

Tuesday, 20 February 2024

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council: Council Meeting

Ngā Minitī

Minutes

Te Rā Hui:
Meeting date: **Tuesday, 20 February 2024**

Venue **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Time start - end **10.00am – 11.15am**

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Kua Tae ā-tinana: **Chair - Tiamana:** Mayor Sandra Hazlehurst
Present: **Councillors - Ngā KaiKaunihera:**
Councillors Marcus Buddo, Alwyn Corban, Malcolm Dixon (via Zoom), Michael Fowler (via zoom), Damon Harvey, Henry Heke, Kellie Jessup, Tania Kerr (Deputy Mayor), Simon Nixon, Wendy Schollum, and Kevin Watkins

Kua Tatū:
In attendance: Chief Executive - Nigel Bickle
Group Manager: Asset Management - Craig Thew
Group Manager: Strategy & Development – Craig Cameron
Deputy Chief Executive - Bruce Allan
General Counsel – Scott Smith
Manager - Recovery & Special Projects – Gus Charteris
Operations Manager - Category 3 Voluntary Buy Out – David Elliott
Group Manager: Marketing & Communications – Naomi Fergusson
Manager: Democracy & Governance Services – Louise Stettner
Democracy & Governance Advisor – Lynne Cox

Kei Konei:
Also present: Asher Davidson, Barrister (Casey & Co) via zoom

1. OPENING PRAYER - KARAKIA

The opening karakia was given by Charles Ropitini.

2. **APOLOGIES & LEAVE OF ABSENCE - NGĀ WHAKAPĀHATANGA ME TE WEHENGĀ Ā-HUI**

That apologies for absence from Councillor Lawson be accepted.

Leave of Absence had previously been granted to Councillor Apatu.

3. **CONFLICTS OF INTEREST - HE NGĀKAU KŌNATUNATU**

There were no declarations of conflicts of interest.

4. **CONFIRMATION OF MINUTES - TE WHAKAMANA I NGĀ MINITI**

There were no Minutes to confirm.

5. **AMENDMENT TO CATEGORY 3 BUY-OUT POLICY**

(Document 24/32)

Chief Executive, Nigel Bickle gave a brief overview of this report which had been left to lie on the table from the Council meeting on 1 February 2024.

The Chair advised the meeting that members would need to move recommendations A & B to receive and uplift the report (from 1 February 2024) from the table.

Councillor Kerr/Councillor Buddo

- A) That Council receive the report titled Amendment to Category 3 Buy-Out Policy dated 20 February 2024.
- B) That Council uplift Agenda Item 5 from the Council Meeting held on Thursday 1 February 2024 which was 'left to lie on the table and not further discussed at the meeting' per section 25.2 (d) of the Hastings District Council Standing Orders (adopted by Council on 8 December 2022).

CARRIED

The Chair advised the meeting that there was now a substantive motion on the table to consider, which had been moved by Councillor Schollum and seconded by Councillor Watkins. The substantive motion on the table was recommendations A-E from agenda item 5, from the Council Meeting on 1 February 2024.

This was on page 14 of today's agenda. The Mayor confirmed that she wanted to focus on recommendation B) (which relates to recovering a contribution from eligible property owners towards the cost of demolishing a dwelling under the Voluntary Buy-Out Policy when their insurance proceeds exceed the market valuation of residential improvements or when the property is uninsured).

The mover and seconder Councillor Schollum and Councillor Watkins exercised their right to speak to the motion, and both confirmed that they stood by their comments in the previous Council meeting.

The Chair called for a hand vote to take place for Recommendation B) and directed Councillors that she would not accept abstentions and everyone had to vote.

TIED

(A hand vote was taken – 6 votes FOR and 6 votes AGAINST)

*Councillor Schollum requested that her vote **FOR** the motion be recorded.*

The meeting adjourned at 10.10am
and reconvened at 10.15am

Chief Executive, Nigel Bickle advised the meeting that in the case of a tied vote, the Chair would have the casting vote in accordance with Standing Orders 19.3.

The Chair announced that she would vote **AGAINST**.

LOST

(6 votes for and 7 votes against)

The Chair announced that the meeting would now deal with the New Motion F) on today's agenda to provide direction for the Chief Executive.

Councillor Kerr/Councillor Fowler

- F) That Council direct the Chief Executive to administer the Policy in its current state regards contributions for demolition, and not seek a contribution to demolition costs from eligible property owners under the Policy when their insurance proceeds exceed the market valuation of residential improvements or when the property is uninsured.

CARRIED

*Councillor Schollum requested that her vote **AGAINST** the motion be recorded.*

Councillor Kerr/Councillor Buddo

A motion from the floor from Councillor Kerr and seconded by Councillor Buddo that a motion be drafted to record the reasons as voiced by individual Councillors for resolving Recommendation F).

CARRIED

The meeting adjourned at 10.26am
and reconvened at 10.42am

Councillor Nixon/Councillor Harvey

- G) That Council notes its reasons for recommendation F) include:

Hastings Districts recovery from Cyclone Gabrielle is a partnership of Council, our Hastings Communities and the Crown. It is a long journey that will take five years or more. The principles of the Voluntary Buy-out Policy set in 2023 include acting in good faith, treating people with respect, clearly communicating and delivering outcomes in a timely manner. It was accepted at the time of the Policy development that the costs of demolition would fall on Council. Council in its ongoing collaboration with the Crown will seek Crown assistance with the costs of demolition (in the interests of partnership) and accordingly not seek a specific contribution to demolition from affected property owners.

The Objectives and Principles of the Policy were the basis for community consultation in 2023 when an amendment was made to the Long Term Plan to enable Council to fund the Policy Buy-out process. Council by a majority decision deems that it is most appropriate to remain with the substance of the community consultation.

Substantial work by officers, consultants and Council has gone into development of the Policy. It is a complex process to manage fairness to affected property owners and ratepayers. Council by majority vote is satisfied that the current Policy settings are appropriate.

CARRIED

The Chair then advised the meeting it would deal with Recommendations C) and D) from the Substantive Motion which relate to GST and the construction of advisory letters in the Voluntary Buy-out Office.

Mayor Hazlehurst/Councillor Schollum

- C) THAT COUNCIL RESOLVES TO AMEND THE CATEGORY 3 BUY-OUT POLICY AND INSERTS REPLACEMENT CLAUSES FOR CLAUSE 4.12

CLAUSE 4.12

OFFERS WILL INCLUDE GST, IF ANY, **UNLESS COUNCIL DETERMINES THAT A SPECIFIC OFFER SHOULD BE MADE PLUS GST, IF ANY, WHILE CONSIDERING THE POLICY OBJECTIVE OF AFFORDABILITY FOR RATEPAYERS.**

- D) THAT COUNCIL RESOLVES TO AMEND THE CATEGORY 3 BUY-OUT POLICY AND INSERTS REPLACEMENT CLAUSES FOR CLAUSES 5.1(B)(I), 5.1(C)(I), AND 5.1(C)(II)

CLAUSE 5.1(B)(I)

THE COUNCIL WILL PREPARE AN OFFER **LETTER SUMMARISING THE OUTCOME OF THE VALUATION PROCESS AND RELEVANT BUY-OUT OPTIONS UNDER SECTIONS 4.4 AND 4.5 OF THE POLICY.**

CLAUSE 5.1(C)(I)

THE COUNCIL'S REPRESENTATIVE WILL PRESENT THE OWNER WITH **THE OFFER LETTER FOR THE OWNER'S CONSIDERATION.**

CLAUSE 5.1(C)(II)

THE OFFER WILL REMAIN OPEN FOR 3 MONTHS AFTER THE OWNER RECEIVES THE OFFER LETTER AND THE OWNER SHALL ADVISE COUNCIL WHETHER THEY WISH TO PROCEED TO RECEIVING A FORMAL SALE AND PURCHASE AGREEMENT FROM COUNCIL WITHIN THAT TIME. AGREEMENTS TO AN EXTENSION OF TIME WILL NOT BE UNREASONABLY WITHHELD WHERE, IN THE COUNCIL'S REASONABLE OPINION, SUBSTANTIVE PROGRESS IS BEING MADE TOWARDS AN AGREEMENT.

CARRIED

6. LEAVE OF ABSENCE - DELEGATION TO THE MAYOR

(Document 24/33)

Mayor Hazlehurst/Councillor Schollum

- A) That the Council receive the report titled Leave of Absence - Delegation to the Mayor dated 20 February 2024.
- B) That the Council delegate the power to grant a leave of absence to the mayor in accordance with Hastings District Council Standing Order 13.3. This delegation will remain in effect until September 2025.

CARRIED

*Councillor Nixon requested that his vote **AGAINST** the motion be recorded.*

7. MINOR ITEMS - NGĀ TAKE ITI

There were no additional business items.

8. URGENT ITEMS - NGĀ TAKE WHAKAHIHIRI

There were no extraordinary business items.

9 RECOMMENDATION TO EXCLUDE THE PUBLIC FROM ITEM 10

SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

Councillor Kerr/Councillor Nixon

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

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>
<p>10 Commercial Transaction</p>	<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>Section 7 (2) (i)</p> <p>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).</p> <p>Commercial 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>

CARRIED

The meeting closed at 11.15am

Confirmed:

Chairman:

Date: