



Meeting of the Hawke's Bay Regional Council

Date: Wednesday 28 November 2012
Time: 9.00am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

ITEM	SUBJECT	PAGE
1.	Welcome/Prayer/Apologies/Notices	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Regional Council Meeting held on 25 October and 31 October 2012	
4.	Matters Arising from Minutes of the Regional Council Meeting held on 25 October and 31 October 2012	
5.	Action Items from Previous Regional Council Meetings	3
Decision Items		
6.	Affixing of Common Seal	7
7.	Recommendation from Maori Committee	11
8.	Recommendation from Regional Planning Committee	13
9.	Recommendations from the Corporate and Strategic Committee	15
10.	Local Government Reform Legislation Update	19
Information or Performance Monitoring		
11.	Work Plan Looking Forward - December 2012 and January 2013	25
12.	Port of Napier Limited 2011-12 Results Presentation (11.30 am)	
13.	Chairman's Monthly Report (to be tabled)	
Decision Items (Public Excluded)		
14.	Confirmation of the Public Excluded Minutes of the Regional Council Meeting held on 31 October 2012	
15.	Governance and Management of Ruataniwha Water Storage Project	37
16.	Chief Executive Performance Review	39

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 28 November 2012

Item 5

SUBJECT: ACTION ITEMS FROM PREVIOUS REGIONAL COUNCIL MEETINGS

Reason for Report

1. **Attachment 1** lists items raised at previous meetings that require actions or follow-ups. All action items indicate who is responsible for each action, when it is expected to be completed and a brief status comment. Once the items have been completed and reported to Council they will be removed from the list.

Decision Making Process

2. Council is required to make a decision in accordance with Part 6 Sub-Part 1, of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within this section of the Act in relation to this item and have concluded that as this report is for information only and no decision is required in terms of the Local Government Act's provisions, the decision making procedures set out in the Act do not apply.

Recommendation

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



Andrew Newman
CHIEF EXECUTIVE

Attachment/s

- 1 Actions from Previous Council Meetings

Actions from Regional Council Meetings

Meeting Held 31 October 2012

	Agenda Item	Action	Person Responsible	Due Date	Status Comment
1.	Affixing Common Seal	1.3 Deed of Grant of Easement Lot 11 DP 97 CT C4/780 (Clive River) Advise why easement sought.	AN		For access to the river
2	RMA Delegations	A process for advising Council when delegations have been exercised to be developed	IM		Discussions underway with other council's to review useful and cost effective ways of doing this

Meeting Held 26 September 2012

	Agenda Item	Action	Person Responsible	Due Date	Status Comment
1	Adoption of Annual Report	Councillor meeting attendance – future records to include Hearings, HBRIC Ltd and workshops	LH	immediately	To clarify: HBRIC Ltd Board of Directors, Workshops, HPUDS and Hearings added to tracking spreadsheet for reporting meeting attendance in Annual Report. Stakeholder/Constituent meetings, conferences/seminars and fieldtrips attended will not be recorded.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 28 November 2012

Item 6

SUBJECT: AFFIXING OF COMMON SEAL

Reason for Report

- 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 90 DP 13696 CT F2/1338 - Agreement for Sale and Purchase (discount 17.5% resides at property)	3599	26 October 2012
1.1.2	Lot 150 DP 7736 CT L3/952 - Agreement for Sale and Purchase (discount 17.5% resides at property) - Transfer	3600 3601	26 October 2012 26 October 2012
1.1.3	Lot 222 DP 6598 CT C2/341 - Agreement for Sale and Purchase (discount 17.5% resides at property)	3603	30 October 2012
1.1.4	Lot 145 DP 10912 CT B3/571 - Agreement for Sale and Purchase (no discount valuation fee paid after 30 June 2012) - Transfer	3604 3605	30 October 2012 30 October 2012
1.1.5	Lot 3 DP 12414 CT D3/342 - Agreement for Sale and Purchase (cross-lease 1 x 10% discount landlord and 1 x 17.5% discount resides at property)	3607	5 November 2012
1.1.6	Lot 15 DP 4488 CT 56/288 - Agreement for Sale and Purchase (discount 17.5% resides at property) - Transfer	3608 3609	6 November 2012 6 November 2012
1.1.7	Lot 4 DP 4318 CT 54/223 - Agreement for Sale and Purchase (discount 10% landlord) - Transfer	3610 3616	12 November 2012 20 November 2012

1.1.8	Lot 3 DP 7596 CT E2/341 - Agreement for Sale and Purchase (discount 10% landlord)	3611	12 November 2012
1.1.9	Lot 227 DP 6598 CT C2/346 - Agreement for Sale and Purchase (no discount valuation fee paid after 30 June 2012) - Transfer	3612 3617	14 November 2012 22 November 2012
1.1.10	Lot 43 DP 12227 CT D2/181 - Agreement for Sale and Purchase (no discount valuation fee paid after 30 June 2012) - Transfer	3613 3614	19 November 2012 19 November 2012
1.1.11	Lot 9 DP 14451 CT G2/744 - Transfer	3615	20 November 2012
1.1.12	Lot 1 DP 14665 CT G3/319 - Agreement for Sale and Purchase (discount 17.5% resides at property)	3618	22 November 2012
1.2	Deed of Grant of Easement and Exchange Agreement Lot 1 DP 27890 CT W4/61 and Part Lot 11 DP 2064 CE B1270 (Tomoana Drain)	3602	26 October 2012
1.3	Hawke's Bay Regional Coastal Environment Plan (incorporating Variations 1-3) – adopted at Hawke's Bay Regional Council meeting on 31 October 2012	3606	2 November 2012

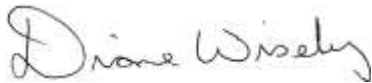
Decision Making Process

2. Council is required to make every decision in accordance with the provisions of Sections 77, 78, 80, 81 and 82 of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within these sections of the Act in relation to this item and have concluded the following:
 - 2.1 Sections 97 and 88 of the Act do not apply;
 - 2.2 Council can exercise its discretion under Section 79(1)(a) and 82(3) of the Act and make a decision on this issue without conferring directly with the community or others due to the nature and significance of the issue to be considered and decided;
 - 2.3 That the decision to apply the Common Seal reflects previous policy or other decisions of Council which (where applicable) will have been subject to the Act's required decision making process.

Recommendations

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.



**Diane Wisely
EXECUTIVE ASSISTANT**



**Andrew Newman
CHIEF EXECUTIVE**

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 28 November 2012

SUBJECT: RECOMMENDATION FROM MAORI COMMITTEE

Item 7

Reason for Report

1. The following matter was considered by the Maori Committee on Tuesday 30 October 2012 and is now presented to Council for consideration and approval.

Decision Making Process

2. This item has been specifically considered at Committee level.

Recommendations

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. Appoints Mr Rangi Puna as the Maori Committee representative on Council's Environment and Services Committee, replacing Dr Benita Wakefield.



Viv Moule
HUMAN RESOURCES MANAGER



Andrew Newman
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 28 November 2012

SUBJECT: RECOMMENDATION FROM REGIONAL PLANNING COMMITTEE

Item 8

Reason for Report

1. The following matter was considered by the Regional Planning Committee on Wednesday, 7 November 2012 and is now presented to Council for consideration and approval.

Decision Making Process

2. This item has been specifically considered at Committee level.

Recommendations

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.

Regional Policy Statement (RPS) Change 5 Update

2. Considers potential members for the Panel to hear and decide upon submissions made to proposed Change 5, and forwards those names of likely candidates to staff over the next two months.



**Helen Codlin
GROUP MANAGER
STRATEGIC DEVELOPMENT**



**Andrew Newman
CHIEF EXECUTIVE**

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 28 November 2012

SUBJECT: RECOMMENDATIONS FROM THE CORPORATE AND STRATEGIC COMMITTEE

Item 9

Reason for Report

1. The following matters were considered by the on and are now presented to Council for consideration and approval.

Decision Making Process

2. These items have all been specifically considered at the Committee level.

Recommendations

The Committee recommends that Council:

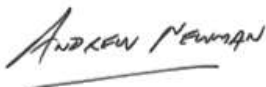
1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly 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.

2013 Proposed Schedule of Council and Committee Meetings

2. Adopts the 2013 Schedule of Meetings as amended.

Risk Assessment

3. Notes the top ten risks currently facing Council.
4. Approves the risk mitigation approach to each of the ten risk issues as amended, taking into account the comments and suggestions at the Committee meeting.
5. Notes that the following reports were received at the meeting held on 14 November 2012:
 - 5.1 Hawke's Bay Tourism Quarterly Report
 - 5.2 Nature Central (collaboration between Lower North Island Regional Councils and the Department Of Conservation)
 - 5.3 Maungaharuru Tangitu Treaty Settlement Negotiations.



Andrew Newman
CHIEF EXECUTIVE

Attachment/s

- 1 2013 Schedule of Council and Committee Meetings

Council Meetings/Workshops and Field Trips Planner for 2013 - for Adoption 28 November 2012

Item 9

Attachment 1

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	
MON				1 Easter Monday			1						MON
TUE	1 New Year's Day			2			2			1			TUE
WED	2 P/H			3	1		3			2			WED
THU	3			4	2		4	1		3			THU
FRI	4	1	1	5	3		5	2		4	1		FRI
SAT	5	2	2	6	4	1	6	3		5	2		SAT
SUN	6	3	3	7	5	2	7	4	1	6	3	1	SUN
MON	7	4	4	8	6	3 Queen's Birthday	8	5	2	7	4	2	MON
TUE	8	5	5	9	7	4	9	6	3	8	5	3	TUE
WED	9	6 Waitangi Day	6 C&S	10 Planning	8 C&S	5 Planning	10 C&S	7 Planning	4 C&S	9	6 Council 1st ord	4 Planning	WED
THU	10	7	7	11	9	6	11	8	5	10	7	5	THU
FRI	11	8	8	12	10	7	12	9	6	11	8	6	FRI
SAT	12	9	9	13	11	8	13	10	7	12 Election Day	9	7	SAT
SUN	13	10	10	14	12	9	14	11	8	13	10	8	SUN
MON	14	11	11	15	13	10 A/P Hearings	15	12	9	14	11	9	MON
TUE	15	12	12	16	14	11 A/P Hearings	16	13	10	15	12	10 Maori	TUE
WED	16	13 Planning	13	17 E&S	15	12 E&S	17	14 E&S	11 Planning	16	13	11 E&S	WED
THU	17	14 Ann Plan W/S	14	18	16	13	18	15	12	17	14	12	THU
FRI	18	15 Transport	15	19	17 Transport	14	19	16 Transport	13	18	15	13	FRI
SAT	19	16	16	20	18	15	20	17	14	19	16	14	SAT
SUN	20	17	17	21	19	16	21	18	15	20	17	15	SUN
MON	21	18	18	22	20	17	22	19	16	21	18	16	MON
TUE	22	19	19	23	21	18	23	20	17	22	19	17	TUE
WED	23	20 E&S	20 Council	24 Council	22 CDEMG	19	24	21	18	23	20 C&S	18 Council	WED
THU	24	21	21	25 ANZAC Day	23	20	25	22	19	24	21	19	THU
FRI	25	22	22	26	24	21	26	23	20	25 HB Anniversary	22	20	FRI
SAT	26	23	23	27	25	22	27	24	21	26	23	21	SAT
SUN	27	24	24	28	26	23	28	25	22	27	24	22	SUN
MON	28	25	25	29	27	24	29	26	23	28 Labour Day	25	23	MON
TUE	29	26 Maori	26	30 Maori	28	25 Maori	30	27 Maori	24	29	26 Maori	24	TUE
WED	30 C&S	27 Council	27		29 Council	26 Council adopt AP	31 Council	28 Council	25 Council adopt AR	30 Council Inaugural	27 Council	25 Christmas Day	WED
THU	31 W/S	28	28		30	27		29	26	31	28	26 Boxing Day	THU
FRI			29 Good Friday		31	28		30	27		29 Transport	27 P/H	FRI
SAT			30			29		31	28		30	28	SAT
SUN			31			30			29			29	SUN
MON									30			30	MON
TUE												31	TUE
WED													WED
THU													THU
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	

Key: *red, italicised print = tentative*; black print = confirmed

- CDEMG *Civil Defence Emergency Management Group Joint Committee*
- Council *Regional Council*
- C&S *Corporate & Strategic Committee*
- E&S *Environment & Services Committee*
- Maori *Maori Committee*
- Planning *Regional Planning Committee*

- Transport *Regional Transport Committee*
- Roadsafe *RoadSafe Governance Committee*
- HPUDS IC *HPUDS Implementation Committee*
- Tenders *Tenders Committee (scheduled as required)*
- W/S *Workshop*
- FT *Field Trips*

School Holidays

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 28 November 2012

SUBJECT: LOCAL GOVERNMENT REFORM LEGISLATION UPDATE

Item 10

Reason for Report

1. In July 2012 the Hawke's Bay Regional Council submitted on the Local Government Act 2002 Amendment Bill to the Local Government and Environment Select Committee. The Council Chairman presented Council's submission to the Select Committee in September 2012.
2. The purpose of this report is to update Council on the progress of the legislation.

Legislative Stages

3. Following consideration of 518 submissions the select committee reported back on the Amendment Bill on 30 October 2012. The second reading of the Bill occurred on 15 November 2012 and the third reading is expected to occur before the end of November. Following the third reading the Bill will become law upon receiving the Governor-General's assent, likely to be in early December.

Changes to the Bill

4. The select committee was unable to agree that the bill be passed. The recommendations that have been endorsed are the ones on which all members of the committee agree. The new "purpose" of local government is retained in the reported-back Bill.
5. Amendments have been made to the reorganisation provisions, to the role of Mayors, and to some aspects of the fiscal responsibility material. None of these changes appear to be major.
6. Pending any amendments being passed during the course of the third reading Council will have to give its full consideration to the changes that will be required by the new law. In the short-term Council should consider the potential impact of the changes on its functions and immediate work programme and assess any responses it may wish to make.

Regional Council Functions

7. The Regional Council predominantly operates in four areas (*Hawke's Bay Regional Council Strategic Plan, 2011*).
 - 7.1. Natural resource knowledge and management – the governance and management of the natural resources on which our primary sector and export economy is based
 - 7.2. Natural hazard assessment and management – covering research and investigations into natural hazard risks and mitigation, as well as being one of the first councils in New Zealand to establish a dedicated Group Controller for civil defence and emergency management across the region
 - 7.3. Regional strategic planning – Council's strategies and plans are providing a strategic framework for natural resource and hazard management and regional scale infrastructure. Collaborative approaches such as the Land and Water Management Strategy, the Heretaunga Plains Urban Development Strategy and the Hawke's Bay Regional Land Transport Strategy focus on resolving issues ahead of more time-consuming statutory processes
 - 7.4. Regional scale infrastructure and services – Council has responsibility for key infrastructure and services across its area, such as catchment-based flood control schemes, regional parks, and the Port of Napier.
8. The local government reform legislation does not directly change these functional areas, but may have consequences for the effectiveness with which these tasks are carried out. In particular any immediate considerations of local government reform within

Hawke's Bay may cut across the delivery of the required work streams for freshwater management and the Ruataniwha water storage scheme.

Work Programme

Freshwater Management

9. In the natural resource management area one of the main focuses of the National-led Coalition government, and its predecessor, has been the management of freshwater. This culminated in May 2011 with the release of the National Policy Statement for Freshwater Management. This Council has had several opportunities to consider the implications of the NPS so these are not going to be repeated in this paper. Suffice to say that the NPS reinforces the regional council role to interpret central government policy directions with respect to water management and recognises that the primary policy instrument is the regional plan (and the regional policy statement for integrated management).
10. The Third Report of the Land and Water Forum, on managing water quality and allocating water, was released last month. The proposals in this third report present the tools and approaches required to manage fresh water to meet limits and achieve freshwater objectives, and to realise the potential of New Zealand's fresh water economy.
11. One of the key conclusions of this report, and of previous LAWF reports, is that regional councils will continue to play a key role in water management, but expectations of that role will change. There will need to be a significant shift in the way some councils, communities and stakeholders have approached the planning process.
12. A key role of the regional councils will be to design and support planning processes that help iwi, communities and stakeholders to participate effectively in a new regional planning process underpinned by collaboration. Once limits are set, councils will face a significant challenge in ensuring they are met (particularly in relation to water quality limits). Councils will need to enhance their information gathering and compliance processes. They will also need to develop the capacity to react quickly to change, particularly where water permits are being transferred and where markets in permits have emerged. Councils' governance arrangements will also change, and this will affect the way that they operate, work with iwi and deal with their communities.
13. Hawke's Bay Regional Council has made progress on the key undertakings recommended by LAWF, with some being further advanced than others:
 - 13.1. Establishment and operation of the Regional Planning Committee which provides for the co-governance of natural resources with Treaty partners
 - 13.2. Adoption of the Hawke's Bay Land and Water Management Strategy, through a collaborative process with key stakeholders and the community
 - 13.3. Development and application of integrated catchment strategies based on catchment models for the Tukituki, Ngarururo (including Karamu and Heretaunga Plains aquifer) and Tutaekuri catchments for incorporation in regional planning documents
 - 13.4. Provision of support for Tukutuki Liaison Group, a stakeholder group, in developing a set of objectives and policies for the management of land and water in the Tukutuki catchment
 - 13.5. Completion of a feasibility study into the technical, environmental and financial feasibility of a water storage dam for irrigation of the Ruataniwha Plains.
14. This Council is at the forefront of water management in Hawke's Bay and employs over 20 water specialists. The work programme in this area is now more complex, urgent and technically challenging than any time in the past. It is important that Council's focus, commitment and resources in this area are able to be maintained.

Prosperity Study

15. Phase 2 of the Prosperity Study is being undertaken by McGredy Winder & Co and is due for reporting back to Council early in 2013.
16. Phase 1 of the report identified the development of the Ruataniwha Water Storage Scheme as the most critical element in improving the prosperity of Hawke's Bay. The report also noted that the structure and performance of local government in Hawke's Bay was raised as an issue by a large number of stakeholders that the project team engaged with. The options presented in the Phase 1 report to enhance the performance and contribution of local government to the development of the region were:
 - 16.1. Shared services – this has now progressed to the formation of a Hawke's Bay Local Authority Shared Services Company expected to be formally established in December 2012.
 - 16.2. More effective collaboration and a Hawke's Bay Plan – the development of a Hawke's Bay vision and plan that can be translated into council regulatory frameworks.
 - 16.3. Key investments – the region's councils collectively have quite strong balance sheets and the territorial authorities could make more active use of the financial resources they have at their disposal.
 - 16.4. Increased Regional Role – Transfer of responsibilities – to address the most pressing infrastructure issues in the region by transferring responsibility for wastewater networks and treatment from either or both of Central Hawke's Bay and Wairoa district councils to the regional council.
 - 16.5. Rural Amalgamation – a major concern expressed by stakeholders was the potential for the rural voice of the region to get lost and they cautioned against changes that would diminish the strong rural focus of the regional council. A potential solution is the amalgamation of the regional council with Wairoa and Central Hawke's Bay districts to create a council that was unitary in those areas but performed the role of a regional council elsewhere in the region.
 - 16.6. Regional Amalgamation – establishment of a single Hawke's Bay council, combining all five councils.
17. The Steering Group overseeing the Study, comprising the 4 TA Mayors, Regional Council Chair and 5 CEOs, has reduced the number of options for consideration in Phase 2 to three: increased regional role – transfer of responsibilities; rural consolidation; and region-wide amalgamation.
18. The more detailed cost-benefit analysis on these three options will be available early in 2013. This will then provide the basis for public consideration of these options to assist the region in forming a collective view on the structure of its local government.
19. The risk at the moment is two-fold:
 - 19.1. That any re-organisation proposals submitted to the Local Government Commission ahead of the conclusions of the Prosperity Study will impair collective discussions around the best way forward for local governance in Hawke's Bay; and
 - 19.2. That any re-organisation proposal detracts from, or compromises, the delivery of the Land and Water Management Strategy, and of the Ruataniwha water storage scheme. The benefits to Hawke's Bay from the water storage project "probably eclipse the potential hard measurable savings from amalgamation by a factor of 10" (*McGredy Winder & Co., 2011, Future Prosperity of the Hawke's Bay Region Part 1: Issues and Options.*

Conclusion

20. There are acknowledged benefits and disadvantages to local government reorganisation. Phase 1 of the Prosperity Study highlighted the factors for consideration in any assessment. It states:

- 20.1. *The Local Government Act and the Amendment Bill currently being considered by Parliament establishes a framework for considering possible local government reform. At its core the Act requires changes to enhance effective local governance. Cost effectiveness is only one of the factors that will need to be considered in evaluating potential local government reform in Hawke's Bay. Other significant issues will be the balancing of the cost and time taken to implement change, the net benefits that can be delivered, the scope for effective representation (and in particular effective rural representation), and the scale and scope that would be created and its ability to help to deliver improved prosperity.*
21. The imminent passing of the 2012 Amendment Bill to the Local Government Act 2002 requires a close examination of the impacts of any reorganisation proposals on the ongoing operation of all affected councils. In this instance it particularly requires the Hawke's Bay Regional Council to demonstrate an awareness of the short-term effects of any proposals on the current work being undertaken on the Prosperity Study for the region, the implementation of the National Policy Statement for Freshwater Management, the Tukituki Plan Change and the Ruataniwha Water Storage Project.
22. In order to manage this risk staff recommend that the Chairman write to the Minister of Local Government, and to the Local Government Commission, advising of the situation in relation to the challenges faced in any Hawke's Bay reorganisation proposals around the timing of key inputs to their considerations and of the delivery of a project of national significance.

Decision Making Process

23. Council is required to make a decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained in Part 6 Sub Part 1 of the Act in relation to this item and have concluded the following:
- 23.1. The decision does not significantly alter the service provision or affect a strategic asset.
- 23.2. The use of the special consultative procedure is not prescribed by legislation.
- 23.3. The decision does not fall within the definition of Council's policy on significance.
- 23.4. The persons affected by this decision are the residents of the Hawke's Bay region.
- 23.5. Options that have been considered include do nothing in the short-term to address this identified issue.
- 23.6. The decision is not inconsistent with an existing policy or plan.
- 23.7. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

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. Receives the report *Local Government Reform Legislation Update*.

3. Requests that the Chairman write to the Minister of Local Government, and to the Local Government Commission, advising of the Regional Council role, the significance and value of this both regionally and nationally, and the risks of overlaying Local Government reform on top of the current priorities.



Liz Lambert
GROUP MANAGER
EXTERNAL RELATIONS



Andrew Newman
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 28 November 2012

SUBJECT: WORK PLAN LOOKING FORWARD - DECEMBER 2012 AND JANUARY 2013

Item 11

Reason for Report

1. This report is provided in order to update Councillors about significant work activities under way over the next month in each area of Council.

Group	Area of Activity	Activity Status Update
Asset Management	<ul style="list-style-type: none"> • Biosecurity 	Regional Pest Management Strategy and Regional Phytosanitary Pest Management Strategy Hearing held 15 February 2012. Council adopted Hearings Panel recommendations 29 Feb. One reference made to Environment Court. Mediation held 12 September 2012. Further mediation agreed to. E&S Committee considered possible approach at their October meeting. Further mediation has been set down for 27 November.
	<ul style="list-style-type: none"> • Land Management 	A proposal for how the Land management team will influence the uptake of best farming practices in intensive land use areas is being developed and will be brought to the E&S Committee for their consideration in December. The proposal will include the alignment of a proportion of the RLS subsidy scheme to support the initiative.
	<ul style="list-style-type: none"> • Infrastructure disaster insurance 	A review of infrastructure disaster insurance arrangements is underway. LAPP held meetings of Members in May & July. Further meetings have been arranged for November. Staff expect to report to the C&S Committee on the issue at their January meeting.
	<ul style="list-style-type: none"> • Tutira Properties 	Negotiations are progressing with LINZ, Office of Treaty Settlements and Maungaharuru Tangitu Inc in accordance with the principals agreed by Council.
	<ul style="list-style-type: none"> • Regional Forestry project 	Council have decided to postpone the implementation of this project. Staff will review carbon price forecasts and if considered favourable will seek further direction from Council early in 2013.
	<ul style="list-style-type: none"> • Regional open spaces review 	A project to identify and record HBRC open space sites and their values, articulate the management principles and levels of service for those spaces, and identify opportunities for the development of those spaces for public enjoyment is largely complete. The E&S Committee will be asked to endorse a proposed framework for the management of the region's parks in December..
	<ul style="list-style-type: none"> • Upper Makara Scheme 	Review of options to provide equivalent level of flood protection to land in Makara valley as an alternative to the repair of the Makara No 1 dam is in progress. Findings are expected to be reported back to the E&S Committee in December.

Group	Area of Activity	Activity Status Update
Asset Management	<ul style="list-style-type: none"> Ohuia Scheme 	<p>Council have approved the construction of a replacement pump station for the Ohuia Scheme, subject to general agreement from all Scheme ratepayers. A Meeting was held with Scheme ratepayers on 21 November. Informal agreement to proceed was provided at that meeting. A letter seeking their formal agreement will be sent during the week commencing 26th November. Design work for the project is continuing in the meantime, with the objective of completing the project in time for the 2013 winter.</p>
	<ul style="list-style-type: none"> Collaboration with Department of Conservation, Greater Wellington & Horizons 	<p>A number of opportunities for improved service delivery and for cost savings have been identified. Work plan next 12 months agreed by CE's on 4 September. Staff are progressing a number of opportunities as reported to the C&S Committee in November.</p>
	<ul style="list-style-type: none"> 159 Dalton Street 	<p>Building consent application for remedial work has been granted. Tenders have been advertised and close 5 December. These will be considered by the tenders committee on 12 December. A claim for cost of remedial work being pursued by lawyers acting for HBRC.</p>
Resource Management	<ul style="list-style-type: none"> Appeal mediation processes underway for 	<p>Twyford</p> <p>This appeal has been withdrawn and the file is now closed. Separately HBRC is working on an MOU to support investigations into global consent/ water sharing strategies that can assist in more efficient / effective use of the available water. This work is being incorporated into an application for IAF funding of water availability across the Herataunga Plains.</p> <p>AFFCO</p> <p>Appeal settled between parties and the Consent Order was signed off by Environment Court on 1 October 2012.</p> <p>Mexted & Williams</p> <p>Environment Court hearing is still pending. There has been discussion between parties with suggested changes being made to the proposed development. This would lessen some of the impacts. The appellants have not signalled their response to these changes.</p> <p>A High Court appeal has also been lodged. The defendant is questioning the permissibility of the coastal hazard evidence.</p>

Group	Area of Activity	Activity Status Update
Resource Management		<p>NCC BTF plant</p> <p>The High Court has delivered its decision on the Church Appeal. It has returned the matter to the Environment Court to reconsider the question of whether the appeal was lodged on time. The appeal is not live at this time but if it is accepted as having been lodged on time, or if the time limit for lodging is waived then it will become live and the matter can then proceed to the Environment Court.</p> <p>A meeting was held between parties on 14 September 2012 in response to a request that Mr Church be heard on his concerns. While some agreement was found on the monitoring following flushes of the BTF, Mr Church did not change his stance at the meeting.</p> <p>NCC Whakarire Avenue Coastal Protection Structure</p> <p>There is disagreement over the activity status of the proposed Whakarire Avenue coastal protection. It has been agreed to seek a declaration from the Environment Court to determine this before proceeding with the application.</p>
	<ul style="list-style-type: none"> Large Consent processes/applications 	<p>Poukawa</p> <p>Discussions ongoing with applicants and stakeholders pre notification decision. Limited notification pending.</p> <p>Tukituki and Karamu surface water takes</p> <p>Common expiry date for these catchments of 31 May 2013. Advice of the need to apply for new consents has been sent out. S 124 applies if these are lodged before 1 December 2012.</p>
	<ul style="list-style-type: none"> Science Activities 	<p>Groundwater</p> <p>Staff continuing to work closely with the planning team to develop policy associated with water allocation and water quality management for the Tukituki plan change. Staff presented information stakeholder group meetings for the Heretaunga or "TANK" plan Change. Requirements for technical investigations and further development of groundwater models are being assessed and scoped. Data is now being collected from all three groundwater recharge lysimeter sites on the Heretaunga Plains.</p> <p>A shallow groundwater nitrate survey for the Ruataniwha Plains to support the plan change has been completed. Groundwater wells less than 25 m are being sampled to provide understanding of current shallow nitrate concentrations across the plains and the data will be used to calibrate water quality models.</p> <p>Further groundwater model scenarios to support the Ruataniwha water storage project are being analysed.</p>

Group	Area of Activity	Activity Status Update
Resource Management		<p>Surface Water Quantity</p> <p>Rob Christie has been drafted to project manage the modelling inputs and outputs required for the RWS and plan change. This is proving to be a complex and iterative process that relies on several internal and external parties.</p> <p>Thomas Wilding is working closely with Tim Sharp in helping scope work and reports required for the Heretaunga Plan Change. Management of low flow within the Heretaunga Catchment is a focus of attention. Thomas has set up a series of dissolved oxygen sensors in selected rivers in the Heretaunga and will be looking at relationships with DO, temperature and weed growth to help inform low flow setting.</p> <p>Rob Waldron continues to work full time on Tukituki hydrology scenarios, including flow augmentation and optimisation for RWS and plan change.</p> <p>Low flows season is upon us and the team are managing key sites weekly for assessing the status of the river in relation to the irrigation cut-off levels.</p> <p>The field team continue to collect rainfall, climate and river flow data from across Hawke's Bay. Pete Davis has been working towards installing a more dependable Taharua Link station, helping with installing the Wave Buoy purchased by water quality for coastal monitoring and installing DO and Temperature monitoring equipment for Water Quality.</p>

Group	Area of Activity	Activity Status Update
Resource Management		<p>Surface Water Quality and Ecology</p> <p>Staff are continuing to support the Planning team with the Tukituki, Mohaka and Heretaunga Plan Change with a large focus of the team on the main water quality limits setting report for the Tukituki Plan Change as well as supporting stakeholder group meetings for the TANK Plan Change.</p> <p>Two “one hundred point” nitrate surveys of the Ruataniwha Plains have been completed to date. Results are being verified and compiled at present. Concurrent water quality and gauging results will inform a flow/loading model that will be developed for the Ruataniwha plains to support the plan change.</p> <p>A <u>major</u> cyanobacteria algal bloom in Lake Tutira has created a lot of public and media interest of late. Nina Von Westernhagen is working with the University of Waikato to better understand why the lake is blooming of late.</p> <p>Bimonthly sampling of Lake Waikaremoana and Lake Waikareiti commenced in early November 2012. This is very relevant to lake management throughout the North Island as Lake Waikareiti and to a similar extent Waikaremoana are truly pristine ‘reference’ lakes. The Waikaremoana monitoring buoy gets upgraded with a deep dissolved oxygen probe late November/early December 2012.</p> <p>The coastal ecology projects are progressing well with the field component of the sandy beach monitoring program being completed in recent weeks.</p> <p>The coastal monitoring buoy HAWQ-I has arrived in Hawke’s Bay. Paul Barter from Cawthron has spent the week in hawke’s Bay helping the Coastal team prepare the buoy for deployment in the next week or two.</p>
		<p>Air & Climate</p> <p>Screening monitoring of PM₁₀ in Waipawa is commencing and will continue for a period of one year.</p> <p>Quotes to undertake a period of surveillance monitoring of NES contaminants (other than PM₁₀) have been received from a number of external agencies and are being assessed.</p> <p>A presentation will be given to the National Air Quality Working Group late November on the Envirolink funded research strategy developed for the group which HBRC sponsored.</p> <p>Ongoing support (climate information) is being provided for the Tukituki and Heretaunga plan changes as well as the RWS project.</p>

Group	Area of Activity	Activity Status Update
Resource Management		<p>Land Science</p> <p>Ongoing regional soil mapping (S Map). Currently mapping south eastern coastal strip. First stage of field work completed.</p> <p>Ongoing Taharua catchment investigation.</p> <p>Awaiting report on loss of ecosystem services investigation arising from April 2011 storm. May provide some insight into the value of 'Trees on Farms'</p> <p>Fiona Cameron has begun characterisation of wetlands in the Heretaunga catchments. Aerial investigation complete.</p> <p>Regional soil quality monitoring project continuing as part of Land SOE requirement. Land owners identified and currently being contacted. This year intensive pasture is the focus of attention.</p> <p>Ongoing characterisation of biodiversity in the Ngaruroro catchment.</p> <p>Ongoing assistance to policy with biodiversity strategy development.</p> <p>Ongoing assistance with water storage programme and Tukituki Choices document (plan change) and Mohaka plan change.</p> <p>Planning for upcoming work in the Heretaunga catchment (Ngaruroro and Tutaekuri catchments)</p>
	<ul style="list-style-type: none"> <li data-bbox="416 1032 778 1061">• Biodiversity Strategy 	<p>There will be a further meeting to develop the approach and key milestones to achieve the strategy using an Intervention logic Model in a session facilitated by Landcare staff.</p>
	<ul style="list-style-type: none"> <li data-bbox="416 1171 778 1232">• Quality Management System (QMS) 	<p>Revision and updating of procedures followed by the Science Section continues. This is being done through Promapp (the on-line 'manual' of QMS policies and procedures) to maintain compliance with ISO 9001</p> <p>A formal audit of some of the procedures and practices used in the Science Section will occur on 26 and 27 November 2012. This may include inspection of field practices.</p> <p>Incorporation of a work-flow module within the Promapp suite will be implemented shortly. Promapp was upgraded to version 4 during the week of 19 November 2012.</p>
Strategic Development	<ul style="list-style-type: none"> <li data-bbox="416 1641 778 1702">• Land and Water Management Strategy 	<p>Strategy implementation to be ongoing, including via 2012-22.</p>
	<ul style="list-style-type: none"> <li data-bbox="416 1724 778 1874">• RPS Change to incorporate elements of Land and Water Management Strategy (Change 5) 	<p>Schedule 1 RMA process. Change 5 publicly notified on 2 October. 29 submissions received before 5 Nov deadline. Those submissions being summarised and intended that further submissions be invited in early December. Regional Planning Committee yet to make recommendations on Commissioner membership of Hearings Panel to hear submissions.</p>

Group	Area of Activity	Activity Status Update
Strategic Development	<ul style="list-style-type: none"> Implementation programme for giving effect to 2011 NPS for Freshwater Management 	NPSFM Implementation Programme adopted by Council at September meeting and publicly notified on 5 October. No submission process associated with this Programme. Programme can be viewed on www.hbrc.govt.nz . Programme will be reported on annually as part of Council's future Annual Reports.
	<ul style="list-style-type: none"> Plan Change for freshwater management in Tukituki River catchment 	Regional Plan Committee workshop on 10 December to provide the background to the Tukituki Plan Change so that they can be in a position to endorse Council's approach to land and water management in the Tukituki Catchment at Committee meeting that would immediately follow the workshop. Anticipating a draft plan change to be presented at the December Council meeting for endorsement as being aligned to the Tukituki choices resolution in October. Likely to need a special Council meeting following the Corporate and Strategy Committee meeting in January 2013 to adopt the plan change.
	<ul style="list-style-type: none"> Plan Change for freshwater management in Greater Heretaunga / Ahuriri catchment 	Ongoing. First collaborative stakeholder meeting held on 9th October. Second meeting held on 13 November. Next meeting scheduled for 18 December 2012
	<ul style="list-style-type: none"> RPS Change to incorporate HPUDS and wider infrastructure matters (RPS Change 4) 	Schedule 1 RMA process. 45 submissions and 6 further submissions received. Hearing by a Panel on 7 and 11 December, with Panel to make recommendations to Council.
	<ul style="list-style-type: none"> Taharua Strategy and Mohaka plan change. 	Ongoing. Update presented to Regional Planning Committee meeting on 5 September. Committee supported in-principle the concept of a 'catchment management plan' being a key component of the Taharua plan change. Committee also noted plan change could be ready for Council's approval mid-2013. Immediate next steps involve further negotiations between major landowners about N mitigation options and responsibilities. For wider Mohaka catchment, stakeholder engagement has commenced, but supporting science is progressing slowly due to science teams other commitments (esp. Tukituki-related projects), delays likely.
	<ul style="list-style-type: none"> Proposed Regional Coastal Environment Plan plus Change 1 to RRMP 	Council adopted RCEP on 31 October. Coastal marine area-related content is to be referred to Minister of Conservation for her approval. Following that approval, a date will be nominated by Strategic Development Group Manager and RCEP, plus its Variations 1-3 will become operative (likely early 2013).
	<ul style="list-style-type: none"> Heretaunga Plains Urban Development Strategy (HPUDS) 	Ongoing implementation as it relates to other actions where HBRC is a lead agency or a partner agency via HPUDS Working Group.
	<ul style="list-style-type: none"> Joint Land Use and Natural Hazards Strategy 	Ongoing. Draft Joint Strategy Implementation Plan to be presented to Hawke's Bay CDEM CEG on 30 November for approval.

Group	Area of Activity	Activity Status Update
Strategic Development	<ul style="list-style-type: none"> Regional Land Transport Programme 	Work has recommenced on the Regional Cycling Strategy. A meeting of the project team will be held in December.
	<ul style="list-style-type: none"> Bus Services 	Early consultation with the existing and potential bus operators has commenced on the urban bus contract which is due to expire in February 2014. This involves input on the draft tender documents and draft Transport Procurement Strategy.
	<ul style="list-style-type: none"> Tech NZ R&D funding as part of the Regional Business Partner partnership with HB Chamber of Commerce 	From 1 July to 31 October 2012, MSI Regional Partner has brought in \$984,153.88 grant funding into Hawke's Bay working with 27 businesses.
	<ul style="list-style-type: none"> Strategic Farming Initiative 	R&D projects continue to be scoped under Land Management function. The Pan Sector group meeting held on 22 November with a focus on the Tukituki Plan Change and the Ruataniwha Water Storage Project.
	<ul style="list-style-type: none"> Massey Strategic Relationship 	HBRC and Massey have signed an MoU that will trigger the recruitment of the jointly funded person to develop the relationship and exploit mutual opportunities – currently being advertised. Discussions are planned with the newly created Water Initiatives Centre at Massey.
Corporate Services	Assessment of selling cash flows from Napier leasehold land	Paper to December 2012 meeting updating issues.
	Financial report covering five months to 30 November 2012	Council meeting 12 December 2012
	Constituency Review - referral of Council proposal and any appeals to the Local Government Commission	21 December 2012
	HBRIC – presentation of financial statements for year ended 30 June 2012	Council meeting 12 December 2012
External Relations	<ul style="list-style-type: none"> Statutory advocacy and liaison 	Liaison with consultant on Phase 2 of the Prosperity Study
	<ul style="list-style-type: none"> Liaison with Treaty claimant representatives on Regional Planning Committee 	Training of two new Committee members
	<ul style="list-style-type: none"> Community engagement / environmental education 	External Relations staff developing the refresh of Council's Intranet for completion by November 2012. Finalising of technical requirements for webcasting of Council and Committee meetings
	<ul style="list-style-type: none"> HeatSmart 	Contingency planning for scenario in event that EECA withdraws from clean heat funding. EECA has yet to secure future funding, and existing funding likely to run out next March. HBRC needs alternative incentives in place in order to meet targets.

Group	Area of Activity	Activity Status Update
Operations/ Water Group	Ruataniwha Water storage	<ul style="list-style-type: none"> • Project approved to move to next phase 31 October 2012 • Develop detailed work programme and budget for next phase, through to March 2014 • Complete additional modelling and specific work identified in Feasibility report, prior to commencing EPA process. • Complete assessment of opportunities for downstream consent holders. • Develop AEE and consent conditions for project pre EPA lodgement. • Present work programme and timelines to HBRIC board. • Appoint Technical Advisor to project team. • Develop Expressions of interest document for procurement phase, to be commenced in January 2013. • Host meetings with potential consultants and constructors. • Host meeting with HB based contractors re involvement in project. • Host investor day on 5/6 December. • Host Rural professionals workshop 19 December. • Hold specific engagement meetings with Iwi, Doc DHB and landowners.
	<ul style="list-style-type: none"> • Ngaruroro Water Storage 	<ul style="list-style-type: none"> • The on-farm economic analysis section of work is now to be carried as a discrete section of work prior to the end of this financial year.
	<ul style="list-style-type: none"> • Hawke's Bay Trails 	<ul style="list-style-type: none"> • The final sections of the Landscapes Ride - on-road cycle lanes on Waimarama Rd from River Road to Craggy Range winery and Blackbridge handrail protection - being progressed with HDC and due for completion over the 3 months. • Maraetotara bridge clip-on section completed • Remaining section of Taipo stopbank commenced with cycleway section to be completed as part of upgrade. • NCC to complete Bayview crossing on SH2 by Christmas. • Final refinements to Winery ride (signage) to be completed by December. • Continue with support for HDC lway sections of trail in Hastings and Clive.
CE's Office	<ul style="list-style-type: none"> • Represent Regional Sector on Land and Water Forum "Small Group" 	<p>LAWF has submitted its final report to Government covering water quality and water allocation and we await the Government's response to this. The report reinforces the key role that regional councils play in freshwater management.</p> <p>The task on populating national limits is progressing well and may well assist considerably in setting a national context for our own plans and limits setting process.</p>

Group	Area of Activity	Activity Status Update
CE's Office	<ul style="list-style-type: none"> Regional Prosperity study 	The Steering Group meeting has set the parameters for Phase 2 and McGredy Winder and Co is now working on this.
	<ul style="list-style-type: none"> Ruataniwha Water Storage 	Ongoing
	<ul style="list-style-type: none"> Hill Country Afforestation Proposal 	This will be brought back as a revised proposal focussing on the environmental benefits for consideration as part of the 2013-14 annual plan.
	<ul style="list-style-type: none"> Continue work with Regional Sector CEs at Horizons and Greater Wellington plus Government Department CEs as appropriate on southern North Island partnership 	The scope of the partnership has been agreed and work is underway on implementation through relevant work programmes.
	<ul style="list-style-type: none"> Continue involvement with Ministry for Primary Industries Peak Group for Implementation of the ETS 	Ongoing
	<ul style="list-style-type: none"> Advisory Committee on Official Statistics 	Ongoing

Decision Making Process

- Council is required to make a decision in accordance with Part 6 Sub-Part 1, of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within this section of the Act in relation to this item and have concluded that, as this report is for information only and no decision is to be made, the decision making provisions of the Local Government Act 2002 do not apply.

Recommendation

- That Council receives the Work Plan Looking Forward – December 2012 and January 2013 report.



Mike Adye
GROUP MANAGER
ASSET MANAGEMENT



Helen Codlin
GROUP MANAGER
STRATEGIC DEVELOPMENT



Paul Drury
GROUP MANAGER
CORPORATE SERVICES



Graeme Hansen
GROUP MANAGER
WATER INITIATIVES



Liz Lambert
GROUP MANAGER
EXTERNAL RELATIONS



Iain Maxwell
GROUP MANAGER
RESOURCE MANAGEMENT

Item 11



Andrew Newman
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 28 November 2012

Item 15

SUBJECT: GOVERNANCE AND MANAGEMENT OF RUATANIWHA WATER STORAGE PROJECT

That Council excludes the public from this section of the meeting, being Agenda Item 15 Governance and Management of Ruataniwha Water Storage Project 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	REASON FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Governance and Management of Ruataniwha Water Storage Project	7(2)(a) 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 protect the privacy of natural persons.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.



**Andrew Newman
CHIEF EXECUTIVE**

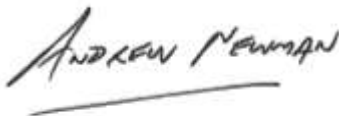
HAWKE'S BAY REGIONAL COUNCIL

Wednesday 28 November 2012

SUBJECT: CHIEF EXECUTIVE PERFORMANCE REVIEW

That Council excludes the public from this section of the meeting, being Agenda Item 16 Chief Executive Performance Review 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	REASON FOR PASSING THIS RESOLUTION	GROUNDS UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Chief Executive Performance Review	7(2)(a) 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 protect the privacy of natural persons.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.



**Andrew Newman
CHIEF EXECUTIVE**