



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 26 October 2011

Time: 9.00am

Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Present: A J Dick
T Gilbertson
N Kirton
E McGregor
L Remmerswaal
K Rose
C Scott
E von Dadelszen
F Wilson - Chairman

In Attendance: A Newman – Chief Executive
M Mohi – Chairman – Maori Committee
H Codlin – Group Manager Strategic Development
M Adye – Group Manager Asset Management
P Drury – Group Manager Corporate Services
EA Lambert – Group Manager External Relations
L Hooper – Governance & Corporate Administration Manager

1. WELCOME/PRAYER/APOLOGIES/NOTICES

Chairman Wilson welcomed everyone to the meeting, and Councillor Remmerswaal offered the prayer.

Councillor Rose put forward a Motion, which was seconded by Councillor von Dadelszen, being:

RC1/11 Resolution

The Hawke's Bay Regional Council congratulates the New Zealand Rugby Union on the magnificent achievement of the All Blacks in winning the Rugby World Cup, and acknowledges the leadership of team Captain Ritchie McCaw. It further thanks those responsible for the organising of the most successful Rugby World Cup Tournament.

Council requests that the Chairman conveys this resolution to the Rugby Union.

**Rose/von Dadelszen
CARRIED**

2. CONFLICT OF INTEREST DECLARATIONS

There were no conflict of interest declarations.

3. Confirmation of Minutes of The Regional Council Meeting Held on 21 September 2011

RC2/11 Resolution

Minutes of the Regional Council Meeting held on Wednesday, 21 September 2011, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and accurate record.

**Gilbertson/McGregor
CARRIED**

4. Matters Arising From Minutes of the Regional Council Meeting held on Wednesday 21 September 2011

There were no matters arising from the minutes.

5. Action Items From Previous Regional Council Meetings

Mr Newman provided Council with an update on the status of the various actions on the list.

RC3/11

Resolution

1. That the Council receives the report "Action Items from Previous Meetings".

**Scott/von Dadelszen
CARRIED**

6. Call For General Business Items

Water charges (Rose)

Meeting of the fruitgrowers association (Rose)

Meetings with TLAs (McGregor)

Massey University lecture (McGregor)

Kairakau Beach flood repairs (Gilbertson)

7. Pauline Elliott - Oil And Gas Exploration and Extraction In Hawke's Bay

Mrs Elliott introduced Mr David Appleton, who was attending in support as a member of the . An information document was tabled in support of the presentation.

Citizens concerned about the 'blanket' permit issued by Central Government given the potential environmental effects of exploration drilling processes.

Seeking details relating to the exploration and drilling be made public, and that Council consider their regulatory role under the RMA. Details sought relate to water use, disposal of chemical waste and fracking.

Mrs Elliott introduced Dawn Hariata Bennett, of Ngati Mihiroa hapu, who spoke about her and her mother's concerns.

8. Affixing Of Common Seal

1. The Common Seal of the Council has been affixed to the following documents and signed by the Chairman or Deputy Chairman and Chief Executive or a Group Manager.

		Seal No.	Date
1.1	Leasehold Land Sales		
1.1.1	Lot 57 DP 6481 CT C2/411 - Transfer	3082	20 September 2011
1.1.2	Lot 67 DP 10912 CT D4/922 - Agreement for Sale and Purchase (discount 17.5% resides at property) - Transfer	3083 3110	21 September 2011 14 October 2011
1.1.3	Lot 46 DP 921 CT B3/161 - Agreement for Sale and Purchase (discount 17.5% resides at property) - Transfer	3087 3113	27 September 2011 14 October 2011
1.1.4	Lot 28 DP 11103 CT B2/1267 - Agreement for Sale and Purchase (discount 17.5% resides at property)	3088	27 September 2011
1.1.5	Lot 62 DP 14450 CT G2/711 - Agreement for Sale and Purchase (discount 17.5% resides at property)	3089	28 September 2011
1.1.6	Lot 86 DP 10121 CT C3/1179 - Agreement for Sale and Purchase (discount 17.5% resides at property)	3092	29 September 2011

1.1.7	Lot 16 DP 13899 CT F4/435 - Agreement for Sale and Purchase (discount 17.5% resides at property)	3093	29 September 2011
1.1.8	Lot 38 DP 14451 CT G2/746 - Transfer	3094	5 October 2011
1.1.9	Lot 1 DP 4578 CT 19587 - Transfer	3095	5 October 2011
1.1.10	Lot 129 DP 14452 CT G2/764 - Agreement for Sale and Purchase (discount 10% landlord) Transfer	3096 3114	7 October 2011 14 October 2011
1.1.11	Lot 39 DP 4488 CT 55/145 - Agreement for Sale and Purchase (discount 17.5% resides at property)	3097	10 October 2011
1.1.12	Lot 87 DP 10121 CT C3/1180 - Transfer	3098	10 October 2011
1.1.13	Lot 50 DP 11103 CT L3/449 - Transfer	3099	11 October 2011
1.1.14	Lot 2 DP 13751 CT G3/1003 - Agreement for Sale and Purchase (discount 10% landlord)	3100	11 October 2011
1.1.15	Lots 1 & 2 DP 10715 Lot 2 DP 14592 DP 27916 CT Y1/26 - Agreement for Sale and Purchase (discount 10% landlord)	3101	11 October 2011
1.1.16	Lot 96 DP 10912 CT D4/924 - Agreement for Sale and Purchase (discount 17.5% resides at property)	3102	11 October 2011
1.1.17	Lot 33 DP 7201 CT B4/936 - Agreement for Sale and Purchase (discount 17.5% resides at property)	3104	12 October 2011

	<p>1.1.18 Lot 101 DP 10078 CT C1/974 - Agreement for Sale and Purchase (discount 10% landlord) - Transfer</p> <p>1.1.19 Lot 82 DP 10632 CT B4/409 - Agreement for Sale and Purchase (discount 17.5% resides at property)</p> <p>1.1.20 Lot 59 DP 10121 CT C3/1177 - Agreement for Sale and Purchase (discount 10% landlord)</p> <p>1.1.21 Lot 172 DP 12611 CT D4/1102 - Agreement for Sale and Purchase (discount 17.5% resides at property) - Transfer</p> <p>1.1.22 Lot 14 DP 15123 CT G4/1412 - Agreement for Sale and Purchase (discount 17.5% resides at property)</p>	<p>3105</p> <p>3106</p> <p>3108</p> <p>3109</p> <p>3111</p> <p>3112</p> <p>3115</p>	<p>12 October 2011</p> <p>12 October 2011</p> <p>13 October 2011</p> <p>14 October 2011</p> <p>14 October 2011</p> <p>14 October 2011</p> <p>17 October 2011</p>
1.2	<p>Specification - Westshore Beach Nourishment 2011 Contract No: 11-02-4270c</p>	3086	23 September 2011
1.3	<p>Deeds of Grant of Easement (Clive River) 1.3.1 Lot 1, DP 15904, CT H3/911 1.3.2 Lot 2, DP 15904, CT H3/912</p>	3090 3091	29 September 2011 29 September 2011
1.4	<p>Deed of Easement (to allow construction and maintenance of Landscapes Trail Pathway) HBRC, HDC and M S Small Family Trust Lot 4 DP 24839 Lot 3 DO 25068 and Lot 1 DP26775 CT W2/804</p>	3103	11 October 2011
1.5	<p>Staff Warrants 1.4.1 D. Fake <i>(Delegations under Resource Management Act 1991; Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174))</i></p>	3084	21 September 2011

	<p>1.4.2 A. Nielsen-Vold <i>(Delegations under Resource Management Act 1991; Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174))</i></p>	3085	21 September 2011
	<p>1.4.3 K. Hashiba <i>(Delegations under Resource Management Act 1991; Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174))</i></p>	3107	12 October 2011

RC4/11

Resolutions

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
2. Confirms the action to affix the Common Seal.

**Rose/Scott
CARRIED**

9. Adoption of the Audited 2010-11 Annual Report

Mr Drury provided Council with an overview of the end of year results, and the process for making the Annual Report available to the public.

RC5/11

Resolutions

That Council:

1. Adopts the 2010/11 Annual Report, under Section 98 of the Local Government Act 2002, including amendments from this meeting, and authorises the Chairman and Chief Executive to sign the Annual Report on behalf of Council.
2. Amends the Council's Policy Handbook Section 2.2.2 to reflect the above resolution.

**von Dadelszen/Rose
CARRIED**

10. Recommendation from the Regional Transport Committee

The paper was taken as read.

RC6/11

Resolutions

Adoption of Draft Annual Report 2010/11

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
2. Approves the 2010/11 Annual Report on the Regional Land Transport Programme and the Regional Land Transport Strategy.

**Dick/McGregor
CARRIED**

11. Recommendations from the Maori Committee

A document containing further recommendations from the Maori committee meeting held yesterday (25 October) was tabled in addition to the paper included with the initial Agenda papers which contained recommendations from the meeting held on 20 September.

Mr Mohi provided background and rationale for the recommendations from the Committee meetings. There was discussion surrounding Council's policy on Significance, contained within council's Regional Policy Statement.

Members of the Committee asked that mana whenua replace the term tangata whenua in Council documents.

RC7/11

Resolutions

The Maori Committee recommends that Council:

Replacement Maori Committee Member on the Environmental Management Committee

1. Agrees that Mr Marei Apatu replaces Mr Morry Black as one of the two Maori Committee representatives on the Environmental Management Committee.

Maori Constituency

2. Agrees not to promote or support the establishment of a Maori Constituency for the 2013 local authority elections.

Update on Unwanted Agrichemical Collection Programme

3. Requests that Central Hawke's Bay and Wairoa District councils consider supporting the implementation of the Hazmobile collection in their areas.

Hawke's Bay Land and Water Strategy

4. Adopts the Hawke's Bay Land and Water Strategy, as amended by feedback received at the Environmental Management Committee meeting.
5. Endorses the second Regional Land and Water Symposium event to be held on Wednesday, 30 November 2011 as the key engagement event.
6. Notes concern expressed by the Maori Committee at the lack of progress by Council to keep stock out of Council managed flood scheme areas.

Update on Taharua Strategy Feedback and Project Review

7. Notes the public feedback received on the 'Taharua and Upper Mohaka Draft Strategy.'
8. Receives the van Voorthuysen report,
9. Notes the van Voorthuysen report's conclusion that "*Notification of a Taharua – Upper Mohaka plan change by the end of 2011 is unrealistic.*"
10. Notes the complexity of the planning environment with respect to managing land uses for water quality enhancement purposes.
11. Agrees that staff continue to compile the information required in order to prepare a robust statutory plan change and associated section 32 evaluation.
12. Agrees that for future Environmental Management Committee meetings, staff present updates outlining progress on significant work streams and that at the February 2012 meeting a comprehensive programme for completion of a robust statutory plan change is prepared for the Committee's consideration.

**von Dadelszen/Scott
CARRIED**

14. Hawke's Bay Tourism First Quarter Update

Mr George Hickton (Chairman), Ms Annie Dundas (General Manager), and Mr Sam Orton (Director & Deputy Chairman) provided Council with a presentation outlining HB Tourism's activities and results for the first three months of the 2011-12 financial year, including progress toward meeting their agreed Key Performance Indicators.

RC8/11 Resolution

1. That Council receives the report from Hawke's Bay Tourism Limited for the three months ending 30 September 2011.

**Remmerswaal/Gilbertson
CARRIED**

The meeting adjourned at 10.45am and reconvened at 11.05am.

15. Report From Delegation to Xuzhou, China

The Chairman welcomed Mr Ron Massey and Mr Murray Douglas who were members of the recent delegation that visited Xuzhou, China. Mrs Lambert highlighted the goals of the visit as detailed in the report. Mr Massey congratulated the Councillors and staff who were members of the delegation on representing themselves and the region well.

Councillors acknowledged the contributions of Mr Massey and Mr Douglas and the benefits their planing, expertise and organisation provided, and the contributions of staff (Mrs Lambert and Mr Adye) to the success of the visit. Councillors also acknowledged the role of the Chairman and his wife and how that contributed to how the delegation was received.

RC9/11 Resolution

1. That Council receives the report.

**Rose/von Dadelszen
CARRIED**

12. Regional Sport and Recreation Strategy - Terms of Reference

Mrs Lambert introduced three new members of the External Relations Team: Helen Shea, Communications Specialist, Philippa Green, Community Engagement Coordinator, and Anthony Gouder, Digital Media Coordinator.

Mrs Lambert provided Councillors with the history related to the Terms of Reference for the Regional Sport and Recreation Strategy and why their approval was being sought. The Terms of Reference had been approved by Hastings District Council and required adoption by all the contributing Council's prior to going back to the Sports Council for further development and refinement of the details.

The Strategy is expected to cost approximately \$50,000.

Council asked that the philosophy of collaboration as opposed to coordination be embodied in the Strategy, and sought a Terms of Reference document that provided more detail around the outcomes the Strategy was expected to achieve.

RC10/11 **Resolution**

1. Council agrees that this agenda item does lie on the table.

**Kirton/von Dadelszen
CARRIED**

13. Recommendations from the 12 October 2011 Environmental Management Committee

Ms Codlin provided Councillors with an opportunity to provide feedback on the Draft Land and Water Management Strategy and agreed to some amendments relating to more clearly expressing the high level environmental outcomes to be achieved.

Councillor Dick exited the meeting at 12.10pm.

It was confirmed that any of the Air Quality Plan Change (*Change 2*) rules that are 'beyond legal challenge' (i.e. open fire ban date) cannot be changed or altered by Council at this stage without going through an entirely new Statutory Plan Change process as the decisions are the result of a Hearing process. Discussions staff have had with the mayors of Hastings and Napier relating to issues of implementation and enforcement of the rules included how smoke related complaints would be managed by TLAs.

A change to the date for *Change 2* to become operative (from 2012 to 2014 as suggested) would affect some rules, e.g. the Time of Sale Rule (18h) but not those already beyond legal challenge or those containing a specific date (e.g. phase out dates).

It was reiterated that this was a procedural step and was not an opportunity to re-debate the content of *Change 2*. If Council wanted to modify any of the content of *Change 2* a separate plan change following due process would be required.

Councillor Dick rejoined the meeting at 12.45pm.

RC11/11 **Resolutions**

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.

Hawke's Bay Land And Water Strategy

2. Adopts the Hawke's Bay Land and Water Management Strategy as amended by feedback received at the Environmental Management Committee.
3. Endorses the second Regional Land and Water Symposium event to be held on Wednesday 30 November 2011 as the key engagement event.

4. Conveys its appreciation to the members of the External Reference Group for the time and energy they have committed to the development of the Strategy over the last 12 months.

Update on Taharua Strategy Feedback and Project Review

5. Notes the public feedback received on the 'Taharua and Upper Mohaka Draft Strategy'.
6. Notes the van Voorthuysen report's conclusion that "*notification of a Taharua-upper Mohaka Plan Change by end 2011 is unrealistic*".
7. Notes the complexity of the planning environment with respect to managing land uses for water quality enhancement purposes.
8. Agrees that staff continue to compile the information required in order to prepare a robust statutory plan change and associated section 32 evaluation.
9. Agrees that for future Environmental Management Committee meetings, staff will present updates outlining progress on significant work streams and that at the February 2012 meeting a comprehensive programme for completion of a robust statutory plan change is prepared for the Committee's consideration.

Regional Policy Statement "Built Environment" Plan Change Update

10. Agrees to defer the adoption of a 'Built Environment' Change to the Regional Policy Statement (RPS) until after a meeting of the Environmental Management Committee scheduled following the Asset Management and Biosecurity Committee meeting on 16 November 2011.

Plan Change Process For Heretaunga Zone - Integrated Catchment Management

11. Agrees that a plan change to review the allocation limits and minimum flows for the Karamu Stream be delayed to enable an integrated catchment approach to the Heretaunga Zone.
12. Instructs staff to work with stakeholders and consent holders of consents which expire in 2013 to find a mutually acceptable arrangement that would enable the consents to be processed on a non-notified basis.
13. Instructs staff to hold a scoping workshop for Integrated Management of the Heretaunga Zone.

**von Dadelszen/Kirton
CARRIED**

Air Quality Plan Change

Councillor Remmerswaal moved an amendment to 14.2, which Councillor Gilbertson seconded proforma, to: *Agrees in-principle that Change 2 becomes operative from 1 January 2014*'.

**Remmerswaal/Gilbertson
0 for: 8 Against: 1 (Remmerswaal) Abstained
LOST**

14. Subject to the Environment Court issuing a Consent Order settling the appeal by Solid Energy NZ Limited:
 - 14.1 Agrees in-principle to approve Change 2 (Air Quality) to the Regional Resource Management Plan in accordance with Clause 17 Schedule 1 of RMA; and
 - 14.2 Agrees in-principle that Change 2 becomes operative from 1 January 2012.

15. Receives the information about PM₁₀ concentration trends within the Napier and Hastings Airsheds.

**von Dadelszen/Kirton
Councillor Remmerswaal Abstained
CARRIED**

absent.

16. Annual Plan Progress Report to 30 September 2011

Mr Drury provided Councillors with highlights of the financial results for the first 3 months of the current financial year.

Councillor McGregor rejoined the meeting at 1.35pm.

RC12/11 **Resolution**

1. That Council receives the report.

**Rose/Scott
CARRIED**

17. Quarterly Significant Initiatives Update for Council

Mr Newman and Mr Adye responded to queries in relation to the Ruataniwha Stakeholder Group and Land Management Team resources.

It was noted that future updates of the Water Metering information will include a trend line comparison of how many meters are required to be installed and how many have been installed to date.

RC13/11 **Resolution**

1. That Council receives the report titled '*Quarterly Significant Initiatives Update for Council*'.

**Kirton/Scott
CARRIED**

18. October 2011 Work Plan - Looking Forward

Mr Newman responded to queries in relation to progress on mediation of the AFFCO appeal and the Environmental work programmes for the Ruataniwha Water Storage project.

RC14/11 **Resolution**

1. That Council receives the *October 2011 Work Plan Looking Forward* report.

**Rose/McGregor
CARRIED**

19. Chairman's Monthly Report (Tabled)

Chairman Wilson provided details to the councillors in relation to the Poutiri Ao o Tane project steering group which includes DoC, iwi (Mangharuru) and Tutira land owners and is developing a strategy for biodiversity in the area.

RC15/11 **Resolution**

1. That the Chairman's report for 21 September to 25 October 2011 be received.

**Gilbertson/Scott
CARRIED**

20. General Business

ITEM	TOPIC	COUNCILLOR / STAFF
1.	Water charges Ratepayers have been agitating about the s.36 water user charges and whether the public:private split is appropriate.	Rose
2.	Meeting of the fruitgrowers association Newsletter reported a meeting held with Council staff on 19 October. It was suggested that Councillors would appreciate notice that these types of meetings were being held, and a brief of what had been discussed afterward.	Rose
3.	Meetings with TLAs It was suggested that it may be of benefit to meet with TLAs regularly, on an informal basis.	McGregor
4.	Massey University lecture The Jaqueline Raworth lecture was unfortunately poorly attended, and Councillor McGregor distributed copies of the related book to Councillors.	McGregor
5.	Kairakau Beach flood repairs The beach refurbishment work is nearly completed and was accomplished at significantly less cost than projected by CHBDC, by the community itself.	Gilbertson

21. Confirmation of the Public Excluded Minutes of the Regional Council Meeting held 21 September 2011.

Resolution

- RC16/11 1. That Council excludes the public from this section of the meeting, being Agenda Item 21 Confirmation of Public Excluded Minutes from the Regional Council Meeting Held on Wednesday 21 September 2011 with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being as follows:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED

Confirmation of Public Excluded Minutes from the Regional Council Meeting Held on Wednesday 21 September 2011

REASON FOR PASSING THIS RESOLUTION

7(2)(i) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION

The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Rose/Scott
CARRIED**

The meeting went into public excluded session at 2.30pm

Resolution

RC17/11 1. The Public Excluded minutes of the Regional Council Meeting held on Wednesday, 21 September 2011, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and accurate record.

**Rose/Scott
CARRIED**

22. Matters arising from the Public Excluded Minutes of the Regional Council Meeting held 21 September 2011

There were no matters arising.

Resolution

RC18/11 1. That Council moves out of public excluded session.

**Scott/Rose
CARRIED**

The meeting moved out of public excluded session at 2.35pm

Closure:

There being no further business the Chairman declared the meeting closed at 2.36pm on Wednesday, 26 October 2011.

Signed as a true and correct record.

DATE:

CHAIRMAN: