



## MINUTES OF A MEETING OF THE REGIONAL COUNCIL

**Date:** Wednesday 27 May 2015

**Time:** 9.00 am

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

**Present:** F Wilson - Chairman  
R Barker  
P Beaven  
T Belford  
A J Dick  
R Graham  
D Hewitt  
D Pipe  
C Scott

**In Attendance:** M Mohi – Chairman – Maori Committee  
E Lambert – Chief Executive  
P Drury – Group Manager Corporate Services  
I Maxwell – Group Manager Resource Management  
L Hooper – Governance & Corporate Administration Manager

## 1. Welcome/Prayer/Apologies/Notices

The Chairman welcomed everyone to the meeting and Councillor Beaven offered the prayer.

The Chairman gave notice that the Governor General is in HB on 10 June and has requested that the Chairman attend a meeting with him that morning. As a result, the Chairman extends his apology for absence from the Long Term Plan submissions Hearing for the morning of Wednesday 10 June 2015.

~~With the permission of the Chairman, Councillor Scott, under standing order 3.8.12, read a personal statement relating to events over the previous weekend. Cr Scott advised that a protest group was directed to her residence by another Councillor who incorrectly advised the Group that Cr Scott is responsible for degradation of the Tukituki and that certain identified councillors are 'in favour' of water bottling. Cr Scott advised that in her role as Hearings Commissioner, all decisions on resource consents over the years have been upheld when challenged through the Environment Court – a record to be proud of and a KPI to which staff work. Council has a duty to process consent applications in accordance with the RMA and environmental effects based on scientific evidence. Any change to the 'first come, first serve' granting of water take consents must be done through the RMA.~~

~~*Amended by Council resolution on 24 June 2015.*~~

## 2. Conflict of Interest Declarations

There were no conflict of interest declarations.

## 3. Confirmation of Minutes of the Regional Council Meeting Held on 29 April 2015

### RC32/15 Resolution

Minutes of the Regional Council Meeting held on Wednesday, 29 April 2015, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and accurate record as amended.

**Pipe/Scott  
CARRIED**

## 4. Matters Arising from Minutes of the Regional Council Meeting Held on 29 April 2015

There were no matters arising from the minutes.

## 5. Follow-up Items from Previous Regional Council Meetings

Mr Maxwell clarified the advice provided to Councillors in relation to Council liability in its role as regulator for dam consents, and further advised that because the building consents are issued by Waikato Regional Council under delegation from all North Island regional councils, WRC holds liability.

In response to a query around resource consent applications to take water, Mr Maxwell explained that the TANK process being 'worked through' as it relates to water take resource consents and related policy could be communicated more widely to the public to better inform the community. Mrs Lambert further advised that Council will undertake a 'communications' exercise to get the information about the policies and processes around this issue out into the public domain. Mrs Lambert and Mr Maxwell further explained the RMA and Regional Resource Management Plan requirements on notification and limited notification (to those directly affected) which must be adhered to. It is not possible to 'publicly' notify all applications to take water, for example, if there is not an RMA or an RRMP requirement to do so.

RC33/15 **Resolution**

1. That Council receives the report “Follow-up Items from Previous Regional Council Meetings”.

**Beaven/Scott  
CARRIED**

**6. Call for Any Minor Items Not on the Agenda**

**Recommendations**

That Council accepts the following minor items not on the Agenda, for discussion as Item 15

1. A Farmers Guide (Cr Wilson)
2. Energy Futures meeting (Cr Belford)
3. Appointment of Alternative to Coastal Strategy Joint Committee (Cr Scott)
4. Massey University Forum (Cr Graham)

**7. 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.

		<b>Seal No.</b>	<b>Date</b>
1.1	<b>Leasehold Land Sales</b>		
1.1.1	Lot 126 DP 11027 CT 3/1367 - Agreement for Sale and Purchase	3842	4 May 2015
1.1.2	Lot 1 DP 12606 CT D4/1329 - Agreement for Sale and Purchase - Transfer	3843 3845	6 May 2015 14 May 2015
1.1.3	Lot 33 DP 13898 CT F4/410 - Transfer	3844	13 May 2015
1.1.4	Lot 232 DP 16756 CT C2/635 - Agreement for Sale and Purchase - Transfer	3846 3847	14 May 2015 19 May 2015
1.1.5	Lot 188 DP 13217 CT E4/435 - Agreement for Sale and Purchase	3848	19 May 2015

RC34/15 **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.

**Beaven/Pipe  
CARRIED**

**8. Recommendations from the Regional Transport Committee**

Councillor Dick, as RTC Chairman, spoke to the item and provided detail of proposed amendments to the Terms of Reference for the Committee as well as explaining the rationale for the variation to the RLTP.

RC35/15 **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.

**Regional Transport Committee Membership**

2. Amends the Regional Transport Committee Terms of Reference in regard to advisory members' portfolio responsibilities
3. Notes the discussion on infrastructure priorities and forward planning.

**Variation to the Regional Land Transport Programme 2012-15**

4. Agrees to vary the 2012-15 Regional Land Transport Programme to include the Mangahohi Bridge Replacement project; and
5. Agrees that this is not a significant variation to the Programme and does not need to undergo public consultation.

**Reports Received**

6. Notes that the following reports were provided to the Regional Transport Committee meeting.
  - 6.1 NZTA Regional Director's Report
  - 6.2 May 2015 Transport Manager's Report
  - 6.3 May 2015 RoadSafe Hawke's Bay Update
  - 6.4 Draft Regional Cycle Plan
  - 6.5 Public Transport Update
  - 6.6 Verbal Reports from Advisory Representatives

**Dick/Barker  
CARRIED**

## **Regional Transport Committee**

### **Terms of Reference**

*Adopted 27 May 2015*

1. Oversee and monitor the current Regional Land Transport Strategy for 2012-2042; the Regional Land Transport Programme for 2012-2015; and the Regional Public Transport Plan for 2011-2014.
2. Monitor passenger transport objectives and make recommendations to the Regional Council on subsidised Public Transport policies.
3. Prepare, for Council approval, the Regional Cycling Plan.
4. Advocate to Government:
  - 4.1 For future regional discretionary roading capital works funding after expiration of the Regional ("R") funds; and
  - 4.2 To re-open the Napier to Gisborne rail line.
5. Oversee governance of RoadSafe Hawke's Bay.
6. Prepare for approval by the Council a new Regional Land Transport Plan (RLTP) in accordance with the Land Transport Management Amendment Act 2013.
7. Provide the Regional Council with any advice and assistance it may request in relation to its transport responsibilities.

#### **Members:**

##### **a. Voting Members**

Two elected members of the Regional Council being:

- Councillor Alan Dick
- Councillor Rick Barker

One representative, as appointed by Council, from each of the following organisations who are able to propose to the Committee short term replacements to attend in their place if they are unable to attend any meeting:

Wairoa District Council

Hastings District Council

Napier City Council

Central Hawke's Bay District Council

New Zealand Transport Agency

##### **b. Advisory Members (non voting)**

1 member representing New Zealand Police traffic safety

1 member representing private motorist, public transport, cycling and pedestrian interests

1 member representing Port and Coastal Shipping interests

1 member representing KiwiRail interests

1 member representing road transport industry interests

1 member representing cultural and environmental interests

<b>Chairman:</b>	A member of the Committee as elected by the Council, being: - Councillor Alan Dick
<b>Deputy Chairman:</b>	A member of the Committee as elected by the Council, being: - Councillor Rick Barker
<b>Quorum:</b>	A quorum of the Regional Transport Committee shall be four members – three of whom shall be members able to vote on matters related to regional transport programmes.
<b>Voting:</b>	In accordance with section 105(7) at any meeting of the RTC, the chair, or any other legislated person presiding at the meeting,—  (a) has a deliberative vote; and  (b) in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved).  All members have full speaking rights but only representatives of the Regional Council, Territorial Authorities and the Agency are entitled to vote on matters related to regional transport programmes.
<b>Meeting Frequency:</b>	Three monthly, or as required.
<b>Staff Executive:</b>	Transport Manager
<b>Technical Advisory Group (TAG)</b>	The Transport Committee considers advice relating to strategic roading issues from a Technical Advisory Group (TAG), generally comprising Roading and Infrastructural Planning officers from NZTA and the Territorial Authorities and is chaired by the HBRC Transport Manager. TAG members attend but do not vote at the Transport Committee meetings.

## 9. Recommendations from the Environment & Services Committee

Councillor Beaven, as Deputy Chairman of the E&S Committee, introduced the paper, which was taken as read.

### RC36/15 Resolutions

The Environment and Services 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.

### Board of Inquiry Draft Decision on Plan Change 6

2. Lodges comments with the Board of Inquiry indicating its support for the Draft Decision as issued in relation to Rule TT(1)(j).

### **Biosecurity Operational Plans**

4. In accordance with the requirements of the Biosecurity Act 1993 adopts, including any amendments agreed by the Committee, the:
  - 4.1 Animal Pest Operational Plan 2015-16
  - 4.2 Plant Pest Operational Plan 2015-16
  - 4.3 Phytosanitary Operational Plan 2015-16.

### **Asset Management Plans**

5. Adopts, including amendments agreed by the Committee, the Asset Management Plans for:
  - 5.1 Heretaunga Plans Flood Control and Drainage Scheme
  - 5.2 Upper Tukituki Flood Control Scheme
  - 5.3 Small Schemes.

### **TBfree**

6. Endorses the transitional arrangements for HBRC provision of funding to Ospri and agrees to changes being made to the final LTP 2015-25 to reflect these arrangements.

### **Te Mata Park**

7. Agrees in Principle to retain the allocation of \$500,000 pending completion of the Long Term Plan process for further development of Te Mata Park for the period to 31 December 2015 pending consideration of a 10 year Management Plan for Te Mata Park to be prepared and presented to Council prior to that date.
8. Appoints Stephen Cave as the staff nominee on the Te Mata Park Planning Steering Committee.

### **Reports Received**

9. Notes that the following reports were received at the Environment and Services Committee meeting.
  - 9.1 Environmental Monitoring & Reporting and Land & Water Aotearoa Website Update
  - 9.2 CHBDC Wastewater Treatment Compliance Update
  - 9.3 Te Matau a Maui – Cape to City Project Update

**Beaven/Graham  
CARRIED**

## **10. Recommendations from the Regional Planning Committee**

Mrs Lambert provided an overview of the discussions at the meeting relating to Mana Ake – Collective Iwi Management Plan for Heretaunga Hapu and the RPC Terms of Reference.

### **RC37/15 Resolutions**

The Regional Planning Committee recommends that Council:

2. 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.

## **Mana Ake – Collective Iwi Management Plan for Heretaunga Hapu**

3. Acknowledges the role of Mana Ake in the Greater Heretaunga / Ahuriri policy development process under the Resource Management Act.

## **Regional Planning Committee - Terms of Reference**

4. Agrees with the proposed amendments, and any further amendments agreed at the 20 May 2015 Committee meeting.
5. Notes that the Amended Terms of Reference, as agreed, will be considered by the Tāngata Whenua representatives at a hui called for that purpose, before being considered at a Council meeting for formal adoption.

## **Reports**

5. Notes that the following reports were considered at the Regional Planning Committee meeting;
  - 5.1. Water Quantity Allocation Policy and Consenting Processes
  - 5.2. Tukituki Plan Change 6 – Update on Board of Inquiry Review Process
  - 5.3. Environment Court Decision On Change 5 Appealand notes that the motions to receive 5.1 and 5.2 were defeated by the Committee.

**Wilson/Beaven  
CARRIED**

## **11. HBRIC Ltd 2015-16 Statement of Intent**

Mr Drury stepped through the amendments made to the updated version of the 2015-16 Statement of Intent as per the 'track changes' version provided to Councillors.

It was agreed that Council will develop a definition of 'Ethical' investment, which will then be shared with HBRIC Ltd for its adoption and possible insertion in the 2016-17 Statement of Intent.

Discussions traversed the RWSS rate of return to Council, responsibilities of HBRIC Ltd and its directors as different to HBRC's responsibilities, and Parent versus Group performance targets, as well as the limits for borrowing.

*Secretarial note requested by Chairman for clarity:*

- 25 March 2015 resolution "Approves HBRIC Ltd being able to borrow up to the lesser of 1% of the value of its balance sheet equity on 30 June 2015 or the sum of \$2 million for ongoing **operational expenses** up to financial close, ..." does not relate to the Sol clause 4. Nature and Scope of Activities, which states "Raise funds for investment by raising bonds, mortgages, preference shares and other debt instruments (with the approval of Council for any sum greater than 5% of the value of HBRIC Ltd) or by reducing its holdings in ..."
- Further 25 March 2015 resolution specifically relates to RWSS, being "Notes that if expenditure on geotechnical works is required prior to financial close HBRIC Ltd will bring a formal proposal to Council for approval of such expenditure."

## **RC38/15 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. Notes that this Statement of Intent for HBRIC Ltd, as a Council Controlled Trading Organisation, is required to be presented to Council as a shareholder of HBRIC Ltd under the provisions of the Local Government Act 2002.
3. Considers the issues discussed in this paper and, if appropriate, approves HBRIC Ltd's submitted Statement of Intent, and notes that the Statement of Intent reflects the Council's objectives for HBRIC Ltd and has been prepared in accordance with the requirements of the Local Government Act 2002.

Cr Barker moved amendment, seconded by Cr Belford; being:

3. Considers the issues discussed in this paper and, if appropriate, approves, *subject to the inclusion of the amendment of section 4, bullet point 9 to read "raise funds for investment by issuing bonds, mortgages, preference shares and other debt instruments (with the approval of Council for any sum greater than 1% of the value of HBRIC Ltd),* HBRIC Ltd's submitted Statement of Intent, and notes that the Statement of Intent reflects the Council's objectives for HBRIC Ltd and has been prepared in accordance with the requirements of the Local Government Act 2002.

**Barker/Belford**

**For: Graham, Beaven, Barker, Belford**  
**Against: Dick, Hewitt, Scott, Pipe, Wilson**  
**LOST**

The amendment was **LOST** and therefore the substantive **MOTION** was put.

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. Notes that this Statement of Intent for HBRIC Ltd, as a Council Controlled Trading Organisation, is required to be presented to Council as a shareholder of HBRIC Ltd under the provisions of the Local Government Act 2002.
3. Considers the issues discussed in this paper and, if appropriate, approves HBRIC Ltd's submitted Statement of Intent, and notes that the Statement of Intent reflects the Council's objectives for HBRIC Ltd and has been prepared in accordance with the requirements of the Local Government Act 2002.

**Scott/Hewitt**

**For: Dick, Hewitt, Scott, Beaven, Pipe, Wilson**  
**Against: Graham, Barker, Belford**  
**CARRIED**

***The meeting adjourned at 10.30am and reconvened at 10.50am***

## **12. HBRIC Ltd May 2015 Update**

Dr Andy Pearce, HBRIC Ltd Chairman, Mr Andrew Newman, HBRIC Ltd Chief Executive and Mr Heath Caldwell, HBRIC Ltd Company Manager spoke to the report updating Council on HBRIC and RWSS activities over the last month.

Dr Pearce provided an overview of the RWSS consent process to date, including the appeals to the High Court and subsequent re-consideration of the consent conditions

by the Board of Inquiry as well as HBRIC's offer to the Bol to 'caucus' the comments received on the new Draft decision.

There was a query in relation to the comments HBRIC Ltd legal counsel submitted to the Board of Inquiry relating to the contribution of the scheme to DIN levels in terms of establishing a base line so that RWSS is 'responsible for' the difference between the baseline and any levels above that.

Mr Newman, in response to a query, explained the use of the 'published threshold of 40M m<sup>3</sup>' as a measure of progress against the uptake threshold.

Further discussion traversed gaining and losing reaches and water from the RWSS getting to users in the lower reaches of the Tukituki, an explanation of the 0.8 DIN limit requirements for farms on the scheme (already consented) as different to requirements or farms outside the scheme who will need a consent if they don't meet the permitted activity rule TT1(j), a price revalidation process with the D&C company given the one year start delay, and the HBRIC financials.

In response to a query, Mr Newman provided an explanation of the Department of Conservation land exchange process and the current status.

RC39/15 **Resolution**

1. That Council receives the "**HBRIC Ltd and RWSS March 2015 Update**" report.

Pipe/Scott  
CARRIED

13. **Monthly Work Plan Looking Forward Through June 2015**

Responding to queries, Mr Maxwell explained the Ngaruroro water take consents renewal process, Cawthron's MCI research work as part of a national programme being led by NIWA, and the ability of the St John's air quality monitoring station to monitor for PM<sup>2.5</sup>.

Mr Adye was able to advise that 'financial' queries raised at the Environment and Services Committee meeting relating to the Upper Tukituki scheme have been resolved, and how Council's bulk purchasing of plants is able to assist community-led planting projects through savings on the costs of the plants.

Further discussion traversed the Te Mata Mushrooms resource consents, a recent flooding event at Kopuawhara and the forestry harvesting practices that contributed to the log-jam as well as any possible damage to the Kopuawhara Scheme infrastructure. Mr Ayde shared photos taken by staff who did a fly-over of the area.

It was suggested that KiwiRail should be advised of a culvert washout shown in the photos.

RC40/15 **Resolution**

1. That Council receives the **Monthly Work Plan Looking Forward Through June 2015** report.

Beaven/Pipe  
CARRIED

14. **Chairman's Monthly Report for May 2015**

The Chairman spoke to his tabled report, adding detail in relation to meetings with Craig Foss and Citizens Environmental Advocacy Centre, as well as the Treaty Workshop, the Roadsafe Youth Alcohol Expo and the Wairoa LTP public meeting.

RC41/15 **Resolution**

1. That the Chairman's Monthly Report for May 2015 be received.

Graham/Hewitt  
CARRIED

**15. Minor Items Not on the Agenda**

ITEM	TOPIC	COUNCILLOR / STAFF
1.	A Farmers Guide – HBRC publication provided to each of the councillors	Cr Wilson
2.	Energy Futures meeting Councillor Belford attended the 20 May meeting to launch the project, facilitated by George Hooper, and a 'project plan' is being compiled from that day to establish a way forward. Mrs Lambert added that the purpose of the meeting was to establish a framework for the way consultation would occur.	Cr Belford
3.	Appointment of Alternate representative to Coastal Strategy Joint Committee A reminder that Council is required to make an appointment in accordance with the Joint Committee's terms of reference..	Cr Scott
4.	Massey University Forum A recent forum on population held, appears from website that HBRC sponsored the event however none of the Councillors received invitations or were made aware of the forum.	Cr Graham

**16. Confirmation of Public Excluded Minutes of the Regional Council Meeting Held on 29 April 2015**

**RC42/15 Resolution**

That the Council exclude the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 16 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
159 Dalton Street Building Remediation Settlement	7(2)(c)(ii) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of that information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide and would be likely otherwise to damage the public interest 7(2)(g) 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 maintain legal professional privilege	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Pipe/Beaven  
CARRIED**

16. **Confirmation of the Public Excluded Minutes of the Regional Council Meeting Held on 29 April 2015**

RC43/15 Minutes of the Regional Council Meeting held on Wednesday, 29 April 2015, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and accurate record.

**Scott/Hewitt  
CARRIED**

17. **Matters Arising from the Public Excluded Minutes of the Regional Council Meeting Held on 29 April 2015**

There were no matters arising

**Resolution**

RC44/15 That the meeting moves out of Public Excluded session.

**Scott/Beaven  
CARRIED**

***The meeting went into public excluded session at 12.30pm and out of public excluded session at 12.35pm***

**Closure:**

There being no further business the Chairman declared the meeting closed at 12.35pm on Wednesday 27 May 2015.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....