



Hastings District Council

*Civic Administration Building
Lyndon Road East, Hastings 4156*

Phone: (06) 871 5000

Fax: (06) 871 5100

www.hastingsdc.govt.nz

OPEN MINUTES

COUNCIL

Meeting Date: **Thursday, 25 October 2018**

**Minutes of a Meeting of the Council held on
25 October 2018 at 1.00pm**

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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 2018 AT 1.00PM

PRESENT: Mayor Hazlehurst (Chair)
Councillors Barber, Dixon, Harvey, Heaps, Kerr, Lawson, Lyons, Nixon, O’Keefe, Poulain, Redstone, Schollum and Watkins.

IN ATTENDANCE: Acting Chief Executive (Mr N Taylor)
Group Manager: Asset Management (Mr C Thew)
Group Manager: Planning and Regulatory Services (Mr J O’Shaughnessy)
Group Manager: Economic Growth and Organisation Improvement (Mr C Cameron)
Group Manager: Human Resources (Mrs B Bayliss)
Chief Financial Officer (Mr B Allan)
Group Manager: Community Facilities & Programmes (Mrs A Banks)
Project Advisor (Ms A Hilton)
Financial Controller (Mr A Wilson)
Cemetery Manager (Mr I Bester)
Senior Animal Control Officer (Mr C Chadwick)
Waste and Data Services Manager (Mr M Jarvis)
Committee Secretary (Mrs C Hunt)

AS REQUIRED: Vice President, Loami Tu’akalau, Hawke’s Bay Tongan Community
Hayley Cameron, Hastings Girls’ High School Student

1. PRAYER

The opening prayer was given by Reverend Barbara Walker, Hawke’s Bay Hospital Chaplain.

2. APOLOGIES

Mayor Hazlehurst/Councillor Dixon

That an apology for absence from Councillor Travers be accepted.

CARRIED

LEAVE OF ABSENCE

Mayor Hazlehurst/Councillor Dixon

That leave of absence be granted to the following Councillors for:

Councillor Barber	1-7 November 2018
Councillor O’Keefe	29 October 2018 13 November 2018 28,29 and 30 November 2018
Councillor Schollum	3-4 December 2018

CARRIED

3. SEAL REGISTER

Mayor Hazlehurst/Councillor Kerr

That the Seal Register lie on the table.

CARRIED

4. CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

5. CONFIRMATION OF MINUTES

Mayor Hazlehurst/Councillor Watkins

That the minutes of the Council Meeting held Thursday 27 September 2018, including minutes while the public were excluded be confirmed as a true and correct record and be adopted.

CARRIED

6. TONGAN HAWKE'S BAY COMMUNITY AND COUNCIL'S DONATION TO THE VICTIMS OF CYCLONE GITA

(Document 18/846)

The Hawke’s Bay Tongan Community Vice-President Loami Tu'akalau spoke to the Council meeting about travelling to Tonga in June to help unpack and distribute the aid to the community following Cyclone Gita.

Mr Tu’akalau on behalf of the Tongan community thanked the Council for their generosity which showed the combination of love and concern for the desperate need of Tonga which was heard and felt throughout Hawke’s Bay. The Tongan Community were very grateful for the assistance.

Mayor Hazlehurst/Councillor Kerr

A) That the report of the Project Advisor titled “Tongan Hawke's Bay

Community and Council's donation to the victims of Cyclone Gita” dated 25/10/2018 be received.

CARRIED

7. PRESENTATION BY HASTINGS GIRLS' HIGH SCHOOL STUDENT - HAYLEY CAMERON

(Document 18/876)

Hayley Cameron, a student at Hastings Girls' High School displayed a powerpoint presentation (CG-14-1-01024) outlining her success at the Canoe Polo World Championship, returning with a bronze medal.

Hayley had been a recipient of \$250.00 from the Mayoral Fund to assist with her travel costs to represent New Zealand at the Canoe Polo World Championship which was held in Welland, Canada from 31 July to 5 August 2018.

Councillor Nixon/Councillor Dixon

A) That the report of the Project Advisor titled “Presentation by Hastings Girls' High School student - Hayley Cameron” dated 25/10/2018 be received.

CARRIED

8. ADOPTION OF THE ANNUAL REPORT AND SUMMARY 2017/18

(Document 18/1011)

Councillor Nixon/Councillor Watkins

A) That the report of the Financial Controller titled “Adoption of the Annual Report and Summary 2017/18” dated 25/10/2018 be received.

B) That the 2017/18 Annual Report (CG-14-1-01021) be adopted with any inconsequential amendments made at the meeting and any necessary drafting corrections delegated to the Chief Executive.

C) That the 2017/18 Summary Annual Report (CG-14-1-01019) be adopted with any inconsequential amendments made at the meeting and any necessary drafting corrections delegated to the Chief Executive.

CARRIED

9. MONTHLY FINANCIAL SUMMARY FOR COUNCIL

(Document 18/1010)

The Chief Financial Officer, Mr Allan circulated updated financial summary graphs (CG-14-1-01028).

Council were advised to provide any feedback on the new reporting system to the Chief Financial Officer.

Councillor Kerr/Councillor Nixon

That the report of the Chief Financial Officer titled “Financial Summary for

Council” dated 25 October 2018 be received.

CARRIED

Councillor Lyons declared a conflict of interest in Item 11 and withdrew from the meeting table.

10. HAWKES BAY MUSEUMS TRUST FUNDING

(Document 18/997)

Councillor Watkins/Councillor Nixon

- A) That the report of the Chief Financial Officer titled “Hawkes Bay Museums Trust Funding” dated 25/10/2018 be received.**
- B) That Council increase the funding to the Hawkes Bay Museums Trust in 2018/19 to \$598,000 in line with the funding requirements set out in the Hawkes Bay Museums Trust 2018-20 Statement of Intent.**
- C) That the additional funding provided to the Hawkes Bay Museums Trust of \$132,000 be treated as unbudgeted expenditure in 2018/19.**
- D) That Council participate in the establishment of a Joint Working Group between Hastings District and Napier City Council’s to look at alternative governance and management arrangements with the Terms of Reference of the Joint Working Group to be agreed by the representatives appointed.**

With the reasons for this decision being that the objective of the decision will contribute to meeting the current and future needs of communities for local public services in a way that is most cost-effective for households and business by:

- i) Meeting the financial requirements of Hawke’s Bay Museum Trust to ensure the Regional Collection is cared for in the most appropriate way.**

CARRIED

Councillor Lyons rejoined the meeting table.

11. LICENCE TO OCCUPY A PORTION OF TANNER STREET RESERVE - REQUEST TO UPLIFT REPORT LYING ON THE TABLE AND CONSIDERATION OF ADDITIONAL INFORMATION.

(Document 18/1033)

Councillor Kerr/Councillor Heaps

- A) That the report of the Parks and Property Services Manager titled “Licence to Occupy a portion of Tanner Street Reserve - request to uplift report lying on the table and consideration of additional information.” dated 25/10/2018 be received.**
- B) That the item “Request to occupy a portion of Tanner Street Reserve” – that was left to lie on the table at the 27 September 2018 Council meeting now be uplifted and further addressed.**

CARRIED

Councillor Lyons/Councillor Lawson

- A) That the report of the Parks and Property Services Manager titled “Request to Occupy a Portion of Tanner Street Reserve” dated 25/10/2018 be received.
- B) That Council adopt Option 2 and thereby agree to grant the owners of 28a Tauroa Road a Licence to Occupy a portion of 120m² of Tanner Street Reserve for a fee of \$30.00 per annum.
- C) That the Licence to Occupy shall be for a period of fifteen years.
- D) That the Acting Chief Executive be authorised to enter into a Licence to Occupy to allow the owners of 28a Tauroa Road to erect a retaining wall on a portion of the Tanner Street Reserve, that complies with the Requirements of the Building and Resource Management Acts.
- E) That a file note be placed on the property file for 28a Tauroa Road advising of the terms and conditions of the Licence to Occupy as important information for prospective purchasers.

With the reasons for this decision being that the objective of the decision will contribute to meeting the current and future needs of communities for performance of regulatory functions in a way that is most cost-effective for households and business by:

- i) allowing the removal and remediation of an illegal structure that will provide an improved outcome, without affecting reserve values by exercising of regulatory functions that helps create a safe environment.
- ii) That the granting a licence to occupy is a case specific decision, and the granting of such a licence in this circumstance does not constitute a precedent for any future encroachment decisions and how Council might resolve them.

CARRIED

Councillors Redstone and Schollum recorded their votes AGAINST the Motion

Councillor Harvey declared a conflict of interest in Item 12 and withdrew from the table.

12. ARATAKI RESERVE PURCHASE - REQUEST TO UPLIFT REPORT AND CONSIDERATION OF ADDITIONAL INFORMATION
(Document 18/1018)

Mayor Hazlehurst/Councillor Watkins

- A) That the report of the Parks and Property Services Manager titled Arataki Reserve Purchase - Request to Uplift Report and consideration of additional information dated 25/10/2018 be received.
- B) That the item “Proposed Arataki Link Road Reserve –Request to

Purchase” – that was left to lie on the table at the 27 September 2018 Council Meeting, now be uplifted and further addressed.

CARRIED

Councillor Kerr/Councillor Nixon

- A) That the report of the Arataki Reserve Purchase – “Proposed Arataki Road Link Reserve – Request to Purchase” dated 25/10/2018 be received.**
- B) That Council adopt Option 2 and not agree to purchase the proposed Arataki link Reserve allotment from Greenstone Land Development Limited.**

With the reasons for this decision being that the objective of the decision will contribute to the purpose of Local Government meeting the current and future needs of communities for good quality local in a way that is most cost-effective for households and business by: by maintaining a prudent financial approach to the purchase of unnecessary parks infrastructure.

A Hand vote was taken with 7 FOR and 6 AGAINST

The Motion was **CARRIED**

Mayor Hazlehurst, Councillors Barber, Dixon, Heaps, Lawson and Watkins voted AGAINST the Motion

13. FUTURE CEMETERY DEVELOPMENT

(Document 18/957)

Councillor Nixon/Councillor Lyons

- A) That the report of the Cemetery Manager titled “Future cemetery development” dated 25/10/2018 be received.**
- B) That Council adopts the option to locate future cemetery development at the Mangaroa Cemetery.**
- C) That the Chief Executive investigates if the land swap option would be viable and add value to the site.**
- D) That Council approves the use of \$25,000 from the reserve fund from pre-purchase of plots to begin landscape design work at the Mangaroa Cemetery site.**
- E) That Council makes provision for the development of Mangaroa Cemetery in the 2019/20 Annual Plan process.**

With the reasons for this decision being that the objective of the decision will contribute to meeting the current and future needs of communities for good quality local infrastructure and local public services in a way that is most cost-effective for households and business by:

- i) Providing and maintaining burial facilities and associated recordkeeping for deceased people within its boundaries as per**

legislated mandate of the Burial & Cremations Act (1964).

CARRIED

14. SECTION 10A ANNUAL REPORT DOG CONTROL
(Document 18/798)

Councillor Kerr/Councillor Nixon

- A) That the report of the Community Safety Manager titled “Section 10A Annual Report Dog Control” dated 25/10/2018 be received.**
- B) That the 2017/18 Section 10A Annual Report on Policy and Practices in Relation to the Control of Dogs (REG-1-14-18-58) be adopted.**
- C) That the report be notified in the local newspaper and a copy of the report be sent to the Secretary for Local Government within one month after adoption.**

With the reasons for this decision being that the objective of the decision will contribute to meeting the current and future needs of communities for performance of regulatory functions in a way that is most cost-effective for households and business by:

Ensuring Council meets its requirements to publically report each financial year on the administration of its dog control policy and practices as required by the Dog Control Act 1996.

CARRIED

15. REQUESTS RECEIVED UNDER THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT (LGOIMA) MONTHLY UPDATE
(Document 18/1002)

Councillor Harvey/Councillor Heaps

- A) That the report of the Democratic Support Manager titled “Requests Received under the Local Government Official Information and Meetings Act (LGOIMA) Monthly Update” dated 25/10/2018 be received.**
- B) That the LGOIMA requests received in September and October 2018 as set out in Attachment 1 (IRB-2-1-18-1430) of the report in (A) above be noted.**

CARRIED

16. AMENDMENT TO STANDING ORDERS TO ENABLE REMOTE PARTICIPATION IN MEETINGS
(Document 18/878)

Councillor Schollum/Councillor Redstone

- A) That the report of the Democratic Support Manager titled “Amendment to Standing Orders to enable Remote Participation in Meetings” dated 25/10/2018 be received.**

- B) That pursuant to Clause 27 of the Schedule 7 of the Local Government Act 2002, the Hastings District Council Standing Orders are amended by incorporating after Clause 12.6 the following provisions, so as to enable attendance and voting at Council and Committee meetings by audio or audio visual link**

12.7 Right to attend by audio or audio visual link

Provided the conditions in these standing orders are met members of the council have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

12.8 Member's status: quorum

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

12.9 Member's status: voting

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

12.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Mayor or Chairperson must ensure that:

- a) the technology for the link is available and of suitable quality;***
- b) procedures for using the technology in the meeting will ensure that:

 - i. everyone participating in the meeting can hear each other;***
 - ii. the member's attendance by audio or audio visual link does not reduce their accountability or accessibility of that person in relation to the meeting;***
 - iii. the requirements of Part 7 of LGOIMA are met; and***
 - iv. the requirements in these standing orders are met.******

If the Mayor or Chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the deputy mayor or deputy chair or a member who is physically present.

- cl. 25A (3) Schedule 7, LGA 2002.***

12.11 Conditions for attending by audio or audio visual link

The Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- a) where the member is at a place that makes their physical presence at the meeting impossible or impracticable;***
- b) where a member is unwell; and***

- c) *where a member is unable to attend due to an emergency.*

12.12 Request to attend by audio or audio visual link

Where possible, a member will give the Mayor or Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audio visual link. Should this not be possible due to illness or emergency, the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the Council or its Committees.

12.13 Mayor or Chairperson may terminate link

The Mayor or Chairperson may direct that an electronic link should be terminated where:

- a) *use of the link is increasing, or may unreasonably increase, the length of the meeting;*
- b) *the behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;*
- c) *it is distracting to the members who are physically present at the meeting; and*
- d) *the quality of the link is no longer suitable.*

12.14 Giving or showing a document

A person attending a meeting by audio or audio-visual link may give or show a document by:

- a) *transmitting it electronically;*
- b) *using the audio-visual link; and*
- c) *any other manner that the Chairperson thinks fit.*

cl. 25(A) (6) Schedule 7, LGA 2002.

CARRIED

COUNCILLOR NIXON RECORDED HIS VOTE AGAINST THE MOTION

17. OPERA HOUSE AND PRECINCT UPDATE

(Document 18/886)

An amended paragraph 3.4 (18/1061) was circulated at the meeting which replaced the wording "An Expression of Interest (EOI) to "A request for Quotes (RFQ)".

Councillor Dixon/Councillor Watkins

- A) That the amended report of the Group Manager: Community Facilities & Programmes titled "Opera House and Precinct Update" dated 25/10/2018 be received.

CARRIED

18. **SUMMARY OF RECOMMENDATIONS OF THE OMARANUI REFUSE LANDFILL JOINT COMMITTEE MEETING HELD 5 OCTOBER 2018**
(Document 18/1013)

Councillor Nixon/Councillor Harvey

- A) That the report of the Waste and Data Services Manager titled "Summary of Recommendations of the Oamarunui Refuse Landfill Joint Committee meeting held 5 October 2018 " be received.
- B) The following recommendations of the Oamarunui Refuse Landfill Joint Committee meeting held 5 October 2018 be ratified:

"5. ANNUAL REVIEW OF HEDGING STRATEGY FOR LANDFILL CARBON EMISSIONS

- A) *That the report of the Management Accountant titled "Annual Review of Hedging Strategy For Landfill Carbon Emissions" dated 5/10/2018 be received.*
- B) *That the Landfill Committee approve the forward purchase contract for 107,100 New Zealand Units currently estimated at around \$2,934,540 to fix the price of NZUs for the calendar year 2020, 85,680 NZU at around \$2,424,744 for calendar year 2021 and 64,260 NZU at around \$1,886,031 for 2022. The Chief Executive (Hastings District Council) be authorised to approve the nature of the contract and to execute the necessary contracts.*
- C) *That it be noted that the actual cost of the extension of the forward purchase contract can only be firmly established when the order is placed in the market.*
- D) *That the hedging strategy be reviewed annually.*

6. **OMARUNUI JOINT LANDFILL ANNUAL REPORT FOR THE YEAR ENDING 30 JUNE 2018**

- A) *That the report of the Waste and Data Services Manager titled "Oamarunui Joint Landfill Annual Report for the year ending 30 June 2018" dated 5 October 2018 be received.*
- B) *That the unaudited Oamarunui Joint Landfill Financial Statements for the year ended 30 June 2018 and Attachment 1 to the Agenda report (CG-14-27-00032) be received.*

CARRIED

19. UPDATED 2018 MEETING SCHEDULE CHANGES

(Document 18/1014)

Mayor Hazlehurst/Councillor Harvey

- A) That the report of the Democratic Support Manager titled "Updated 2018 Meeting Schedule Changes" dated 25/10/2018 be received.
- B) That the 2018 Meeting Schedule be amended as follows:-

Committee	Date	Time	Venue
Council	6 December 2018 <i>(previously 13 December)</i>	1.00pm	Council Chamber
HB Opera House & Precinct Subcommittee	Thursday, 22 November 2018	10.00am	Landmarks Room
HB Crematorium	Wednesday, 5 December 2018	10.00am	HB Crematorium

- C) That an Extraordinary meeting of the Council be held at 9.00am on Wednesday, 31 October 2018, in the Council Chamber to consider "Chief Executive Matters".

CARRIED**20. ADDITIONAL BUSINESS ITEMS**

There were no additional business items.

21. EXTRAORDINARY BUSINESS ITEMS

There were no extraordinary business items.

The meeting closed at 3.10pm

Confirmed:Chairman:Date: