

# MINUTES



P O Box 747, Gisborne, Ph 867 2049 Fax 867 8076  
Email [service@gdc.govt.nz](mailto:service@gdc.govt.nz) Web [www.gdc.govt.nz](http://www.gdc.govt.nz)

MEMBERSHIP: Mayor Meng Foon, Deputy Mayor Nona Aston,  
Craig Bauld, Bill Burdett, Manu Caddie, Andy Cranston, Alan Davidson, Roger Haisman, Allan Hall,  
Pamela Murphy, Pat Seymour, Rehette Stoltz, Patrick Tangaere, Graeme Thomson, Brian Wilson.

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## MINUTES of the GISBORNE DISTRICT COUNCIL

Held in the Rose Room, Lawson Field Theatre, Fitzherbert Street on 5 September 2013 at 9am

### PRESENT:

Mayor Meng Foon (Chair), Deputy Mayor Nona Aston, Councillors Craig Bauld, Brian Wilson, Bill Burdett, Manu Caddie, Andy Cranston, Alan Davidson, Allan Hall, Roger Haisman, Pamela Murphy, Pat Seymour, Rehette Stoltz, Patrick Tangaere and Graeme Thomson.

### IN ATTENDANCE:

Chief Executive Judy Campbell, Group Manager Community Planning & Development Nedine Thatcher Swann, Group Manager Engineering & Works Peter Higgs, Group Manager Environment & Policy Hans van Kregten, Finance Manager Marianne Gillies, Legal Counsel Melanie Walker, Democracy & Support Services Manager Eileen Cronin, Executive/Specialist Administrative Support Heather Kohn, Senior Planner Keriana Wilcox-Taylor, Projects and Development Manager David Wilson, Project Manager Kylie Cranston and Minute Taker Coral Dunn.

The meeting commenced with a prayer.

### 1. Apologies

No apologies received.

### 2. Public forum, petitions, deputations and representation from tangata whenua

a) Psychoactive Substances Petition - Karen Delatour advised:

- Young people like her daughter think it is okay to take these substances because the government allows them to be sold which makes it very difficult for parents when their children will not listen to them.
- Petition "calls on Gisborne District Council to determine the sale of psychoactive substances will be permitted nowhere in the Gisborne District".

**Secretarial Note:** This discussion is linked to Item 8.8 Report 13/348 referred to later in the Agenda.

b) Parking Options in the City Centre Presentation by Ken Huberts.

c) Bus Route Changes -Pamela Gregory, Joyce Dunn and Prue Clayden (Grey Power).

In response to Council comments and questions they advised:

- The main priorities are the bus routes and timing of buses as there is a disconnect between Childers and Gladstone Roads and lengthy waiting times between buses of up to 1.5 hours.
- The elderly may have been consulted but regular bus users were not.
- Would rather money be spent on providing a regular service than new bus shelters.
- Have never been given opportunity to talk to the Transport Manager.

Cr Burdett undertook to organise and facilitate a meeting with the Transport Manager to discuss issues.

d) Support for War Memorial Theatre (WMT) Funding – Gisborne Ballet Group representatives Nadine Proctor and Tessa Beattie advised:

- Out of town dancers no longer attend our events and local students prefer to compete out of town because of size of available stages.
- Have withdrawn their students from the local competition group section because of size of available stages.
- The new design will attract national level competitions and performers thus expanding local student opportunities.

**Secretarial Note:** This discussion is linked to Item 8.4 Report 13/339 referred to later in the Agenda.

e) Te Aitanga a Mahaki Iwi Management Plan Presentation.

Following the Mayor's welcome and acknowledgement by Rutene Irwin, Ian Ruru provided an overview of their plan. Pene Brown presented Council with a reformatted version of the 1868 Maori Bible in significance of the fact that their plan was also a reformatted version which they felt harmonised with legislation and would continue to empower future generations.

In response to questions about the map used, catchment area, environmental and cultural requirements, consultation and review mechanisms, Te Aitanga a Mahaki representatives advised:

- The map is the same as used in the claim process and which are within the bounds of the Waipaoa catchment.
- The plan gives guidance about who needs to be notified.
- Consultation has been informal to date.
- It is a living document and we are still working through protocols as to how it meshes with Council and Iwi processes

**Secretarial Note:** This discussion is linked to Item 8.2 Report 13/332 referred to later in the Agenda.

**Secretarial Note:** The meeting adjourned for morning tea at 10.05am and reconvened at 10.20am.

f) War Memorial Theatre Budget – Robbie McCann advised the following:

- Retrofitting a building is a lot harder and more expensive than a new building due to unseen and unknown things which can result in ongoing variations to contracts causing budget blow outs.
- Insurance companies will confirm retrofits blow out costs.

**Secretarial Note:** This discussion is linked to Item 8.4 Report 13/339 referred to later in the Agenda.

### 3. Confirmation of Minutes

Gisborne District Council – Ordinary Meeting 25 July 2013

MOVED by Cr Burdett, seconded by Cr Aston

That the Minutes of 25 July 2013 be accepted.

**CARRIED**

#### Action Sheet

- Item 017 status was confirmed as Gisborne Vintage Rail are yet to receive bridge plans from Kiwi Rail.
- Item 020 status was confirmed. The meeting with the Ministry of Business, Innovation and Employment Regional Community Liaison Officer to discuss the Resource Management Act and the regional stakeholder model that assists communities prepare for the establishment of the oil industry in their area was scheduled for this afternoon and will be reported back to the next Environment & Policy meeting.
- Item 030 status was confirmed as still awaiting deliberation of the Maori Land Court.

### 4. Matters Arising

Nil

#### For decision

#### **13/343 Notice of Motion: Councillor Seymour – Revocation or Alteration of Previous Resolution (Standing Order 3.9.15) Tokomaru Bay Heritage Trust**

In response to questions about Standing Orders, the matching fund, asset responsibility and alternatives to support the Heritage Trust Judy Campbell advised:

- Standing Orders are taken seriously and as five signatures are not a majority the matter must be referred back to Council. Chief Executive and Chairs can directly overturn motions – this was a different standing order that required the matter to be returned to Council.
- The matching fund process has nothing to do with this matter.
- The matching fund would deal with instant requests that would match the amount already raised by the requestor.
- Council is responsible and obliged to maintain their assets.
- Alternatives could be agreeing to fund the \$20k request or a paper to Council taking responsibility for the feasibility study of the wharf.
- If a feasibility study was agreed to, Council would then have to complete studies on the other wharves in similar states as it has an obligation to investigate and understand its assets.
- The Chief Executive stated that she would undertake work on Council assets as part of Council obligations irrespective of the motion.

MOVED by Cr Burdett seconded by Cr Tangaere

That the Council

1. receives the report.
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**CARRIED**

MOVED by Cr Burdett seconded by Cr Tangaere

That the Council

1. accepts the Notice of Motion from Councillor Seymour
2. requests officers to provide a report to Council to reconsider the request for the additional \$20k of funding to enable the Tokomaru Bay Heritage Trust to complete the necessary feasibility studies and engineering reports to scope the Tokomaru Bay Heritage projects. Or provide alternatives as to how the Heritage Project may be supported.

**LOST**

## **5. Notification of late items, questions and general business**

There were no late items tabled.

## **6. Committee Minutes**

a) Community Development – 14 August 2013

MOVED by Cr Cranston, seconded by Cr Stoltz

That all items be received

**CARRIED**

b) Environment & Policy – 14 August 2013

MOVED by Cr Seymour, seconded by Cr Stoltz

That all items be received.

**CARRIED**

MOVED by Cr Seymour, seconded by Cr Stoltz

That Item 7.2 (2a and b) be adopted

**CARRIED**

c) Finance and Monitoring – 15 August 2013

MOVED by Cr Wilson, seconded by Cr Bauld

That all items be received.

**CARRIED**

MOVED by Cr Wilson, seconded by Cr Seymour

That Item 11.2 (2a) be adopted

d) Wastewater Management – 20 June 2013

MOVED by Cr Burdett, seconded by Cr Wilson

That all items be received.

**CARRIED**

e) Hearings – 12 June 2013

MOVED by Cr Davidson, seconded by Cr Bauld

That all items be received.

**CARRIED**

f) Hearings – 7 August 2013

MOVED by Cr Davidson, seconded by Cr Bauld

That all items be received.

**CARRIED**

MOVED by Cr Davidson, seconded by Cr Bauld

That Item 11 (7a) be adopted

**CARRIED**

### **Secretarial Note:**

1. The meeting adjourned at 12.00pm for lunch and presentation to retiring Councillor Nona Aston for her sterling work as Deputy Mayor and three terms in Council.
2. Cr Caddie left the meeting at 12.18pm
3. Cr Bauld left the meeting at 12.55pm
4. Meeting reconvened at 1.00pm

## 7. Councillors' Reports

### For noting

#### 7.2 13/335 LGNZ Conference 2013 Claudelands Event Centre Hamilton

Cr Cranston was thanked for his report which was noted as best report received about a Local Government New Zealand Conference

MOVED by Cr Cranston, seconded by Cr Stoltz

That the Council

1. receives the report

**CARRIED**

#### 7.3 13/337 LGNZ Conference 2013 Claudelands Event Centre Hamilton

MOVED by His Worship the Mayor seconded by Cr Cranston

That the Council

1. receives the report.

**CARRIED**

## 8. Staff Reports

### For decision

#### 8.1 13/331 Operative Date for District Plan Change 62 and Private Plan Change 7

MOVED by Cr Seymour, seconded by Cr Stoltz

That the Council

1. receives the report
2. makes operative the provisions in Plan Change 52 to the Combined Regional Land and District Plan and approves affixing the Council seal
3. make operative the provisions in Private Plan Change 7 to the Combined Regional Land and District Plan and approves affixing the Council seal
4. notifies publicly the operative date at least five working days before the provisions become operative.

**CARRIED**

#### 8.2 13/332 Iwi Management Plan of Te Aitanga a Mahaki

MOVED by Cr Wilson, seconded by Cr Burdett

That the Council

1. receives the report
2. receives formally the Iwi Management Plan for Te Aitanga a Mahaki in accordance with Sections 66 (2A)(a) and 74(2A) of the Resource Management Act
3. directs Council officers to work with Te Aitanga a Mahaki to effectively implement their Iwi Management Plan within the context of statutory requirements.

**CARRIED**

### 8.3 13/333 Contracts EW13/15 & EW 13/20 – Alfred Cox Park/Awapuni School Cycle and Walkway Project

MOVED by Cr Stoltz, seconded by Cr Wilson

That the Council

1. receives the report
2. endorses the construction phase of the project
3. delegate authority to the Chief Executive to award Contracts EW13/15 and EW13/20 to the lowest conforming tenderers.

**CARRIED**

### 8.4 13/339 Awarding of War Memorial Theatre Contract and Budget Approval

Projects & Development Manager David Wilson advised

- Previous costs were estimates and prices have increased since these were tabled.
- These costs are actual total costs of design fees, engineering, construction, etc.
- Geotech tests were undertaken to mitigate risk however as underground factors are unknown there is a \$350k contingency for risks.

Discussion followed about community support, funds raised, ongoing fundraising, review of other major projects, community consultation and the Gisborne Herald survey.

In response to comments and questions about new build versus retrofitting and the design fees David Wilson advised:

- \$1m has been saved by using the existing frame and infrastructure.
- There are three design fees because designs were sought for a new build on the existing site, a new build on a new site and a retrofit of the existing building.

In response to comments and questions about a variations cap, review of major projects, consultation and the significance policy Judy Campbell advised:

- Given that we cannot know what is underground any major variations that may occur will be brought back to Council for their consideration.
- Other major projects are within budget apart from the Library which is being funded by external sources.
- Despite the significance policy requirement to consult regarding 10% budgetary variations and the fact that this variation is greater than 10% Council does not have to consult prior to making this decision provided they consider the significant aspects of the decision. Council should take into account that the project is part of the Ten Year Plan fiscal envelope which was signed off after public consultation.

MOVED by C Seymour, seconded by Cr Burdett

That the Council

1. receives the report
2. approves Option 4 to increase Council contribution from \$2.1M up to \$4.25M
3. delegates authority to the Chief Executive to award the contracts to complete the project at a cost of \$9.6M.

Cr Caddie voted against the motion.

**CARRIED**

**8.5 13/342 Gisborne SPCA Lease, Dunstan Road, Matawhero**

MOVED by His Worship the Mayor, seconded by Cr Davidson

That the Council

1. receives the report
2. agrees to lease an area of land of approximately 2,000 square metres of its site just north of the existing animal shelter at 217 Dunstan Road (legal description Pt Lot 10 DP 2656) to the Gisborne Society for the Prevention of Cruelty to Animals (GSPCA) at a peppercorn rental for an initial term of 30 years
3. allows GSPCA, at its own cost, to design and build a new fit for purpose facility on this site
4. agrees that the final details of the lease can be determined by the Chief Executive.

**CARRIED**

**8.6 13/344 Acquisition of Land for Te Karaka Water Treatment Plant**

MOVED by Cr Wilson, seconded by Cr Murphy

That the Council

1. receives the report
2. approves the purchase of the land referred to as "Area A" on the plan attached as Appendix 1 being approximately 321 m<sup>2</sup> and part Pt Lot 25 DP 1287 and contained in CTGS6A/260 for \$710 plus GST (if any) from Thomas Godfrey Fleming in accordance with the contract for the purpose of a water treatment plant.

**CARRIED**

**8.7 13/345 Statement of Proposal – Remission of Selected Rates 2013/14**

MOVED by Cr Seymour, seconded by Cr Wilson

That the Council

1. receives the report
2. approves the Statement of Proposal in Appendix 1 for consultation setting the remission criteria as follows:
  - a) an overall rates increase (after other remissions) of 6%
  - b) a minimum increase on each rate of \$100 and 30%
  - c) sets the remission for Pest and Plants at 30%
  - d) sets the remission for Soil Conservation at 30%
  - e) no remission will be made where the total remissions under the policy are less than \$25
3. approve the continuation of penalty suppressions on affected properties for 2013/2014.

**CARRIED**

**For noting**

**8.6 13/334 Place Name Change Process**

MOVED by Cr Stoltz, seconded by Cr Hall

That the Council

1. receives the report.

**CARRIED**

### 8.7 13/346 Chief Executive's Activity Report –August 2013

Judy Campbell advised a panel consisting of herself, Brian Wilson and David Walker interviewed high calibre applicants for the Chief Financial Information Officer position. An appointment will be made on the completion of referee checks.

In response to questions about the Building Expression of Interest, Waiapu River Erosion Protection Project, wastewater discharge and the Annual Financial Report Judy Campbell advised:

- The Expression of Interest will provide Council with options that will enable good debate about best long term solutions and best value for money.
- The Waiapu River Erosion Protection Project is more about erosion control than forestry and as the scope was not broadened to centre on the Waiapu it may mean that the East Coast Forestry Project will not be touched. Although not the lead agency Council has objected to some of the structural matters and have promoted a wider membership including land and forestry owners which has yet to be settled.
- Council's regulatory arm will not take action on the recent wastewater discharge on the basis that an active plan is in place, however Council may need to accelerate improvements on our action plan given public reaction. Papers would come to Council in November on the matter.
- The Financial Report presented is pre-audit and therefore may be subject to change. Preparation of the Annual Report will be within statutory requirements of 31 October 2013. Auditors have been invited to the presentation of the Annual Report in the past.

MOVED by His Worship the Mayor, seconded by Cr Aston

That the Council

1. receives the report.
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**CARRIED**

### 8.8 13/348 Psychoactive Substances Act and Policy

Judy Campbell advised discussions held with Tairāwhiti District Health Board and Police concerned:

- The central government legislation – the Act should have been changed and not passed in its current form.
- Writing to Ministers of Parliament and government to put the matter back with them where it belongs
- The Police putting pressure on retailers by monitoring on the basis that the substances must not be sold to under 18 year olds.

In response to comments about banning the sale of these substances Legal Counsel Melanie Walker advised:

- The Act requires local authorities to develop policies around consultation and location of businesses selling the substances.
- Any step to prohibit sales would not stand up to legal challenge.

His Worship the Mayor advised he intends to write to the shops concerned.

MOVED by Cr Seymour, seconded by Cr Tangaere

That the Council

1. receives the report 2. instructs the Chief Executive and the Mayor to write to local MPs and both the Associate Minister and Minister of Health elaborating on the views of this community
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**CARRIED**



## 9. Late Items

There were no late items.

## 10. Questions

There were no questions.

## 11. General Business

### a) New Zealand Transport Agency letter

In response to comments about government not taking our roading issues seriously, State Highway 35 being a third rate road, density of traffic south of Tolaga Bay, being entitled to decent road access and responding to New Zealand Transport Agency about the tone of their letter, Judy Campbell advised:

- The figures quoted are those for past work not planned work.
- The collaborative unit with NZTA is a complex legal structure which aims to be a partnership model.
- Council will utilise the funding to its fullest.
- Letter will be written to NZTA.

### b) Designated Boat and Trailer Parks in front of the Works

In response to the comment that carparks have been put in the designated boat and trailer parks Peter Higgs advised this matter will be included in the report on parking.

### c) The Camera Trust's statistics report was tabled for Council's information.

## 12. Public Excluded Business

### Secretarial Note:

These minutes included a public excluded section. They have been separated for receipt in Section 12 Public Excluded Business of Council.

### RE-ADMITTANCE OF THE PUBLIC

**MOVED by Cr Aston, seconded by Cr Murphy**

**That the Council**

1. re-admits the public.

**CARRIED**

There being no further business, the meeting concluded at 1.48pm.

Meng Foon

**Mayor**