



Hastings District Council

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OPEN MINUTES

COUNCIL

Meeting Date: **Thursday, 28 March 2019**

**Minutes of a Meeting of the Council held on
28 March 2019 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, 28 MARCH 2019 AT 1.00PM

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

IN ATTENDANCE: Chief Executive (Mr N Bickle)
Group Manager: Asset Management (Mr C Thew)
Group Manager: Human Resources (Mrs B Bayliss)
Chief Financial Officer (Mr B Allan)
Acting Group Manager: Community Facilities & Programmes (Ms D Elers)
Pou Ahurea Matua – Principal Advisor: Relationships, Responsiveness and Heritage (Dr J Graham) (Item 8)
Health & Safety Manager (Ms J Kuzman) (Item 9)
Risk & Corporate Services Manager (Mr R Smith) (Item 9)
Waste Minimisation Officer (Mrs A Atkins) (Item 10)
Waste and Data Services Manager (Mr M Jarvis) (Item 10)
Strategy Manager (Mr L Verhoeven) (Item 11)
Manager Strategic Projects & Partnerships (Mr R Oosterkamp) (Item 12)
Community Safety Manager (Mr J Payne) (Item 14)
Principal Advisor: District Development (Mr M Clews) (Item 15)
Economic Development Manager (Mr L Neville) (Item 25)
Manager: Democracy and Governance Services (Mrs J Evans)
Committee Secretary (Mrs C Hunt)

ALSO PRESENT **Kimi Ora School:** Principal, Matt O'Dowda and approximately 25 pupils (Item 6)

Approximately 50 members of the public were present in the gallery for Item 8

1. PRAYER

The opening prayer was given by Reverend Dr Duncan Leighton, New Hope.

2. APOLOGIES

LEAVE OF ABSENCE

Councillor Nixon/Councillor Lawson

That leave of absence be granted to the following Councillors.

Councillor Nixon	1-21 July 2019
Councillor Dixon	3 April 2019
Councillor Travers	29 March to 7 April 2019
Councillor Redstone	25 and 26 April 2019

CARRIED

3. SEAL REGISTER

Mayor Hazlehurst/Councillor Dixon

That the Seal Register lie on the table for the duration of the meeting.

CARRIED

4. CONFLICTS OF INTEREST

The following conflicts of interest were declared:

Councillor Lyons

Item 6 – Te Puna Taiao Project (Kimi Ora Community School)

Councillor Heaps

Item 9 – Cape Kidnappers – Interim Health & Safety Control Measures

Councillor Kerr

Item 22A – Hawke's Bay Regional Sports Park (Recommendations from Finance and Risk Committee meeting 26 March 2019)

5. CONFIRMATION OF MINUTES

Councillor Dixon/Councillor Schollum

That the minutes of the Council Meeting held Tuesday 12 March 2019, be confirmed as a true and correct record and be adopted.

CARRIED

Councillor Lyons having previously declared a conflict of interest in Item 6 withdrew from the meeting table at 1.10pm.

6. KIMI ORA COMMUNITY SCHOOL OPEN SPACE DEVELOPMENT (TE PUNA TAIAO PROJECT)
(Document 19/308)

An amended report (Document 19/305 – Te Puna Taiao Project) was precirculated on Tuesday, 26 March 2019.

Prior to the commencement of the meeting students from Kimi Ora Community School had displayed and presented projects on Te Puna Taiao – creating spaces that thrive to the elected members.

The Principal, Mr O’Dowda requested that Council support the Kimi Ora Community Schools, Te Puna Taiao project to full detail design and completion of a Feasibility Study.

With the agreement of the meeting part (c) of the Recommendation was PUT separately.

Councillor Dixon/Councillor Redstone

A) That the report of the Group Manager: Community Facilities & Programmes titled “Te Puna Taiao Project” dated 28/03/2019 be received.

B) That delegated authority be granted to the Chief Executive Officer to allocate \$96,000 (excluding GST) for the Te Puna Taiao project and development of the facility design from concept to detailed construction plans and the feasibility study.

CARRIED

C) That \$96,000 (excluding GST) be made available with the Flaxmere Land Development Reserve to be used as a potential last source of funding.

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 by providing an opportunity to create a place and space for arts, culture and learning in West Flaxmere.

CARRIED

Councillor Lyons rejoined the meeting at 1.40pm

With the agreement of the meeting Item 8 was taken out of order.

8. REVIEW OF MĀORI PARTICIPATION IN COUNCIL DECISION MAKING
(Document 19/274)

Councillor Barber and Councillor Lyons moved and seconded the recommendation in the Agenda report.

Councillor Travers left the meeting at 2.30pm.

AMENDMENT

Councillor Nixon/Councillor Heaps

- B) That a poll be undertaken in conjunction with the next triennium elections to ascertain the level of voter support for tangata whenua members with full voting rights be appointed to the Hastings District Council standing committees.
- C) That any decision be delayed until after the 2019 October elections when the outcome of the polls is known and the issue can be debated by the incoming Council.

*The Amendment to the Motion was PUT and a Division called
The vote was 4 IN SUPPORT (Councillors Dixon, Nixon, Heaps and Watkins)*

And

*10 AGAINST (Mayor Hazlehurst, Councillors Barber Harvey, Kerr, Lawson,
Lyons, O'Keefe, Poulain, Redstone and Schollum)*

*The Amendment to the Motion was Declared **LOST***

The Substantive Motion was then PUT and voted on with a Division being called.

SUBSTANTIVE MOTION

Councillor Barber/Councillor Lyons

- A) That the report of the Pou Ahurea Matua: Principal Advisor Relationships, Responsiveness and Heritage and the Chief Executive titled "Review of Māori Participation in Council Decision Making" dated 6/03/2019 be received.
- B) That the Council resolved to ratify the HDC: Māori Joint Committee recommendation and agreed to the appointments of tangata whenua members, with voting rights to the Hastings District Council Standing Committees.
- C) That the Council resolved to ratify HDC: Māori Joint Committee recommendation that the following tangata whenua members be appointed to the following Standing Committees from 28 March 2019:

Community Development	Evelyn Ratima
Finance and Risk	Ngaio Tiuka
Strategy, Planning and Partnerships	Tracee Te Huia
Works and Services	Te Rangihau Gilbert

- D) That the HDC: Māori Joint Committee review the current Terms of Reference and Membership for the 2019-2022 triennium.**

With the reason for these decisions being that the objective of the decisions 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 improving Māori engagement in the Council's governance and decision-making processes.

The vote was 10 IN SUPPORT (Mayor Hazlehurst, Councillors Barber, Harvey, Kerr, Lawson, Lyons, O'Keefe, Poulain, Redstone and Schollum)

And

4 AGAINST (Councillors Dixon, Nixon, Heaps and Watkins)

*The Substantive Motion was **CARRIED***

*The meeting adjourned for afternoon tea at 3.10pm
and reconvened at 3.30pm.*

7. PRESENTATION - ANTOINETTE HAPUKA-LAMBERT
(Document 19/74)

Due to time constraints for Ms Hapuka-Lambert this item was deferred to a future meeting.

Councillor Heaps having previously declared a conflict of interest in Item 9 withdrew from the meeting table at 3.30pm

9. CAPE KIDNAPPERS - INTERIM HEALTH & SAFETY CONTROL MEASURES
(Document 19/327)

Councillor Schollum/Councillor Kerr

- A) That the report of the Health and Safety Manager titled "Cape Kidnappers - Interim Health & Safety Control Measures" dated 28/03/2019 be received.**
- B) That Council approved the proposed Cape Kidnappers "Interim Control Measures" namely the development of an interim Operations**

Manual and the development of education and communications measures, for implementation on the opening of the beach on 29 April 2019.

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

- i) Balancing public safety with public access**

CARRIED

Councillor Heaps rejoined the meeting table at 3.40pm

10. PLASTIC RECYCLING

(Document 19/222)

The Waste Minimisation Officer, Mrs Atkins displayed examples of various grades and types of plastics to illustrate recycling issues.

Councillor Kerr/Councillor Dixon

- A) That the report of the Waste Minimisation Officer titled “Plastic Recycling” dated 28/03/2019 be received.**
- B) That Council endorses the change in plastic material accepted for recycling via the Council services to only plastic bottles identifiable as grade numbers 1 and 2 and have accessible end uses or international markets.**
- C) That Waste Disposal Levy funds be utilised to fund an extensive communication campaign to inform the community of the change.**
- D) That officers have delegated authority to undertake negotiations with the contractors to implement the change.**
- E) That officers, in line with the Joint Waste Management and Minimisation Plan (PRJ18-7-0114), lobby central government for national change in the use of plastic packaging in New Zealand.**

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 fit for purpose solid waste services and facilities.**

CARRIED

COUNCILLOR POULAIN RECORDED HER VOTE AGAINST THE MOTION

With the agreement of the meeting Item 12 was taken out of order.

12. BUSINESS IMPROVEMENT DISTRICT POLL RESULTS

(Document 19/273)

The Manager Strategic Projects & Partnerships, Mr Oosterkamp circulated at the meeting the final result of the Business Improvement District Poll (STR-22-8-19-718)

Councillor Schollum/Councillor Harvey

- A) That the report of the Manager Strategic Projects & Partnerships titled “Business Improvement District Poll Results” dated 28/03/2019 be received.**
- B) That Council, in accordance with adopted policy, taking into account the results of the Business Improvement District Transitioning Poll, include the targeted rate in the Draft 2019/20 Annual Plan for community consultation.**
- C) That the Chief Executive be delegated authority to negotiate funding with the Hastings Business Association for a three year term.**

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

- i) Achieving the outcomes for a vibrant and productive Hastings City Centre.**

CARRIED

11. ADOPTION OF DRAFT ANNUAL PLAN 2019/20, DRAFT DEVELOPMENT CONTRIBUTIONS POLICY AND CONSULTATION DOCUMENT

(Document 19/224)

Councillor O'Keefe/Councillor Lyons

- A) That the report of the Strategy Manager titled “Adoption of Draft Annual Plan 2019/20, Draft Development Contributions Policy and Consultation Document” dated 28/03/2019 be received.**
- B) That the Council adopt the supporting information required by section 95A (4) of the Local Government Act 2002 (‘The Draft Annual Plan 2019/20) (CG-14-1-01224), the statement of matters (CP-01-02-19-120), incorporating any amendments made at its meeting of 28 March 2019.**
- C) That the Council adopt the Draft Development Contributions Policy (CP-03-10-10-19-15) in accordance with section 102 (4b) of the Local Government Act 2002.**

- D) That the Council adopt the Annual Plan 2019/20 Consultation Document (CG-14-1-01223) (incorporating Draft Development Contributions Policy) pursuant to Section 95 (2) of the Local Government Act 2002, incorporating any amendments made at its meeting of 28 March 2019.**

CARRIED

13. OPERA HOUSE PRECINCT UPDATE - MARCH 2019
(Document 19/75)

Councillor Dixon/Councillor O'Keefe

- A) That the report of the Chief Financial Officer titled "Opera House Precinct Update - March 2019" dated 28/03/2019 be received.**

CARRIED

14. PARKING CONTROLS
(Document 19/194)

Councillor Watkins/Councillor Lawson

- A) That the report of the Parking Transportation Officer titled "Parking Controls" dated 28/03/2019 be received.**
- B) That the Council resolve pursuant to Chapter 5 (Parking and Traffic) of the Hastings District Council Consolidated Bylaw 2016, that the one hour time limit that applies to 3 carparks on the Southern side of Eastbourne Street East, commencing approximately 12 metres from the intersecting kerbline with Karamu Road South and extending for 16.5 metres in a Southerly direction be revoked as set out in Attachment 1 (REG-22-03-12-19-447) to the report.**
- C) That Council resolve pursuant to Clause 5.3.1(a)(iv) of Chapter 5 (Parking and Traffic) of the Hastings District Consolidated Bylaw 2016, the 3 carparks revoked in Part B (above) become a bus stop as set out in Attachment 1 (REG-22-03-12-19-447) to the report 1.**
- D) That Council resolve pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Consolidated Bylaw 2016, that all parking on the southern side of Havelock Road, between Porters Drive and Karanema Drive be resolved to have a 120 minute time limit as set out Attachment 2 (REG-22-10-18-3061) to the report.**
- E) That Council resolve pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Consolidated Bylaw 2016, that all parking spaces on the Western Side of King Street North, commencing approximately 26 metres from the intersecting kerbline of Saint Aubyn Street West and extending 56 metres East be resolved to**

have a 120 minute time limit as set out Attachment 3 (REG-22-10-19-3100) to the report.

With the reasons for this decision being that the objective of the decision will contribute to performance of regulatory functions in a way that is efficient, effective and appropriate to present and future circumstances by:

- Providing parking spaces in relevant places within the district that are safe and readily available to motorists.

CARRIED

15. GREATER HERETAUNGA PLAINS FRESHWATER MANAGEMENT - TANK PROCESS AND DRAFT PLAN CHANGE
(Document 18/754)

Councillor Kerr/Councillor Barber

- A) That the report of the Principal Advisor: District Development titled “Greater Heretaunga Plains Freshwater Management - TANK Process and Draft Plan Change” dated 28/03/2019 be received.
- B) That pursuant to section 3 1) c) of the Resource Management Act Council authorise the Chief Executive to make comments to the Hawke’s Bay Regional Council on its Draft Plan Change 9 to the Regional Resource Management Plan (EXT-11-02-19866).
- C) That Council endorse officers commencing work on an intergeneration water strategy to help facilitate economic and urban growth within the limitations of current and future freshwater resources of the Heretaunga Plains.

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 performance of regulatory functions in a way that is most cost-effective for households and business by:

- I. Influencing the exercise of the HBRC’s statutory functions under the Resource Management Act and the National Policy Statement on Freshwater Management as it affects this Council’s interest as a stakeholder; and
- II. This includes the provision of good quality water and stormwater services, and the potential impacts the regulatory outcomes may have on the District’s economic social and environmental wellbeing.

CARRIED

16. CHIEF EXECUTIVE'S CONSOLIDATED REPORT - MARCH 2019
(Document 19/154)

Councillor Redstone/Councillor Schollum

- A) That the report of the Chief Executive titled "Chief Executive's Consolidated Report - March 2019" dated 28/03/2019 be received.

CARRIED

17. 2019 LOCAL GOVERNMENT NEW ZEALAND ANNUAL GENERAL MEETING, CONFERENCE AND REMIT PROCESS
(Document 19/239)

Councillor Lawson/Councillor Redstone

- A) That the report of the Manager: Democracy and Governance Services titled "2019 Local Government New Zealand Annual General Meeting, Conference and Remit Process" dated 28/03/2019 be received.
- B) That the Council's delegates to the 2018 Local Government New Zealand Annual General Meeting and Conference to be held in Wellington on 7–9 July 2019 is the Mayor, Chief Executive (or his nominee) and the following Councillors Lawson, Barber and Harvey.
- C) That the Council's delegates to the Local Government New Zealand 2018 Annual General Meeting be:
- Presiding Delegate - Mayor and Councillor Barber
 - Alternate Delegate - Councillor Harvey

The Chief Executive (or his nominee) Subsequent Alternate Delegate.

- D) That the following remit be put forward to the 2019 Local Government New Zealand Annual General Meeting:-
- Policy changes to reduce alcohol harm (CG-14-1-01221)
- E) That the Council support the remit on Social Housing from the Napier City Council (CG-14-1-0218).
- F) That the Chief Executive and Delegates to the Zone 3 meeting to be held in Dannevirke on 4 and 5 April 2019 be given delegated authority to present the Council's remits and decide whether to give support to remits submitted from other local councils, as appropriate and report back to the Council meeting on 2 May 2019.

CARRIED

18. UPDATED 2019 MEETING SCHEDULE CHANGES

(Document 19/235)

Councillor Lyons/Councillor Heaps

A) That the report of the Manager: Democracy and Governance Services titled “Updated 2019 Meeting Schedule Changes” dated 28/03/2019 be received.

B) That the 2019 Meeting Schedule be amended as follows:-

Committee	Date	Time	Venue
HB Crematorium Committee	Monday, 8 April 2019	10.00am	Landmarks Room
Council (Keirunga Garden Draft Tree Management Plan Submissions)	Thursday, 14 May 2019	9.00am	Council Chamber

CARRIED**19. REQUESTS RECEIVED UNDER THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT (LGOIMA) MONTHLY UPDATE**

(Document 19/148)

Councillor Lyons/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 28/03/2019 be received.

B) That the LGOIMA requests received in February 2019 as set out in Attachment 1 (IRB-2-01-19-1542) of the report in (A) above be noted.

CARRIED**20. SUMMARY OF RECOMMENDATIONS OF THE JOINT COUNCIL WASTE FUTURES PROJECT STEERING COMMITTEE MEETING HELD ON 22 MARCH 2019**

(Document 19/290)

Councillor Lyons/Councillor Heaps

A) That the report of the Waste and Data Services Manager titled “Summary of Recommendations of the Joint Council Waste Futures Project Steering Committee Meeting held on 22 March 2019” dated 28/03/2019 be received.

B) The following recommendations of the Joint Council Waste Futures Project Steering Committee meeting held 22 March 2019 be ratified:

“5. WASTE MANAGEMENT AND MINIMISATION PLAN (WMMP) - IMPLEMENTATION PLAN

- A) *That the report of the Waste Minimisation Officer titled “Waste Management And Minimisation Plan (WMMP) - Implementation Plan” dated 22/03/2019 be received.*
- B) *That the Joint Council Waste Futures Project Steering Committee commit to the Waste Management and Minimisation Plan (PRJ18-7-0114) as an aspirational goal but acknowledge that during the course of the Plan there may be variations”.*

CARRIED

21. ADDITIONAL BUSINESS ITEMS

There were no additional Business Items.

22. EXTRAORDINARY BUSINESS ITEMS

Standing Order 9.12(b)

That the report titled “Summary of Finance & Risk Committee Meeting Recommendations held on 26 March 2019” was considered under Extraordinary Business as the Finance and Risk Committee met after the Council Agenda had been published and this item forms part of the Annual Plan Process considerations.

Councillor Kerr having previously declared a conflict of interest in Item 22A withdrew from the meeting table.

22A. SUMMARY OF RECOMMENDATIONS OF THE FINANCE AND RISK MEETING HELD ON 26 MARCH 2019

(Document 19/334)

Councillor Nixon/Councillor Dixon

- A) **That the report of the Waste and Data Services Manager titled “Summary of Recommendations of the Joint Council Waste Futures Project Steering Committee Meeting held on 22 March 2019” dated 28/03/2019 be received.**
- B) **The following recommendations of the Joint Council Waste Futures Project Steering Committee meeting held 22 March 2019 be ratified:**

“8. HAWKE'S BAY REGIONAL SPORTS PARK TRUST DRAFT HALF YEAR REPORT TO 31 DECEMBER 2018

- A) **That the report of the Manager Strategic Finance titled “Hawke's Bay Regional Sports Park Trust Draft Half Year Report to 31 December 2018” dated 26/03/2019 be received.**

- B) That the Hawke's Bay Regional Sports Park Trust Half Year Report to 31 December 2018 (ext-10-38-19-226) be received.
- C) That the Council receives the Trust's submission to the Council's 2019-20 Annual Plan (EXT-10-38-19-227) for consideration in June 2019.
- D) That the Finance and Risk Committee recommend to Council that \$150,000 be made available to the Hawke's Bay Community Fitness Centre Trust as bridge funding for a period of up to two years to enable the completion of the Hawke's Bay Regional Sports Park carpark upgrade.
- E) That the Chief Executive be delegated authority to negotiate with the Hawkes Bay Community Fitness Centre Trust to address appropriate conditions including the recovery of financing costs incurred on the \$150,000 lent to the Hawke's Bay Community Fitness Centre Trust over a two year period.

CARRIED

Councillor Kerr rejoined the meeting tabled.

23. RECOMMENDATION TO EXCLUDE THE PUBLIC FROM ITEMS 24, 25, 26 AND 27

SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

Mayor Hazlehurst/Councillor Heaps

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

- 24. CBD Development Proposal**
- 25. Hawke's Bay Food Innovation Hub**
- 26. Summary of Recommendations of the Hastings District Rural Community Board held on 4 March 2019**
- 27. Summary of Recommendations of the Joint Council Waste Futures Project Steering Committee meeting held 22 March 2019 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:

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
24. CBD Development Proposal	<p>Section 7 (2) (b) (ii)</p> <p>The withholding of the information is necessary to protect information where the making available of the information would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>To protect third party commercial interests and negotiations.</p>	<p>Section 48(1)(a)(i)</p> <p>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.</p>
25. Hawke's Bay Food Innovation Hub	<p>Section 7 (2) (h)</p> <p>The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>Commercially sensitive information.</p>	<p>Section 48(1)(a)(i)</p> <p>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.</p>
26. Summary of Recommendations of the Hastings District Rural Community Board held on 4 March 2019	<p>As stated in the minutes</p>	<p>Section 48(1)(a)(i)</p> <p>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.</p>
27. Summary of Recommendations of the Joint Council Waste Futures Project Steering Committee meeting held 22 March 2019 while the Public were Excluded	<p>As stated in the minutes</p>	<p>Section 48(1)(a)(i)</p> <p>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.</p>

CARRIED

The meeting closed at 5.00pm

Confirmed:

Chairman:

Date: