PADDOCK IN TE AUTE ROAD - CONSIDERATION UNDER THE PUBLIC WORKS ACT 1981”

- A) *That the report of the Legal Officer titled “Disused Stock Paddock in Te Aute Road - Consideration Under the Public Works Act 1981” dated 2/12/2013 be received.*
- B) *That Hastings District Council no longer requires the land in Computer Freehold Registers HBH4/1130 and HBH1/170 for the purpose of a stock paddock or for any other purpose.*
- C) *That Hastings District Council transfer the land shown on Plan SP1 by Zorn Surveying Limited dated October 2012 as Section 29 (approximately 202m²) and Section 30 (approximately 230m²) to Hawke’s Bay Regional Council at market value for the purposes of a public work, namely the stopbank along the Awanui Stream, subject to Hawke’s Bay Regional Council paying the costs of that transfer (including all legal and survey costs).*
- D) *That Hastings District Council offer to sell the balance of Computer Freehold Registers HBH4/1130 and HBH1/170 at market value to the registered proprietors of the adjoining CFR 352590 (Part Kakiraawa 2B2Z2 Block) from whose predecessors the land in HBH 1/170 was acquired in about 1917 and in the event that the sale does not take place then:*
- i) *Offer to sell the balance of Computer Freehold Registers HBH4/1130 and HBH1/170 at market value to Hawke’s Bay Regional Council.*

With the reasons for this decision being that the objective of the decision will contribute to the provision of good quality public services by disposing of an asset that is no longer required by following the requirements of the Public Works Act 1981.

CARRIED 13/75

6. SUMMARY OF RECOMMENDATIONS OF THE RATING REVIEW WORKING PARTY MEETING HELD 14 NOVEMBER 2013

(13/850)

Councillor Bowers/Councillor Kerr

A) That the report of the Committee Secretary titled "Summary of Recommendations of the Rating Review Working Party meeting held 14 November 2013" be received.

B) That the following recommendations of the Rating Review Working Party meeting held 14 November 2013 be ratified:

"5. IMPLEMENTATION OF RATING POLICY – ISSUES RAISED BY DOUGLAS MCBEATH - CHARGING FOR UNIFORM AND TARGETED RATES FOR SEPARATELY USED INHABITED PARTS OF A RATING UNIT"

A) *That the report of the Chief Financial Officer titled "Implementation of Rating Policy - Issues Raised by Douglas McBeath Charging for Uniform and Targeted Rates for separately used inhabited parts of a Rating Unit" dated 14/11/2013 be received.*

B) *That Option 2, of the report in "A" above, using the Quotable Value database, be approved as the preferred method of collecting information to enable multiple units of use to be charged to ratepayers who have multiple dwellings, from 1 July 2014.*

C) *That Officers advise Mr McBeath of the options evaluated by the Rating Review Working Party and the proposed course of action to deal with this matter which includes seeking Council approval to consult as part of the 2014/15 Annual Plan on the remission policy and to apply the policy firmly from 1 July 2014 with no changes to existing practice in 2013/14.*

CARRIED 13/76

7. SUMMARY OF RECOMMENDATIONS OF THE LANDMARKS ADVISORY GROUP MEETING HELD 10 DECEMBER 2013

(13/850)

Councillor Hazlehurst/Mayor Yule

A) That the report of the Democratic Support Manager titled "Summary of Recommendations of the Landmarks Advisory Group meeting held 10 December 2013" be received.

B) The following recommendations of the Landmarks Advisory Group meeting held 10 December 2013 be ratified:

“4. LYELL STREET RESIDENTS' REQUEST TO REPLACE STREET TREES.

- A) *That the report of the Parks Landscape and Projects Officer titled “Lyell Street Residents' request to replace street trees.” dated 10/12/2013 be received.*
- B) *That all trees in Lyell Street be removed and replanted with more suitable trees in one be endorsed by the Landmarks Advisory Group and referred to the next District Development Meeting when they consider the petition on the removal of the Lyell Street trees”.*

CARRIED 13/77

8. SUMMARY OF RECOMMENDATIONS OF THE HDC : TANGATA WHENUA WASTEWATER COMMITTEE MEETING HELD 13 DECEMBER 2013

(13/854)

Circulated at the meeting for information was an updated copy of the recommendations of the HDC : Tangata Whenua Wastewater Committee meeting held on 13 December 2013.

Councillor Lester/Councillor Lyons

- A) **That the report of the Democratic Support Manager titled “Summary of Recommendations of the HDC:Tangata Whenua Wastewater Committee Meeting held 13 December 2013” be received.**
- B) **That the following recommendation of the HDC: Tangata Whenua Wastewater Committee meeting held 13 December 2013 be received for information:**

“4. APPOINTMENT OF CHAIRPERSON AND DEPUTY CHAIRPERSON

That Mr Gordon Paku be appointed as Chairperson of the HDC : Tangata Whenua Wastewater Committee.

That Councillor Heaps be appointed as Deputy Chairperson of the HDC : Tangata Whenua Wastewater Committee”.

CARRIED 13/78

9. PROVISION OF SHADE STRUCTURES IN WILLIAM NELSON PARK AND HAVELOCK NORTH VILLAGE GREEN

(13/594)

The Parks Planning and Development Manager, Mrs Stuart displayed a powerpoint presentation providing an overview on the provision of permanent shade structures over the playground at William Nelson Park and the new seating area in Havelock North Village.

Councillor Roil/Councillor Kerr

- A) **That the report of the Parks Planning and Development Manager titled “Provision of shade structures in William Nelson Park and Havelock North Village Green” dated 19/12/2013 be received.**

- B) That Council adopts Option 1 (Do nothing) and continues to provide sunscreen, gazebos, signage and other temporary shade options until the trees have fully established.**
- C) That Council Officers include for consideration in the 2014/15 Annual Plan the following:**
- Option 2: Provide a canvas sunshade structure over the children's playground and/or;**
- Option 3: Provide 1-3 built sunshade structures over the main spectator seating areas in the park.**
- D) That officers work with the Cancer Society to undertake shade audits to ensure adequate natural shade is available around the playgrounds in the parks and reserves of the district.**

With the reasons for this decision being that the objective of the decision will contribute to the provision of good quality infrastructure.

- i) The provision of additional sun protection in William Nelson Park to meet the needs of the community in an appropriate and cost-effective way.**

CARRIED 13/79

Mayor Yule having previously declared an interest in Item 10 withdrew from participating in discussion or decision relating to this item.

Councillor Bowers assumed the role of Chair at 1.32pm.

10. HAWKES BAY REGIONAL SPORTS PARK FUNDING REQUEST
(13/815)

Councillor Lester/Councillor Hazlehurst

- A) That the report of the Strategic Financial Advisor titled "Hawkes Bay Regional Sports Park Funding request" dated 19/12/2013 be received.**
- B) That Council approve the request from the Hawke's Bay Regional Sports Park Trust to transfer Hastings District Council funding previously allocated to Stages 1 & 2 of the Parks development to the current stage 3 programme of works.**

With the reasons for this decision being that the objective of the decision will contribute to the cost effective delivery of good quality community infrastructure by:

- i) Maximising the financial contribution received by Unison for the future benefit of the Hawkes Bay Regional Sports Park.**

CARRIED 13/80

Mayor Yule resumed the role of Chair at 1.36pm.

11. RATING POLICY

(13/633)

Councillor Lester/Councillor Kerr

- A) That the report of the Financial Policy Advisor titled "Rating Policy" dated 19/12/2013 be received.
- B) That Council approved for consultation in the 2014/15 Annual Plan the following Rating Review Working Party recommendations:
- i) That the basis for determining a property's general rate differential classification within Rating Area 1 is based on geographical locality, use and level of service that a property receives, and that these are illustrated by way of council maps.

The differentials would be set out as follows:

DRA1 Residential

Land within Differential Rating Area One that falls within council map labeled 'Residential' which is either:

- ***Used exclusively or predominantly for a residential purpose***
- ***Eligible to receive a rates remission under Council remission policy for community, sporting and other organisations.***
- ***A hall or a building used for purposes ancillary to a church, but not used for any commercial purpose.***
- ***Used exclusively or predominantly for a child care centre by a non profit organisation.***
- ***Used exclusively or predominantly for a rest home, or private hospital.***

DRA1 Residential Clive

Land within Differential Rating Area One that falls within council map labeled 'Residential Clive' which is either:

- ***Used exclusively or predominantly for a residential purpose.***
- ***Eligible to receive a rates remission under Council remission policy for community, sporting and other organisations.***
- ***A hall or a building used for purposes ancillary to a church, but not used for any commercial purpose.***
- ***Used exclusively or predominantly for a child care centre by a non profit organisation***
- ***Used exclusively or predominantly for a rest home or private hospital.***

DRA1 Horticulture / Farming

Land within Differential Rating Area One which is used exclusively or predominantly for horticulture or farming purposes.

DRA1 Residential Non Urban (including Townships & Small Settlements)

Land within Differential Rating One that falls outside council maps labeled 'Residential' and 'Residential Clive' which is either:

- ***Used exclusively or predominantly for a residential purpose.***

- ***Eligible to receive a rates remission under Council remission policy for community, sporting and other organisations.***
- ***A hall or a building used for purposes ancillary to a church, but not used for any commercial purpose.***
- ***Used exclusively or predominantly for a child care centre by a non profit organisation***
- ***Used exclusively or predominantly for a rest home or private hospital.***

DRA1 CBD Commercial

Land within Differential Rating Area One that falls within council map labeled 'CBD Commercial' which is either:

- ***Used exclusively or predominantly for a commercial or industrial purpose.***
- ***Used exclusively or predominantly as a commercial accommodation provider.***

DRA1 Other Commercial

Land within Differential Rating Area One that falls within council map labeled 'Other Commercial' which is either:

- ***Used exclusively or predominantly for a commercial or industrial purpose.***
- ***Used exclusively or predominantly as a commercial accommodation provider.***

DRA1 Commercial Non Urban – Peripheral

Land within Differential Rating Area One that falls outside council maps labeled 'CBD Commercial' and 'Other Commercial' which is used exclusively or predominantly for a commercial or industrial purpose or land within Differential Rating Area One which is used for the purposes of a Chartered Club.

- ii) ***That officers enforce the policy more consistently in accordance with its intention, and that the definition of Separately Used and Inhabited Parts of a Rating Unit be modified to read 'any part of a rating unit that is, or able to be, separately used or inhabited by the ratepayer, or by any other person who may have the right to use or inhabit that part by virtue of a tenancy, lease, license or other agreement'.***
- iii) ***That Sundry Remissions under the Rate Remission and Postponement Policy be amended to include the remission of fixed charges where:***
 - a) ***Any additional residential dwelling, flat, cottage, workers accommodation or visitors accommodation unit that is unable or incapable of being inhabited.***
 - b) ***Any additional residential dwelling, flat, cottage, workers accommodation or visitors accommodation unit that is provided on a rent free basis to an employee because it's essential in the opinion of Council they must reside on the rating unit for the on-going running of the business.***

CARRIED 13/81

12. 2014 SCHEDULE OF COUNCIL AND COMMITTEE MEETINGS

(13/618)

Circulated at the meeting was an updated version of the 2014 Meeting Schedule.

Councillor Lester/Councillor Bowers

- A) That the report of the Democratic Support Manager titled “2014 Schedule of Council and Committee Meetings” dated 19/12/2013 be received.
- B) That the schedule of meetings for 2014, incorporating the agreed amendment that the District Development Committee meeting start at 2.00pm, be adopted.

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 13/82

13. FLUORIDE REFERENDUM

(13/618)

*Councillor Poulain declared a conflict in Item 13 and withdrew from the meeting.
Councillor Pierce joined the meeting at 1.46pm.*

Councillor Roil/Councillor Lester

- A) That the report of the Democratic Support Manager titled “Fluoride Referendum” dated 19/12/2013 be received.
- B) That the Council acknowledge the wishes of the Community as evidenced by the results of the poll and confirm that fluoridation of the urban water supplies will continue.

With the reasons for this decision being that the objective of the decision will give effect to the wishes of the Community for the provision of good quality public water supply services.

CARRIED 13/83

14. LOCAL ALCOHOL POLICY HEARING COMMITTEE

(13/811)

Mayor Yule thanked and acknowledged the Senior Environmental Planner, Mrs Boulton and the Community Safety Manager, Mr Evans on the work undertaken in regard to the Local Alcohol Policy and achieving a Joint Committee with Napier.

Officers were directed that Terms of Reference for the Local Alcohol Policy Hearing Committee would need to be developed in January 2014 for approval by both Hastings District and Napier City Councils.

Councillor Hazlehurst/Councillor Kerr

- A) That the report of the Democratic Support Manager titled “Local Alcohol Policy Hearing Committee” dated 19/12/2013 be received.**
- B) That Councillors Bowers, Lester and Watkins be appointed to the Joint Committee to hear the submissions to the Napier City and Hastings District Local Alcohol Policies.**
- C) That the Council delegate to the Joint Committee the authority to hear and consider the submissions to the Hastings District Local Alcohol Policy and to recommend to the Council the adoption, or amendment of its policy prior to adoption.**

With the reasons for this decision being that the objective of the decision will contribute to the performance of regulatory functions in a way that is most cost-effective for households and business

CARRIED 13/84

15. COMMITTEES AND RURAL COMMUNITY BOARD DELEGATIONS REGISTER – AMENDMENT
(13/816)

Councillor Lester/Councillor Kerr

- A) That the report of the Democratic Support Manager titled “Committees and Rural Community Board Delegations Register - amendment” dated 19/12/2013 be received.**
- B) That the delegations to the Planning and Regulatory Committee and to the Hearings Committee shown on attachment 1 to this report be deleted from the Committees and Rural Community Board Delegations Register.**
- C) That the provisions relating to the District Licensing Committee as shown on attachment 2 to this report be added to the Committees and Rural Community Board Delegations Register.**

CARRIED 13/85

16. ECONOMIC DEVELOPMENT ASSISTANCE FRAMEWORK
(13/842)

Councillor Lester/Councillor Watkins

- A) That the report of the Group Manager: Strategy and Development titled “Economic Development Assistance Framework” dated 19/12/2013 be received.**
- B) That Council the following two reports would be submitted to Council at**

a later date:

- i) Policy for the provision of financial assistance for Economic Development.**
- ii) The broader situation regarding the delivery of Economic Development Services by Council.**

With the reasons for this decision being that it will meet the current and future needs of the community for local public services specifically through supporting and attracting businesses, building a resilient and job rich local economy.

CARRIED 13/86

17. WASTE-TO-ENERGY INVESTIGATION AS A POTENTIAL ALTERNATIVE TO LANDFILL

(13/611)

The Group Manager: Asset Manager, Mr Fraser displayed a powerpoint presentation providing an overview on potential alternative approaches to the Omarunui Landfill for disposal of remaining waste that cannot be reused or recycled.

Councillor Kerr/Councillor Lester

- A) The report of the Group Manager: Asset Management titled “Waste-to-Energy investigation as a potential alternative to Landfill” dated 19/12/2013 be received.**
- B) That further investigation of thermal waste-to-energy technologies, and in particular, gasification/pyrolysis, be carried out with a view to Council being in a position to consider practical alternatives to extending the Landfill.**
- C) That Council officers review Council's policy relating to disposal of solid waste to ensure it recognises solid waste as a potential resource.**
- D) That Council officers continue working with their counterparts in Napier City Council on issues relating to future arrangements with the landfill and waste-to-energy plant.**
- E) That Councillors Bowers (Chair), Bradshaw and Kerr form a working group to provide feedback and guidance to the officers’ project team as the investigations progress.**

With the reasons for this decision being that the objective of the decision will contribute to the provision of good quality local infrastructure in a way that is most cost-effective for households and business by:

- i) being more effective in delivering the services Council requires to meet its waste disposal obligations**

- ii) **eliminating a significant financial risk that Council would be subject to should it continue with its current approach and intention to extend the Omarunui Landfill.**

CARRIED 13/87

18. ADDITIONAL BUSINESS ITEMS

There were no additional business items.

19. EXTRAORDINARY BUSINESS ITEMS

There were no extraordinary business items.

Group Manager: Asset Management - Mayor Yule advised that this was the last Council meeting that Mr David Fraser would be attending as Group Manager: Asset Management as he was moving to Auckland.

Mr Fraser had been with the Hastings District Council for 25 years and Mayor Yule thanked Mr Fraser for the huge contribution he had made towards the District's development during his time both with the County Council and District Council. He acknowledged and appreciated that as an engineer Mr Fraser was able to convey in layman's terms complicated matters in a way that elected members could understand.

On behalf of Council, Mayor Yule wished Mr Fraser the very best for the future and reiterated appreciation for all his time, effort and work in developing the district.

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

SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

Councillor Bowers/Councillor Kerr

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

- 21. Summary of Recommendations of the Omarunui Joint Refuse Landfill Committee meeting held 6 December 2013**
- 22. Economic Development Assistance**
- 23. Te Mata Park Trust Board - new trustee**

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:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION
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21. Summary of Recommendations of the Omarunui Joint Refuse Landfill Committee meeting held 6 December 2013	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.
22. Economic Development Assistance	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. Commercial sensitivity.	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. Te Mata Park Trust Board - new trustee	Section 7 (2) (a) The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. Protect the privacy of natural persons.	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 13/88

The meeting closed at 3.00pm

Confirmed:

Chairman:

Date: