



## MINUTES OF A MEETING OF THE REGIONAL COUNCIL

**Date:** Wednesday 28 June 2017

**Time:** 10.15am

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

**Present:** R Graham - Chairman  
P Bailey  
P Beaven  
A J Dick  
D Hewitt  
N Kirton  
F Wilson

**In Attendance:** M Mohi – Chairman – Maori Committee  
G Hansen – Group Manager Asset Management  
T Skerman – Acting Group Manager Strategic Planning  
E Lambert – Group Manager External Relations  
P Drury – Group Manager Corporate Services  
I Maxwell – Group Manager Resource Management  
L Hooper – Governance Manager

## 1. Welcome/Prayer/Apologies/Notices

The Chairman welcomed everyone to the meeting, and Mike Mohi offered a karakia.

### RC92/17 Resolution

That the apologies for absence from councillors Rick Barker and Tom Belford be accepted.

**Wilson/Bailey  
CARRIED**

The Chairman advised that Item 18 HBRIC Ltd Update and Statement of Intent will be dealt with at 11am to enable the HBRIC Ltd Chairman to present the item.

Further, the Chairman advised that a painting by Freeman White is on loan to Council, and has been hung in the foyer entrance to the Council Chamber.

The Chairman then thanked Paul Drury for his 18 years of service to Council and the community as Corporate Services Group Manager.

Councillor Alan Dick advised a vacancy on the Napier-Wairoa rail fieldtrip on Friday, including lunch with Wairoa District Councillors, and sought interest from councillors.

## 2. Conflict of Interest Declarations

There were no conflict of interest declarations.

## 3. Confirmation of Minutes of the Regional Council Meeting Held on 31 May 2017

### RC93/17 Resolution

Minutes of the Regional Council Meeting held on Wednesday, 31 May 2017, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Bailey/Kirton  
CARRIED**

*Secretarial note: As there are no provisions under Council's Standing Orders for discussion of the minutes other than confirmation of their correctness, "matters arising" discussions are recorded as part of item 4 Follow-ups from Previous Regional Council meetings.*

## 3. Confirmation of Minutes of the Regional Council Meeting Held on Monday 12 and Wednesday 21 June 2017

### Resolution

RC94/17 Minutes of the Regional Council Meeting held on Monday 12 and Wednesday 21 June 2017, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Kirton/Wilson  
CARRIED**

## 4. Follow-ups from Previous Regional Council Meetings

Councillors requested a breakdown of leasehold land sales and distributions each year to date since the cashflows sale to ACC, as previously requested.

Mrs Lambert explained that staff will attempt to provide a 'tutorial' on swimmability during the fieldtrip to CHB now scheduled on 19 July.

Councillor Kirton provided an update on the Capital Structure Review and the

Panel's first meeting held last week, advising that due to pressured timeframes the Panel's reports will go directly to Council rather than through the Corporate and Strategic Committee as originally intended, with an outline of the Panel's activities and reporting dates to be prepared for Council by the Chief Executive.

RC95/17 **Resolution**

That the Council receives the report "Follow-up Items from Previous Meetings".

**Beaven/Bailey  
CARRIED**

**5. Call for Items of Business Not on the Agenda**

**Recommendations**

That Council accepts the following "Items of Business Not on the Agenda" for discussion as Item 17:

*Minor* items for discussion *only*

Item	Topic	Councillor / Staff
1.	Waipatu Powhiri	Mr Mohi
2.	NCC meeting re sewage discharge	Cr Bailey
3.	Pollution hotline	Cr Bailey
4.	Roys Hill dump	Cr Graham
5.	Maori Committee meeting in Opoutama	Cr Graham

**6. Adoption of the 2017-2018 Annual Plan**

Mr Drury introduced the item, providing an overview of the changes from the Draft Plan that went out for consultation and advising that due to the HBRIC Ltd dividend being finalised after the financials were prepared there will be an amendment to reflect the correct figures.

There was a suggestion that the contingency fund be increased to \$100,000 from the \$50,000 provided and further suggested this could be represented by adding another \$50,000 to the deficit for the year.

Queries and discussions traversed:

- Required actions to achieve the Performance Targets set for the financial year
- Explanations of the Public Good capital assets purchases, Investment Projects including RWSS, and Hydrology lines on the External Debt & Interest Expense pages and associated notes in the financials
- Plan effectively reflects the Council's change of direction and forward focus on environmental issues

RC96/17 **Resolutions**

That Council:

1. Agrees the decisions to be made on the issues submitted to the 2017-18 Draft Annual Plan Consultation Document are made after the provisions included in section 82(A)(3) of the Local Government Act 2002 have been followed.
2. increases the Contingency Fund by \$50,000, to be reflected in the forecast deficit.

**Dick/Kirton  
CARRIED**

3. Agrees to fund the underlying deficit in the Plan, from cash operating balances which are estimated to be at a level which is sufficient to provide such funding.
4. Adopts the following resolutions pursuant to Section 12 of the Local Government Act 2002:
  - 4.1 Council raises a loan or loans or facilitate loan funding through banks to fund the borrowing set out in the 2017-18 Annual Plan for the purposes of funding clean heat/ insulation/solar hot water advances to householders, public good capital assets, systems integration programme, Hydrology/Science and investment assets. These loans to be drawn down when required to fund the approved capital programmes.
  - 4.2 Delegates to the Chief Executive, authority to negotiate and agree on the terms of the loan including:
    - 4.2.1 Any future financing needs within the overall terms of borrowing, the interest rate payable by Council.
    - 4.2.2 The frequency of interest payments.
    - 4.2.3 The timing of drawdown.
    - 4.2.4 The institution(s) that will provide the loans.
    - 4.2.5 The number of loans which will make up the borrowing.
    - 4.2.6 All other terms and conditions of such loans and facilities as may be necessary in obtaining such loans and facilities in accordance with the Council's Liability Management policy to execute any agreements, documents, and certificates in respect of such loans and facilities on behalf of Council.
5. Adopts the 2017-18 Annual Plan in accordance with Section 95 and Section 82(A)(3) of the Local Government Act 2002, noting that the Consultation Document and supporting accountability documents issued in March 2017 for public consultation were amended:
  - 5.1 By Council at the meeting held on 12 and 21 June 2017.
  - 5.2 By Council at its meeting on 28 June 2017.
6. Approves, in accordance with sections 82 and 150 of the Local Government Act 2002, the resource consent and user charges as adopted in the Annual Plan supporting accountability documents issued for public consultation and amended by Council at its meeting on 12 and 21 June 2017, and today, 28 June 2017.
7. Instructs staff to make any necessary final amendments to the Annual Plan to reflect the changes agreed at the meetings on 12 and 21 June 2017, and today, 28 June 2017, and then to issue the published Plan in its final form.

**Kirton/Dick  
CARRIED**

## **18. HBRIC Ltd Update and Adoption of 2017-18 Statement of Intent**

Mr Sam Robinson, interim HBRIC Ltd Chair, introduced the item and Mr Chris Tremain who takes up the role of Chairman on 1 July. Mr Tremain provided an update on financial results for HBRIC and Napier Port followed by an overview of the Statement of Intent. Queries and discussions covered:

- RWSS development and "River First" initiative for meeting the conditions precedent resulting from the review
- Napier Port half year results and challenges facing the Port over next 2-3 years including changes in container traffic and the ability to cater for bigger vessels
- HBRIC Ltd and Council expectations of dividend levels

- The Capital Structure Review and impacts as well as inputs for and from Napier Port including dividend levels committed to
- HBRIC Ltd Statement of Intent finalised, including HBRIC's mission statement "To optimise the financial and strategic returns to Council from its allocated investment portfolio to assist Council achieve its vision of a region with a vibrant community, a prosperous economy, a clean and healthy environment, now and for future generations"
- Shareholder value is more than just dividends, includes growth of the value of the asset and strategic returns
- River First developed in conjunction with legal and environmental expertise to determine how to meet the expectations of the environmental condition precedent and will provide detail of what that catchment wide work programme includes

RC97/17

## **Resolutions**

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion 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.
2. Receives and notes the Update report from HBRIC Ltd.
3. Notes that the 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
4. Approves HBRIC Ltd's submitted 2017-18 Statement of Intent and notes that the Statement of Intent reflects Council's objectives for HBRIC Ltd and has been prepared in accordance with the requirements of the Local Government Act 2002.

**Wilson/Dick  
CARRIED**

## **7. Matariki Governance Structure Adoption**

Mr Tom Skerman introduced the item, and project manager Dr Alister King.

Discussions and queries covered:

- The governance structure and the importance of the appointment of leaders / governors, not public servants like council CEs, to the Matariki Board
- Business Hawke's Bay responsible for delivering some key actions
- Formal recognition of social inclusion, the funding model and what it covers
- Very strong iwi involvement and funding dollars do not necessarily represent the value of contributions

RC98/17

## **Resolutions**

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion 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.
2. Endorses the adoption of the governance structure, delivery and funding model for the Matariki Regional Economic Development Strategy (including Social Inclusion).

**Graham/Wilson  
CARRIED**

*The meeting adjourned at 12.15pm and reconvened at 12.50pm*

## **8. Heretaunga Plains Urban Development Strategy 2016 Adoption**

The paper was taken as read, with Mr Gavin Ide advising that both Napier City and Hastings District councils have both adopted HPUDS 2016. Queries and discussions traversed:

- the views expressed, including from Maoridom, that the strategy is flawed
- the timeframe of 30 years is too long to allow councils to continue operating the way they do and continue to allow development on valuable soils, and they should be made to meet the requirements of the Strategy earlier
- the environmental impacts of developments, specifically industrial, are not adequately addressed or considered

### **RC99/17 Resolutions**

That Council:

1. Receives and notes the “Heretaunga Plains Urban Development Strategy Review” staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council’s adopted Significance and Engagement Policy, and that Council can exercise its discretion 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.
3. Receives and notes the HPUDS Implementation Working Group’s:
  - 3.1. Hearing meeting record
  - 3.2. Hearing recommendation reports.
4. Adopts HPUDS2016 as amended by the HPUDS Implementation Working Group conditional on the other two partner councils (Napier City Council and Hastings District Council) also resolving to adopt the strategy.
5. Adopts, in-principle, the HPUDS Revised Implementation Plan and agrees that the HPUDS Implementation Working Group shall be responsible for overseeing prioritisation and progress on the Plan during the remainder of the 2016-19 triennium.
6. Approves the Terms of Reference for the Heretaunga Plains Urban Development Strategy Implementation Working Group for the 2016-19 Triennium, conditional on the other two partner councils (Napier City Council and Hastings District Council) also agreeing to the same Terms of Reference.
7. Agrees that the HBRC’s representatives on the HPUDS Implementation Working Group will encourage the IWG to:
  - 7.1. Re-prioritise Strategy implementation planning to:
    - 7.1.1 focus on actions required by HPUDS Partner Councils to give effect to the 2016 NPS on Urban Development Capacity (NPSUDC)
    - 7.1.2 review HPUDS 2016 to align with the first three-yearly assessment of housing needs as required by the NPSUDC
    - 7.1.3 recognise the urgency in ensuring environmental effects are considered in all planning.
  - 7.2. Accommodate new and emerging information regarding the following matters in the course of implementing HPUDs and future reviews:
    - 7.2.1. Natural hazards, in particular liquefaction, coastal erosion, coastal storm surge inundation and tsunami inundation

- 7.2.2. Appropriateness of large-scale semi-industrial and non-rural land use activities locating on productive land.

**Wilson/Dick**  
**For: Dick, Hewitt, Wilson, Kirton, Graham**  
**Against: Bailey, Beaven**  
**CARRIED**

Councillor Alan Dick tendered his resignation as HBRC Councillor representative on the HPUDS Implementation Working Group, for Council to appoint a replacement representative councillor from the Napier Constituency.

## **9. Resource Management Information System Business Case**

Liz Lambert introduced Kahl Olsen, ICT Manager, who provided an overview of the project's background and business drivers with Mrs Lambert.

The procurement process was initiated in August 2016 with outcome centric RPF resulting in presentations from 2 shortlisted providers. The product selected is provided by Regional Software Holdings Ltd - a council controlled organisation owned by Northland, Waikato, Horizons, Taranaki, West Coast and Southland regional councils. Discussions and queries traversed:

- business drivers, resourcing and costing details
- Interface across the regional sector, with TLAs interface to be developed where appropriate in future
- Project initiation began in March 2017 resulting in the Business Case for consideration today
- Four key process implementations will begin with resource consent processing, resource consent compliance, incident and enforcement management
- Qualitative, quantitative and organisational benefits – particularly resources and where staff are spending their time
- Ongoing resource requirements to meet increased focus on compliance and enforcement

## **RC100/17 Resolutions**

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion 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.
2. Receives and notes the Business Case for the Resource Management Information System software.
3. Confirms expenditure of \$1,100,000 as included in the 2017-18 Annual Plan for the implementation of the resource management information system software and related mobile technology and the selection of the Integrated Regional Information System (IRIS) as the resource management information system to be implemented.

**Graham/Kirton**  
**CARRIED**

## **10. Clifton to Tangoio Coastal Hazards Strategy Joint Committee Terms of Reference**

Graeme Hansen introduced the item, which is formal adoption of the Joint Committee's Terms of Reference, with the Napier and Hastings councils having adopted the Terms of Reference earlier this year.

The Strategy development process has been ongoing over last 2.5 years, working through possible options for a framework for response to the issues which will be assessed against pre-agreed criteria before then applying costs to determine what's affordable, practical and included in the Strategy. The Strategy is to be finished by the end of 2017.

## RC101/17 Resolutions

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion 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.
2. Adopts the Terms of Reference for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee as follows.

**Wilson/Bailey  
CARRIED**

### **Terms of Reference for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee**

*As adopted by resolution by:*

*Hastings District Council 23 March 2017*

*Napier City Council 31 May 2017*

*Hawke's Bay Regional Council 28 June 2017*

#### **1. Definitions**

For the purpose of these Terms of Reference:

- **"Act"** means the Local Government Act 2002
- **"Administering Authority"** means Hawke's Bay Regional Council
- **"Coastal Hazards Strategy"** means the Coastal Hazards Strategy for the Hawke Bay coast between Clifton and Tangoio<sup>1</sup>
- **"Council Member"** means an elected representative appointed by a Partner Council
- **"Hazards"** means natural hazards with the potential to affect the coast, coastal communities and infrastructure over the next 100 years, including, but not limited to, coastal erosion, storm surge, flooding or inundation of land from the sea, and tsunami; and includes any change in these hazards as a result of sea level rise
- **"Joint Committee"** means the group known as the Clifton to Tangoio Coastal Hazards Strategy Joint Committee set up to recommend both draft and final strategies to each Partner Council
- **"Member"** in relation to the Joint Committee means each Council Member and each Tangata Whenua Member
- **"Partner Council"** means one of the following local authorities: Hastings District Council, Napier City Council and Hawke's Bay Regional Council
- **"Tangata Whenua Appointer"** means:
  - The trustees of the Maungaharuru-Tangitū Trust, on behalf of the Maungaharuru-Tangitū Hapū
  - Mana Ahuriri Incorporated, on behalf of Mana Ahuriri Hapū; o He Toa Takitini, on behalf of the hapū of Heretaunga and Tamatea
- **"Tangata Whenua Member"** means a member of the Joint Committee appointed by a Tangata Whenua Appointer

#### **2. Name and status of Joint Committee**

The Joint Committee shall be known as the Clifton to Tangoio Coastal Hazards Strategy Joint Committee.

The Joint Committee is a joint committee under clause 30(1)(b) of Schedule 7 of the Act.

#### **3. Partner Council Members**

Each Partner Council shall appoint two Council Members and alternates to the Joint Committee. If not appointed directly as Council Members, the Mayors of Hastings District

---

<sup>1</sup> The Coastal Hazards Strategy is further defined in Appendix 1 to these Terms of Reference.



Council and Napier City Council and the Chairperson of Hawke's Bay Regional Council are ex officio Council Members.

Under clause 30(9) Schedule 7 of the Act, the power to discharge any Council Member on the Joint Committee and appoint his or her replacement shall be exercisable only by the Partner Council that appointed the Member.

#### **4. Tangata Whenua Members**

- 4.1 Each Tangata Whenua Appointer may appoint one member to sit on the Joint Committee.
- 4.2 Each Tangata Whenua Appointer must make any appointment and notify all Tangata Whenua Appointers and Partner Councils in writing of the appointment.
- 4.3 The Tangata Whenua Members so appointed shall be entitled to vote.
- 4.4 Under clause 30(9) Schedule 7 of the Act, the power to discharge any Tangata Whenua Member on the Joint Committee and appoint his or her replacement shall be exercisable only by the Tangata Whenua Appointer that appointed the Member.

#### **5. Purpose of Terms of Reference**

- 5.1 The purpose of these Terms of Reference is to:
  - 5.1.1 Define the responsibilities of the Joint Committee as delegated by the Partner Councils under the Act.
  - 5.1.2 Provide for the administrative arrangements of the Coastal Hazards Strategy Joint Committee as detailed in Appendix 2.

#### **6. Meetings**

- 6.1 Members, or their confirmed alternates, will attend all Joint Committee meetings.

#### **7. Delegated authority**

The Joint Committee has the responsibility delegated by the Partner Councils for:  
Guiding and providing oversight for the key components of the strategy including:  
The identification of coastal hazards extents and risks as informed by technical assessments  
A framework for making decisions about how to respond to those risks  
A model for determining how those responses shall be funded, and  
A plan for implementing those responses when confirmed.  
Considering and recommending a draft strategy to each of the Partner Councils for public notification  
Considering comments and submissions on the draft strategy and making appropriate recommendations to the Partner Councils  
Considering and recommending a final strategy to each of the Partner Councils for approval.

#### **8. Powers not delegated**

The following powers are not delegated to the Joint Committee:  
Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Local Government Act 2002.  
The determination of funding for undertaking investigations, studies and/or projects to assess options for implementing the Coastal Hazards Strategy.

#### **9. Remuneration**

Each Partner Council shall be responsible for remunerating its representatives on the Joint Committee and for the cost of those persons' participation in the Joint Committee.  
The Administering Authority shall be responsible for remunerating the Tangata Whenua Members.

#### **10. Meetings**

- 10.1 The Hawke's Bay Regional Council standing orders will be used to conduct Joint Committee meetings as if the Joint Committee were a local authority and the principal administrative officer of the Hawke's Bay Regional Council or his or her nominated representative were its principal administrative officer.
- 10.2 The Joint Committee shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under this Terms of Reference.
- 10.3 Notice of meetings will be given well in advance in writing to all Joint Committee Members, and not later than one month prior to the meeting.
- 10.4 The quorum shall be 5 Members.

#### **11. Voting**

- 11.1 In accordance with clause 32(4) Schedule 7 of Act, at meetings of the Joint Committee each Council Member has full authority to vote and make decisions within the delegations of this Terms of Reference on behalf of the Partner Council without further recourse to the Partner Council.
- 11.2 Where voting is required, all Members of the Joint Committee have full speaking rights.
- 11.3 Each Member has one vote.

- 11.4 Best endeavours will be made to achieve decisions on a consensus basis.
- 11.5 As per HBRC Standing Order 18.3: The Chairperson at any meeting does not have a deliberative vote and, in the case of equality of votes, has no casting vote.

## **12. Election of Chairperson and Deputy Chairperson**

- 12.1 On the formation of the Joint Committee the members shall elect a Joint Committee Chairperson and may elect up to two Deputy Chairpersons. The Chairperson is to be selected from the group of Council Members.
- 12.2 The mandate of the appointed Chairperson or Deputy Chairperson ends if that person through resignation or otherwise ceases to be a member of the Joint Committee.

## **13. Reporting**

- 13.1 All reports to the Committee shall be presented via the Technical Advisory Group<sup>2</sup> or from the Committee Chairperson.
- 13.2 Following each meeting of the Joint Committee, the Project Manager shall prepare a summary report of the business of the meeting and circulate that report, for information to each Member following each meeting. Such reports will be in addition to any formal minutes prepared by the Administering Authority which will be circulated to Joint Committee representatives.

## **14. Good faith**

- 14.1 In the event of any circumstances arising that were unforeseen by the Partner Councils, the Tangata Whenua Appointers, or their respective representatives at the time of adopting this Terms of Reference, the Partner Councils and the Tangata Whenua Appointers and their respective representatives hereby record their intention that they will negotiate in good faith to add to or vary this Terms of Reference so to resolve the impact of those circumstances in the best interests of the Partner Councils and the Tangata Whenua Appointers collectively.

## **15. Variations to these Terms of Reference**

- 15.1 Any Member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Joint Committee.
- 15.2 Amendments to the Terms of Reference may only be made with the approval of all Members.

## **16. Recommended for Adoption by**

- 16.1 The Coastal Hazards Strategy Joint Committee made up of the following members recommends this Terms of Reference for adoption to the three Partner Councils:

**Napier City Council represented by Cr Tony Jeffery and Cr Larry Dallimore**

*Appointed by NCC resolution 2 November 2016*

**Hastings District Council represented by Cr Tania Kerr and Cr Rod Heaps**

*Appointed by HDC resolution 8 November 2016*

**Hawke's Bay Regional Council represented by Cr Peter Beaven and Cr Paul Bailey**

*Appointed by HBRC resolution 9 November 2016*

**Maungaharuru-Tangitū Trust (MTT) represented by Mrs Tania Hopmans**

**Mana Ahuriri Inc represented by Mr Terry Wilson**

**He Toa Takitini represented by Mr Peter Paku**

Appendix 1 – Project Background

### **Project Goal**

A Clifton to Tangoio Coastal Hazards Strategy is being developed in cooperation with the Hastings District Council (HDC), the Hawke's Bay Regional Council (HBRC), the Napier City Council (NCC), and groups representing Mana Whenua and/or Tangata Whenua. This strategy is being developed to provide a framework for assessing coastal hazards risks and options for the management of those risks for the next 105 years from 2015 to 2120. The long term vision for the strategy is that coastal communities, businesses and critical infrastructure from Tangoio to Clifton are resilient to the effects of coastal hazards.

### **Project Assumptions**

The Coastal Hazards Strategy will be based on and influenced by:

- The long term needs of the Hawke's Bay community
- Existing policies and plans for the management of the coast embedded in regional and district council plans and strategies.
- Predictions for the impact of climate change

---

<sup>2</sup> A description of the Technical Advisory Group and its role is included as Appendix 2 to these Terms of Reference.

- The National Coastal Policy Statement

### **Project Scope**

The Coastal Hazards Strategy is primarily a framework for determining options for the long term management of the coast between Clifton and Tangoio. This includes:

- Taking into account sea level rise and the increased storminess predicted to occur as a result of climate change, an assessment of the risks posed by the natural hazards of coastal erosion, coastal inundation and tsunamis.
- The development of a framework to guide decision making processes that will result in a range of planned responses to these risks
- The development of a funding model to guide the share of costs, and mechanisms to cover those costs, of the identified responses.
- The development of an implementation plan to direct the implementation of the identified responses.
- Stakeholder involvement and participation.
- Protocols for expert advice and peer review.
- An action plan of ongoing activity assigned to various Members.

The Strategy will:

- Describe a broad vision for the coast in 2120, and how the Hawke's Bay community could respond to a range of possible scenarios which have the potential to impact the coast by 2120.
- Propose policies to guide any intervention to mitigate the impact of coastal processes and hazards through the following regulatory and non-regulatory instruments:
  - Regional Policy Statement
  - District Plans
  - Council long-term plans
  - Infrastructure Development Planning (including both policy and social infrastructure networks).

### **Appendix 2 - Administering Authority and Servicing**

The administering authority for the Coastal Hazards Strategy Joint Committee is Hawke's Bay Regional Council.

The administrative and related services referred to in clause 16.1 of the conduct of the joint standing committee under clause 30 Schedule 7 of the Local Government Act 2002 apply.

Until otherwise agreed, Hawke's Bay Regional Council will cover the full administrative costs of servicing the Coastal Hazards Strategy Joint Committee.

A technical advisory group (TAG) will service the Coastal Hazards Strategy Joint Committee. The TAG will provide for the management of the project mainly through a Project Manager. TAG will be chaired by the Project Manager, and will comprise senior staff representatives from each of the participating councils and other parties as TAG deems appropriate from time to time. TAG will rely significantly on input from coastal consultants and experts.

The Project Manager and appropriate members of the TAG shall work with stakeholders. Stakeholders may also present to or discuss issues directly with the Joint Committee.

Functions of the TAG include:

- Providing technical oversight for the study.
- Coordinating agency inputs particularly in the context of the forward work programmes of the respective councils.
- Ensuring council inputs are integrated.

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

The paper was taken as read, as introduced by Cr Alan Dick.

### **RC102/17 Resolutions**

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion 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.

### **Framework for Outstanding Water Bodies in Hawke's Bay**

2. Supports Option 4 as the preferred approach to the preparation of the plan

change to assess and identify outstanding water bodies in Hawke's Bay; being:

- 2.1. Identify Outstanding Water Bodies through a dedicated plan change (freshwater and the coast) by undertaking:
  - 2.1.1. Development of a comprehensive initial list comprised of named waterbodies from Draft Change 5; and those waterbodies of significance to Tāngata whenua as listed in deeds of settlement, statutory acknowledgements, treaty settlements and the Board of Inquiry decisions on Plan Change 6 to the Hawke's Bay Regional Resource Management Plan/Ruataniwha Water Storage Scheme, the Environment Court Decision on Plan Change 5 to the Hawke's Bay Regional Resource Management Plan NKII vs HBRC, and the Mohaka River Water Conservation Order decision (approx. 130 named waterbodies).
  - 2.1.2. A high level review of all waterbodies on the 'initial list', presenting the findings in a table format featuring the following value headings for each waterbody: importance to Tāngata whenua, water quality, recreation, ecology, natural features, landscape and scientific.
  - 2.1.3. Present report findings of high level review to Regional Planning Committee, together with a recommended short list of waterbodies to move through to a secondary analysis stage.
  - 2.1.4. A secondary analysis on the confirmed 'short list' of waterbodies
  - 2.1.5. Consultation with iwi authorities and district councils
  - 2.1.6. Report findings of the secondary analysis on short listed waterbodies, plus comments from consultation with iwi authorities and district councils, to Regional Planning Committee.
  - 2.1.7. Decisions made by the Regional Planning Committee on those waterbodies which are outstanding in Hawke's Bay for the purposes of the National Policy Statement on Freshwater Management
  - 2.1.8. Prepare a Draft Outstanding Water Bodies Plan Change in accordance with RPC decisions.
  - 2.1.9. Consultation with iwi authorities and district councils
  - 2.1.10. Present draft Outstanding Water Bodies Plan Change to Regional Planning Committee for adoption and notification.
3. Agrees that for the purposes of drafting the Outstanding Water Body Plan Change, values which can potentially make a waterbody outstanding are limited to ecological, cultural, recreational, landscape and spiritual values.
4. Agrees that in order for a waterbody to be classed as outstanding it must contain at least one value which stands out from the rest, on a national basis.
5. Acknowledges the potential risk to the policy work programme if Outstanding Freshwater Bodies are not identified in the region prior to the notification of the next catchment management plan (in accordance with Plan Change 5), however considers this risk to be minimal and is comfortable with staff not adhering to this timeframe.

### **OECD Environmental Performance Review and Public Perception Survey of NZ'S Environment 2016 – *Climate Change Discussion***

6. Writes to the USA Ambassador and the Minister of Climate Change to express concern regarding the USA withdrawing from the Paris Climate Accord.

### **Reports Received**

7. Notes that the following reports were provided to the Regional Planning

Committee.

- 7.1 OECD Environmental Performance Review and Public Perception Survey of NZ's Environment 2016.
- 7.2 June 2017 Statutory Advocacy Update
- 7.3 June 2017 Resource Management Planning Project Update

**Dick/Bailey  
CARRIED**

## **12. Recommendations from the Regional Transport Committee**

Councillor Dick, as Chairman, introduced the item which was taken as read with the added overview of the concerns expressed by Mr and Mrs Crispin through their deputation to the committee.

### **RC103/17 Resolutions**

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy and that Council can exercise its discretion and make decisions on these issues without conferring directly with the community.

### **Reports Received**

2. Notes that the following reports were provided to the Regional Transport Committee meeting:
  - 2.1. Deputation from the Citizens Environment Advisory Centre (Mrs Crispin) (*residents' issues with HB Expressway*)
  - 2.2. Review of Regional Land Transport Plan Strategic Direction - Problem Descriptions (*resolved approval of RLTP sections 4 and 5 amendments*)
  - 2.3. Verbal presentation from John Wright, Hastings District Council (*Whakatu Arterial*)
  - 2.4. NZTA Central Region - Regional Director's Report for June 2017
  - 2.5. Road Safe Hawke's Bay Report
  - 2.6. June 2017 Public Transport and Transport Manager's updates

**Dick/Beaven  
CARRIED**

## **13. Recommendations from the Hearings Committee**

Councillor Beaven, as Chair of the Committee, introduced the item which was taken as read with the exception of a suggested further amendment to the Terms of Reference for clarity in relation to delegations for Special Consultative Procedures.

### **RC104/17 Resolutions**

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion 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.
2. Adopts the amended Terms of Reference for the Hearings Committee, as amended following.

**Beaven/Dick  
CARRIED**

## Hearings Committee Terms of Reference

1. Pursuant to Section 34(1) of the Resource Management Act (RMA) the Hawke's Bay Regional Council delegates the following functions, powers and/or duties under the RMA<sup>3</sup>:
  - 1.1. To hear and make decisions on applications arising out of the Council's regulatory responsibilities on:
    - 1.1.1. notified applications where submissions have been made and submitters wish to be heard;
    - 1.1.2. reviews of conditions (s.128) where consent holder and/or submitters wish to be heard;
    - 1.1.3. notified applications where submissions have been made and where the Committee considers it necessary to hold a hearing;
    - 1.1.4. objections to decisions made under delegated authority by staff, where they wish to be heard (s.357);
    - 1.1.5. where the staff recommendation is to decline any application for reasons other than inadequate information;
  - 1.2. To determine other related discretionary process matters that may be associated with a hearing such as waivers of time, as appropriate under the Resource Management Act 1991.
  - 1.3. To hear and make decisions on objections against costs under Section 36(6) of the Act and objections to the levying of Financial Contributions under Section 108 of the Act.
  - 1.4. To hear and make decisions on lapsing of consents under Section 125 of the Act where Council Policy directs, or staff elect not to make a decision under delegated authority, or where a decision of an officer acting under delegated authority is subject to an objection.
  - 1.5. The appointment of Hearings Committee members or independent commissioners to a Hearing Panel to undertake the functions set out above in 1.1 to 1.4 pursuant to s 34A RMA and the appointment of the Chairperson of the Hearing Panel.
2. Pursuant to section 82 of the Biosecurity Act (BA) the Hawke's Bay Regional Council delegates the following functions, powers and/or duties under the BA:
  - 2.1. To hear and make decisions on submissions received on any statutory documents prepared by Council which have been subject to a formal submission process under the Biosecurity Act.
  - 2.2. To authorise the resolution and settlement of appeals and references through formal hearings or mediation before the Environment Court or any other judicial body which relate to the preparation of any statutory documents prepared under the Biosecurity Act by the Council and to either generally or from time to time delegate to officers the authority to resolve and settle appeals and references through formal mediation.
3. Pursuant to section 83 and Schedule 7 (clause 32) of the Local Government Act 2002 the Hawke's Bay Regional Council may, on a case by case basis, delegate the following powers, duties and functions under the LGA:
  - 3.1 to hear submissions and to decide or make recommendations to the Council on a proposal that is subject to a special consultative procedure. <sup>4</sup>
  - 3.2 to further delegate the functions under 3.1 to another subordinate decision making body, or to an officer of the Regional Council.
4. The Hawke's Bay Regional Council delegates to the Hearings Committee Chairperson and Council Chairperson, the ability to appoint Hearings Committee members or Independent Commissioners to a Hearing Panel to undertake the functions set out above in 1 and 2 above and the appointment of the Chairperson of the Hearing Panel.

**Members:** Up to five elected "RMA Making Good Decisions" accredited Members

---

<sup>3</sup> NOTE: For the avoidance of doubt, the Hearings Committee is not delegated the functions, powers and duties to hear and make decisions on submissions made in relation to a proposed plan, policy statement, plan change or variation under the RMA. Such functions, powers and duties are delegated to a Panel of accredited RMA hearings commissioners appointed by the Council on an as needed basis, based on recommendations from the Regional Planning Committee.

<sup>4</sup> NOTE: For the avoidance of doubt, it is not intended that the Hearings Committee will be delegated to hear Long Term Plan, Annual Plan or Transport Plan submissions received.

of Council; being:

- Councillors Paul Bailey, Peter Beaven and Rick Barker

And up to four "RMA Making Good Decisions" accredited members of the Maori and/or Regional Planning Committee as nominated by the Chair of those Committees; being:

-

**Hearing Panel Composition:** The Hearing Panel sitting to make decisions relating to 1. and 2. above shall comprise any combination of:

- The Chairperson sitting alone
- Up to three members of the Hearings Committee
- Up to five accredited Commissioners
- If considered advisable in any particular case by the Chairman of the Hearings Committee, a member of the Council's Maori Committee.
- Also, when appropriate, the Chairman of the Standing Committee when hearings directly relate to policy originating from that Committee.

The Hearing Panel Chairperson has a Casting vote.

**Chairman:** An "RMA Making Good Decisions" Accredited member of the Committee as elected by the Council being:

- Peter Beaven

**Deputy Chairman:** A member of the Committee as elected by the Council being:

- Paul Bailey

**Meeting Frequency:** As is required

**Quorum:** The Chairman of the Hearings Committee plus one other member of the Hearings Committee or the Chairman of the Regional Council

**Staff Executive:** Group Manager External Relations and/or Group Manager Asset Management

**Qualifications:** In accordance with s39B all persons appointed to a Hearing Panel shall be accredited, except that where there is a group, and over half of all the persons in the group are accredited and there are exceptional circumstances that do not provide the time or opportunity to ensure that all persons in the group are accredited.

#### 14. Affixing of the Common Seal

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
<b>1.1</b>	<b>Leasehold Land Sales</b>		
1.1.1	Lot 45 DP 10078 CT C1/972		
	- Agreement for Sale and Purchase	4119	<b>30 May 2017</b>
	- Transfer	4121	<b>15 June 2017</b>
1.1.2	Lot 1 DP 16975 CT J3/781		
	- Agreement for Sale and Purchase	4120	<b>6 June 2017</b>

1.1.3	Lots 19 & 20 DP 921 CT B3/1140 - Agreement for Sale and Purchase	4122	<b>15 June 2017</b>
1.1.4	Lot 36 DP 14223 CT F4/147 - Agreement for Sale and Purchase	4123	<b>16 June 2017</b>

**RC105/17 Resolution**

That Council:

1. Agrees that the decision to be made is not significant under the criteria contained in Council's adopted Significance and Engagement Policy and that Council can exercise its discretion and make this decision without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
2. Confirms the action to affix the Common Seal.

**Wilson/Beaven  
CARRIED**

**15. HBRC Staff Work Programme through July 2017**

Discussions covered SedNet mapping and what proportion of the northern area is still to be mapped, catchment group meetings, preparedness for Myrtle Rust, and community planting days.

**RC106/17 Resolution**

That Council receives the *HBRC Staff Work Programme through July 2017* report.

**Wilson/Bailey  
CARRIED**

**16. Chairman's Monthly Report for June 2017**

The Chairman tabled his report (following)

- 30/5/17 Met with Chair of the HB A7P Showgrounds
- 31/5/17 Regional Council, Attended Hastings Civic Honours Ceremony
- 1/6/17 Attended HB Water Symposium
- 3/6/17 Met with Sir Graeme Avery
- 4/6/17 Attended Maori party function at Paki Paki
- 5/6/17 Queen's Birthday holiday
- 6-9/6/17 Private
- 12/6/17 Met with Hastings District Councillor
- 14/6/17 Met with Kevin Atkinson, Met with Waipatu Marae Committee
- 15/6/17 Met with Audit Director (Audit NZ, Stephen Lucy), Met with PR consultant Geoff Henley, Met with Phyllis Tichinin
- 16/6/17 Met with Andrew Austin (Editor HB Today) re emails, Attended U-Turn Trust meeting
- 19/6/17 Attended Mihi Whakatau for James Palmer at Regional Council, Attended Regional Sports Park meeting, Discussed Capital Review format with James Palmer and Cr Kirton
- 20/6/17 Attended Maori Committee hui at Ruawharo Marae, Opoutama
- 21/6/17 Attended Dawn function at Celestial Compass, Regional Council Workshop, Attended meeting to receive gifted land on Tuki Tuki
- 22/6/16 Chinese partner in town
- 23/6/17 Attended Capital Structure Committee meeting



26/6/17 Attended farewell function for Iwi CEO Adele Whyte  
27/6/17 Attended powhiri at Waipatu Marae for James Palmer

Councillors suggested that it would be helpful to have advance notice of upcoming events they might be interested in being involved in.

RC107/17 **Resolution**

That Council receives the Chairman's report for June 2017.

**Wilson/Beaven  
CARRIED**

**17. Items of Business Not on the Agenda**

*Minor items (for discussion only)*

Item	Topic	Councillor / Staff
1.	Waipatu Powhiri Ngati Kahungunu formally welcomed James as HBRC CE yesterday	Mr Mohi
2.	NCC meeting re sewage discharge Met with NCC staff and mayor re discharge to Ahuriri during recent storm event and felt meeting was worthwhile	Cr Bailey
3.	Pollution hotline Public concerns that not hearing what outcome of pollution complaints are	Cr Bailey
4	Roys Hill dump Formally raise request for risk assessment and mitigation in relation to leaching	Cr Graham
5	Maori Committee meeting in Opoutama Attended the meeting on 20 June and really enjoyed the opportunity to meet out in the community	Cr Graham

**Closure:**

There being no further business the Chairman declared the meeting closed at 2.40pm on Wednesday 28 June 2017.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....