



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 26 July 2017

Time: 10.15am

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

Present: R Barker (Chairman)
P Bailey
P Beaven
T Belford
A J Dick
D Hewitt
N Kirton
F Wilson

In Attendance: M Mohi – Chairman – Maori Committee
J Palmer – Chief Executive
I Maxwell – Group Manager Resource Management
L Hooper – Governance Manager
J Raihania – Senior Policy and Strategic Advisor- Maori
D Broadley – Community Engagement and Communications Manager

1. Welcome/Prayer/Apologies/Notices

The Chairman welcomed everyone to the meeting.

RC92/17 Resolution

That the apologies for absence on leave from Councillor Graham be accepted.

**Barker/Wilson
CARRIED**

2. Conflict of Interest Declarations

There were no conflict of interest declarations.

3. Confirmation of Minutes of the Regional Council Meeting Held on 28 June 2017

RC93/17 Resolution

Minutes of the Regional Council Meeting held on Wednesday, 28 June 2017, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Beaven/Bailey
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.

4. Follow-ups from Previous Regional Council Meetings

Appointment of a replacement for Councillor Alan Dick on the HPUDS Implementation Working Group will be considered by Council at some future date.

It was noted that the 'swimmability tutorial' did not happen during the fieldtrip to Central Hawke's Bay and so a future tutorial for councillors will be organised, including a segment in relation to SedNet.

Mr James Palmer outlined the status of the follow-ups on the list and, in response to a query advised that the timelines for HBRIC Ltd advice on RWSS and the Capital Structure Review panel considering the implications of that advice are not well aligned and he will ask whether it's possible to get 'informal' advice for the Panel (from the 31 July HBRIC Ltd meeting) ahead of the formal advice to be provided at the 30 August Council meeting.

A list of all LGOIMA requests received between 21 June and 25 July 2017 was tabled, listing:

| Requested By | Request Summary |
|--|---|
| Daniel Ohs, Office of the Leader of the Opposition - Andrew Little | A list of active consents granted for water extraction for bottled water production, broken down for each consent by: o Location; o Consent start and end date; o Owner of consent; o Value; o Number of litres of water consented per annum |
| Cam Slater, Whale Oil Beef Hooked | All amounts paid to ATTN! Marketing, by the Council & Council CCOs, per year, in the last 5 years |
| Tim Aitken, CHB Councillor | breakdown of rates income for HBRC by TLA, further by |

| | |
|---|--|
| NZ Taxpayers Union | Urban and Rural in each council area Rocket Launch Tourism - description of the project or work stream related to tourism and rockets; - breakdown of costs, list of deliverables resulting, any reports resulting & any economic evidence ratepayers received good value for money; - cost benefit analysis of this project |
| Gina Dugdale | copy of Whakatu Wool Scour resource consent application received approx 30June17- for operations in Railway Road Whakatu. |
| Ann Revington, Wairoa Star | \$\$ of regional rates take from the Wairoa catchment - are those figures in the long term plan and total Council spend per year in Wairoa catchment |
| Aggeliki Barberopoulou, AIR Worldwide Research & Modelling | locations and/or heights of stopbanks in Hawke's Bay |
| Kris Ericksen | legal status is of the "connection works" between elongated ponds" and the drain leading to the Upokohino Stream |
| Bryce Johnson, NZ Fish & Game CE | 1. relevant sections of HB RRMP governing feedlots 2. Copies of any resource consents for 3 feedlot operations in photos provided, 3. Copies of resource consent applications for feedlots in #2 4. copies of HBRC staff reports analysing the applications specified, and 5. Copies of compliance monitoring reports for the 3 properties specified since each consent was granted. |

Recommendation

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

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 14

Minor items for discussion **only**

| Item | Topic | Raised by: |
|------|------------------------------------|----------------------------|
| 1. | Ngaruroro Water Conservation Order | Cr Belford |
| 2. | LGNZ Conference | Crs Bailey/Hewitt & Wilson |
| 3 | Rocket Lab | Cr Wilson |
| 4 | HN water video | M Mohi |
| 5 | Manawatu Gorge | Cr Barker |

6. Joint Committee on Drinking Water

Mr James Palmer introduced the item, explaining that the Government Inquiry was critical of the lack of effective collaboration between agencies to ensure the provision of safe drinking water, and so it is proposed that a Hawke's Bay Drinking Water Governance Joint Committee is established in order to provide governance oversight

and reporting lines for the staff Drinking Water Working Group and related agencies. Discussions traversed:

- Purpose of the Joint Committee and how that purpose links to operational and policy planning activities of the participating councils
- Joint Committee may make recommendations to member organisations but is not delegated to instruct organisations to carry out specific actions
- Statutory processes like resource consent applications will remain as delegated under RMA
- Issues with Terms of Reference may be discussed at the first meeting of the Joint Committee in order to agree and recommend any amendments to the participating organisations for their adoption.

RC94/17 The Chair sought nominations to the Joint Committee, to which:
Councillor Bailey nominated Councillor Belford; seconded by Councillor Beaven
Councillor Beaven nominated Councillor Bailey; seconded by Councillor Wilson
There being no further nominations, councillors Tom Belford and Paul Bailey were nominated as HBRC's representatives on the Joint Committee.

Resolutions

That Council:

1. Receives and notes the "Joint Committee on Drinking Water" 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. Agrees, subject to the agreement of the other participating agencies, to establish the Hawke's Bay Drinking Water Governance Joint Committee in accordance with clause 30 and clause 30A of Schedule 7 of the Local Government Act 2002.
4. Appoints councillors Tom Belford and Paul Bailey to the Hawke's Bay Drinking Water Governance Joint Committee for the remainder of the current Triennium.
5. Endorses the Terms of Reference for the Hawke's Bay Drinking Water Governance Joint Committee as follows.

**Kirton/Wilson
CARRIED**

Hawke's Bay Drinking Water Governance Joint Committee

Terms of Reference

1. Background

- 1.1. In August 2016 a significant water contamination event occurred that affected the Hawke's Bay community of Havelock North. The Government established an Inquiry into the Havelock North water supply.
- 1.2. It became apparent during the Government Inquiry that in order to achieve a systematic approach to ensuring safe drinking water, there was a need to strengthen interagency working relationships, collaboration and information sharing pertaining to drinking water.
- 1.3. The Inquiry asked a Joint Working Group (JWG) initially comprising staff representatives of the
- 1.4. Hawke's Bay District Health Board, Hawke's Bay Regional Council and the Hastings District Council to implement its 17 initial recommendations. As this group has evolved it has become apparent that many drinking water issues will require an ongoing forum for regional collaboration and decision making. Napier City Council have also joined the Joint Working Group, as well as a Drinking- Water Assessor from the Central North Island Drinking Water Assessment Unit.

- 1.5. Ngāti Kahungunu Iwi Incorporated have called for the agencies involved in water management to view water as a taonga, the lifeblood of the land and people. They consider that drinking water should be set as the number one priority for water use in decision-making processes related to water.
- 1.6. It is within this context that the Hawke's Bay Drinking Water Governance Joint Committee has been established. The principal focus of the Committee is on drinking water, however drinking water cannot be considered in isolation from other fresh water management issues. For that that reason the focus of the Committee will be twofold:
 - 1.6.1. To provide governance oversight for planning and decision making on regional drinking water matters; and
 - 1.6.2. To consider and make recommendations where appropriate to decision-making bodies with responsibility for broader freshwater management issues or planning or infrastructure issues that have implications for drinking water and/or drinking water safety.

2. Purpose

- 2.1. The parties agree that water is a taonga, the lifeblood of the land and people. They further agree that the Joint Committee established under this Terms of Reference is intended to give practical meaning and effect to this agreement.
- 2.2. The Committee is established to provide governance oversight to the existing JWG regarding the implementation of recommendations from the Inquiry Panel and then the evolution of the JWG into a more permanent officials working group.
- 2.3. In the context of this agreement including 2.1 and 2.2 above, the purpose of the Hawke's Bay Regional Drinking Water Security Joint Committee is to give governance oversight and direction in respect of the following matters:
 - 2.3.1. Programmes and initiatives to protect and enhance drinking water quality and safety
 - 2.3.2. Improving and maintaining effective inter-agency working relationships relating to drinking water, including the extent and effectiveness of cooperation, collaboration and information sharing between the agencies, and mechanisms to achieve these desired outcomes
 - 2.3.3. Provision of governance oversight of strategies and work programmes related to drinking water management, including drinking water sources and infrastructure matters
 - 2.3.4. To recommend to the relevant bodies and decision making for changes to strategies and work programmes to protect and enhance drinking water quality and safety
 - 2.3.5. To encourage the member parties to give adequate consideration of the safety of drinking water in the carrying out of their range of functions
 - 2.3.6. To make recommendations as appropriate to relevant agencies and decision making fora on initiatives and priorities related to water, having regard to the needs of the region for adequate and secure water resources suitable for the supply of safe drinking water.
- 2.4. The geographic scope of the Joint Committee's jurisdiction shall be over drinking water related matters on the land and catchment areas within territorial authorities who elect to be members of the Joint Committee (the participating territorial authorities) plus such other land and catchment areas within the authority of the Hawke's Bay Regional Council that have an impact upon drinking water within the participating territorial authorities.

3. Members/Parties

- 3.1. If they elect to take up membership and establish the Joint Committee, each of the following shall be a Member Organisation of the Hawke's Bay Drinking Water Governance Joint Committee and a party to this document and the establishment of the Joint Committee:
 - 3.1.1. Hawke's Bay District Health Board
 - 3.1.2. Hawke's Bay Regional Council
 - 3.1.3. Central Hawke's Bay District Council
 - 3.1.4. Hastings District Council
 - 3.1.5. Napier City Council

- 3.1.6. Wairoa District Council
- 3.2. Each member organisation may appoint two (2) representatives.
- 3.3. To ensure the work of the joint Committee is not unreasonably disrupted by absences each party may appoint alternative representatives.
- 3.4. The Joint Committee shall appoint an Independent Chairperson of the Joint Committee.
- 3.5. Water is of particular importance to Māori, and Māori have certain statutory rights in respect of decision making relating to water under the Resource Management Act 1991 and the Local Government Act 2002. Some iwi representatives have been involved in discussions leading to the proposal for this Joint Committee but have not determined whether or not they wish to formally participate in the Joint Committee. Provision is made for iwi representation to be added to the Committee should iwi organisations with authority in respect of the geographic areas over which this Joint Committee has jurisdiction indicate that they wish to formally join the Committee.
- 3.5.1. Notwithstanding any decision by iwi organisations under e. above, the member organisations will take steps to consult with, and take into account the interests of, Māori as appropriate in terms of local authority decision making requirements in respect of matters before the Joint Committee.
- 4. Name**
- 4.1. The Hawke's Bay Drinking Water Governance Joint Committee shall be known as the **Hawke's Bay Drinking Water Governance Joint Committee (HBDWGJC)**.
- 5. Status**
- 5.1. By agreement of the local authority members, the Hawke's Bay Drinking Water Governance Joint Committee is to be established as a Joint Committee under clause 30 and clause 30A of Schedule 7 of the Local Government Act 2002.
- 6. Delegated Authority**
- 6.1. The Hawke's Bay Water Governance Joint Committee shall have authority to undertake such steps as are necessary to give effect to the purpose of the Hawke's Bay Water Governance Joint Committee including but not limited to:
- 6.1.1. Establishing and amending as it sees fit the Terms of Reference for the JWG
- 6.1.2. Receiving reports from and giving direction to the officials Joint Working Group that leads interagency cooperation and work programmes on drinking water quality and safety and/or from the Chief Executives of the member agencies
- 6.1.3. Commissioning reports and studies
- 6.1.4. Making recommendations to members related to the security and safety of drinking water
- 6.1.5. Making recommendations to member organisations relating to strategies and work programmes.
- 6.1.6. Making recommendations to appropriate parties on matters within the purpose of the Joint Committee.
- 7. Administering Authority and Servicing**
- 7.1. The members of the Hawke's Bay Drinking Water Governance Joint Committee shall work with the JWG established to lead interagency cooperation and work programmes on drinking water quality and safety.
- 7.2. The Administering Authority of the Joint Committee shall be the _____.
- 8. The Remuneration**
- 8.1. Each member organisation of the Hawke's Bay Drinking Water Governance Joint Committee shall be responsible for the cost of its participation on the Joint Committee.
- 8.2. The Joint Committee shall agree on the apportionment of the costs of the Independent Chairperson on the recommendation of the JWG.
- 8.3. The JWG shall agree the apportionment of any costs arising from the work of the Joint Committee.
- 9. Meetings**
- 9.1. The Standing Orders of the Hawke's Bay Regional Council will be used to conduct Joint Committee meetings.

9.2. The Joint Committee shall meet not less than 6 monthly or at such other times and places as agreed for the achievement of the purpose of the Joint Committee.

10. Quorum

10.1. The quorum at any meeting shall be not less than eight (8).

11. Voting

11.1. The membership shall strive at all times to reach a consensus.

11.2. Each representative and the Independent Chairperson shall be entitled to one vote on any item of business.

11.3. There shall be no casting vote.

12. Chairperson and Deputy Chairperson

12.1. Member representatives shall appoint, by agreement, an Independent Chairperson who shall be entitled to one vote, and in the case of an equality of votes does not have a casting vote.

12.2. The Joint Committee shall also appoint, by simple majority vote from among the representatives, a Deputy Chairperson.

13. Variations

13.1. Any Member may propose an amendment (including additions or deletions) to the Terms of Reference which may be agreed to by the Joint Committee.

13.2. Once agreed to by the Joint Committee, amendments to the Terms of Reference shall have no effect until each member organisation has agreed to the amendment.

14. Good Faith

14.1. The parties to this Terms of Reference agree to act in good faith towards each other and to give effect to the purpose of the Joint Committee.

8. Recommendations from the Maori Committee

Mr Mike Mohi, Māori Committee Chairman, introduced the item highlighting discussions arising from the Statutory Advocacy report in relation to application processes associated with the Marine and Coastal Areas (Takutai Moana) Act.

Mrs Ceri Edmonds, Senior Planner, explained the application processes for Customary Marine Title (protective customary rights) and some of the issues associated with giving effect to those titles/rights once granted. Regional sector seeking further legal advice about how their statutory functions are impacted by the granting of Protective Customary Rights.

Mr Mohi introduced the memo from the Māori Committee relating to the Long Term Plan and associated documents, also introducing Mrs Joyce-Anne Raihania who explained how Māori (and Te Ao Māori world view) are reflected (or not) in council's documents are considered by Māori to be indicators of how they are regarded or considered.

The committee's recommendations, outlined in the memo attached to the Agenda, include:

- Introductions at the beginning of the LTP to include a mihi/greeting from both the Co-Chair RPC (tangata whenua member) and Chair of the Māori Committee as well as HBRC Chair and CE
- First chapter or section of the LTP to reflect how the relationship between the Council's vision and values are incorporated within the framework of relevant legislation including Te Tiriri o Waitangi and kaupapa Māori principles
- Financial allocation for resourcing key Māori projects including development of Iwi/ Hapū Management Plans and capacity building of tangata whenua and Council Staff to understand both Western Sciences and Mātauranga Māori (Māori knowledge or wisdom) including terminologies.

The Chairman vacated the Chair and was excused from the meeting at 11am, and Councillor Beaven assumed the Chair.

Further discussions traversed:

- Still awaiting financial allocation for senior manager, Māori as requested in 2014
- Special Māori unit or separate te taiao secretariat
- Council database of the Treaty Entities and their settlement claims for this region, including specific commitments of the Council is under development and will be integrated with Pataka which provides the current information about iwi/hapu, marae, etc.
- Funding for RPC and Māori Committee, including meeting fees and training as well as resources to support

Councilor Barker re-joined the meeting at 11.15 and resumed the Chair

Further discussions traversed:

- Requirements of the RMA in relation to the Treaty and waahi tapu sites
- Joining together of the aspirations of Māoridom from RPC tangata whenua, Māori Committee and iwi/hapu
- Integration of issues across all sections of Council and the value of a 'Maori Issues' unit or secretariat and the opportunities this can create.

RC95/17

Resolutions

The Māori Committee recommends 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.

Māori Committee Input into Long Term Plan 2018-2028

4. Receives and notes the Māori Committee "Input into the Long Term Plan 2018-2028" memo **recommendations following** for consideration through the development of Council's Long Term Plan

Reports Received

3. Notes that the following reports were provided to the Māori Committee meeting.
 - 3.1 Verbal Update on Current Issues by HBRC Chairman.
 - 3.2 OECD Environmental Performance Review and Public Perception Survey of NZ's Environment 2016.
 - 3.3 June 2017 Statutory Advocacy Update.
 - 3.4 HBRC Staff Work Programme through June 2017.

Bailey/Beaven
CARRIED

Amendments for Consideration

We submit the following recommendations for consideration. Please note these are not in any particular order nor are they final concepts.

- Within the Introduction of the LTP, a mihi/greeting from both the Co-Chair RPC (tangata whenua member) and Chair of the Māori Committee.
- We would like to see that the first chapter in the LTP lists:
 - how the relationship between the Regional Council's vision and values are incorporated within the framework of relevant legislation including Te Tiriti o Waitiāngi and kaupapa Māori principles;
 - elements of Te Ao Māori (the Māori world view) within significant documents such as the State of the Environment reports. The opportunity to have both the Western Science and Mātauranga Māori feature alongside each other.
 - recognising the relationship between the health and wellbeing of the environment and its people, as a priority

- the functions of the Regional Planning Committee, including Tangata Whenua representation and the Māori Committee membership.
- a table outlining the Treaty Entities and their settlement claims for this region, including specific commitments by the Council.
To employ the context of true partnership and 'mana' it would be beneficial for this chapter to be located at the beginning of the LTP.
- Financial allocation for resourcing key Māori projects including:
 - development and implementation of Mātauranga Māori processes and practises
 - development of Iwi/ Hapū Management Plans
 - further assistance to incorporate activities that align to the LTP Council work programme; that may also compliment the aspirations collated in the Iwi/ Hapū Management Plans
 - developing frameworks and systems in which Iwi/hapu are able to manage Waahi Tapu sites, in conjunction with Council staff and work programmes
 - capacity building of tangata whenua and Council Staff to understand the importance in exchanging Mātauranga and Western Science practice including terminologies
 - training opportunities for members of the Māori Committee.

Key Recommendations

In order for the Council to demonstrate its partnership intent, in the context of the Local Government and Resource Management Acts, to follow are two recommendations for consideration.

1. As to previous minutes submitted by this Committee in 2013, a key strategy would be the strengthening of the Council's Executive Team. The inclusion of a Group Manager- Māori role and a dedicated unit with staff, to focus on the rights and responsibilities of Council with tangata whenua in this region, would enable further positive engagement and action, being beneficial for the greater region.
2. The establishment of an external Te Taiao Secretariat. This organisation would provide the Council with the collective Māori worldview of this takiwa (region) for tangata and mana whenua. It would also assist in the capacity building of the Council's staff and also their respective future environmental Māori leaders.

7. Te Komiti Muriwai o Te Whanga (Ahuriri Estuary Committee)

Mrs Joyce-Anne Raihania introduced the item, which seeks a nomination of an HBRC councillor to te Komiti Muriwai o Te Whanga once it has been established by legislation.

RC96/17 Resolutions

The Chair sought nominations to Te Komiti Muriwai o Te Whanga, to which Councillor Bailey nominated Councillor Kirton, seconded by Councillor Beaven.

There being no further nominations, Councillor Neil Kirton was nominated as HBRC's representative on Te Komiti Muriwai o Te Whanga.

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 or persons who have an interest in the decision. Appoints Councillor Neil Kirton to Te Komiti Muriwai o Te Whanga as the Hawke's Bay Regional Council representative. Approves the Draft Clauses (following) for the Establishment and Operation of Te Komiti Muriwai o Te Whanga and advises the Office of Treaty Settlements of this approval. Te Komiti

will be established as a permanent, stand-alone, multiparty, statutory body by settlement legislation

- 3.2. The purpose of te Komiti is to provide guidance and coordination in order to promote the protection and enhancement of the environmental, economic, social, spiritual, historical and cultural values of the Te Muriwai o Te Whanga for present and future generations
- 3.3. Hawke's Bay Regional Council will have one representative on te Komiti
- 3.4. The functions of the Komiti include (but are not limited to) identification of values, vision, objectives and desired outcomes; advocacy; stakeholder engagement and communication; and promotion of support for the ongoing health and wellbeing of Te Muriwai o Te Whanga.
- 3.5. Te Komiti is also responsible for preparing and approving a management plan for Te Muriwai O Te Whanga. The deed of settlement and legislation will provide the Plan with a statutory weighting of "have regard to" in relation to Council RMA documents (Regional Coastal Environment Plan and Regional Resource Management Plan).
- 3.6. The Management Plan will:
 - 3.6.1. Identify the significant issues for Te Muriwai O Te Whanga
 - 3.6.2. Identify management elements that may enhance the social, cultural and economic wellbeing of people and communities
 - 3.6.3. Consider the integrated management of the water and lands of Te Whanganui ā Orotu for the benefit of the health and wellbeing of Te Muriwai o Te Whanga
 - 3.6.4. Make recommendations on the integration and coordination of Te Muriwai o Te Whanga management
 - 3.6.5. The onus for preparation of the Plan will fall on the local bodies (NCC, HDC and HBRC) and the Department of Conservation.
4. Authorises the Chief Executive to represent the Council in negotiations on the final details for setting up Te Komiti Muriwai o Te Whanga.

**Bailey/Beaven
CARRIED**

Item - 8. Recommendations from the Maori Committee - was considered immediately following item 6.

9. Recommendations from the Environment and Services Committee

Councillor Belford introduced the item as Chairman of the E&S Committee.

Discussion and queries traversed:

- consistency of the amount of detail provided in information reports, specifically in relation to updates on status of stormwater consents and compliance provided to the E&S committee
- Northland runs 12 EVs and suggestion that HBRC looks at the way they've gone about purchasing the vehicles via England, contact details have been forwarded to CE

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 these issues without

conferring directly with the community.

Reports Received

2. Notes that the following reports were provided to the Environment and Services Committee on 12 July 2017:
 - 2.1. Havelock North Government Inquiry Stage 2
 - 2.2. Climate Change Adaptation
 - 2.3. Catchment Management White Paper (*resolved: That the Environment and Services Committee receives and notes the "Catchment Management White Paper" staff report; and encourages staff to further develop the concept.*)
 - 2.4. Freshwater Improvement Fund Update
 - 2.5. Stormwater Update
 - 2.6. Electric Vehicle Working Group Update
 - 2.7. July 2017 Public Transport Update
 - 2.8. Land Management Operational Outcomes
 - 2.9. Myrtle Rust
 - 2.10. Regulation and Operational Update
 - 2.11. Clive River Dredging
 - 2.12. Verbal Gravel Management Update
 - 2.13. Verbal - HBRC Disposal Sites.

**Kirton/Bailey
CARRIED**

3. Confirms the view that HBRC would not support obtaining the DoC land through compulsory acquisition under the Public Works Act.

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

Business Investment in Biodiversity In Hawke's Bay

4. Agrees that the Hawke's Bay Regional Council will partner an investment with OMV New Zealand Ltd with an initial investment of \$50,000 pa for up to four years, provided from existing biosecurity budgets.
5. Seeks additional leveraged funding from Predator Free NZ 2050.
6. Agrees that these resources are to support a community partnership directed towards achieving the vision of a predator free Mahia.

Staff Policy and Protocol for LGOIMA Requests Made for Councillor Communications

5. Refers the matter to the 26 July Regional Council meeting for reconsideration and decision.

Ruataniwha Water Storage Scheme Options

7. Agrees that staff should suspend work on the joint declaration to the Environment Court with Environmental Defence Society, Fish and Game New Zealand and HBRIC Ltd.
8. In noting that staff will be providing advice to the Regional Planning Committee on 2 August 2017 on matters relating to HBRC's ongoing and stand-alone work programmes for Tukituki Plan Change 6 implementation, agrees that staff should suspend work with HBRIC Ltd on the "River First" Ruataniwha Water Storage

Scheme environmental condition precedent.

9. Requests that HBRIC Ltd advises Council, as soon as practicable, on the merits or otherwise of further investment in the Ruataniwha Water Storage Scheme by HBRIC Ltd, and any steps, if any exist, it considers remain available to progress the Ruataniwha Water Storage Scheme in light of the recent Supreme Court Decision.
10. Requests that HBRIC Ltd reports to Council, as soon as practicable, on the revisions it considers are required, and implications thereof, to amend the HBRIC Ltd Statement of Intent for the year ending 30 June 2018, should Council, as shareholder, resolve to direct HBRIC Ltd to shelve the Ruataniwha Water Storage Scheme indefinitely.

**Belford/Beaven
CARRIED**

10. Protocol for Chief Executive Response to Requests for Councillors' Communications

Mr James Palmer introduced the item, and tabled a further amended version of the protocol.

RC98/17 Resolutions

That Council:

1. Receives and notes the "Protocol for Chief Executive Response to Requests for Councillors' Communications" 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. Adopts the "Protocol for Chief Executive Response to Requests for Councillors' Communications" following.

**Barker/Belford
CARRIED**

Protocol for Chief Executive Response to LGOIMA Requests For Elected Representatives' Communications

Adopted by Council Resolution on 26 July 2017

Purpose

1. The purpose of this protocol is to set out, in accordance with the Local Government Official Information and Meetings Act (LGOIMA), an objective and transparent process for:
 - 1.1. The assessment and determination of requests for the official information communications to, from and/or between any elected representative of the Hawke's Bay Regional Council
 - 1.2. Collection of official information from elected representatives when that official information is held on private/personal and/or another organisation's systems or equipment
 - 1.3. Communication of the Chief Executive's Decisions on such requests

Principles

2. The following principles underlie this protocol:
 - 2.1. The key Purposes of the Act (s.4) are to:
 - 2.1.1. progressively increase the availability of official information held by agencies, and promote the open and public transaction of business at meetings, in order to enable more effective public participation in decision making; and promote the accountability of members and officials; and so enhance respect for the law and promote good local government; and
 - 2.1.2. protect official information and the deliberations of local authorities to the

extent consistent with the public interest and the preservation of personal privacy.

- 2.2. The **Principle of availability** underpins the whole of the LGOIMA. The Act explicitly states that: (s.5) *The question whether any official information is to be made available ... shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that **the information shall be made available unless there is good reason for withholding it** (emphasis added).*

Definitions

3. The term “**official information**” is defined in section 2 of the Act as “any information held by a local authority”
4. The Act defines “**document**” s.2(1) as: (a) any writing on any material; (b) any information recorded or stored by means of any tape recorder, computer, or other device; and any material subsequently derived from information so recorded or stored; (c) any label, marking, or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means; (d) any book, map, plan, graph, or drawing; (e) any photograph, film, negative, tape, or other device in which 1 or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced
5. “**Member**” in relation to a local authority, means any person elected or appointed to that local authority or to any committee or subcommittee of that local authority, and includes the presiding member of that local authority or of any committee or subcommittee of that local authority

Process

6. Upon receiving a request, the Chief Executive will:
 - 6.1. Notify relevant councillor(s) that the Council has received a request that pertains to them and:
 - 6.1.1. initiate retrieval of relevant official information from HBRC systems
 - 6.1.2. request that the relevant councillor(s) provide any official information they have in their official capacity in confidence to the Chief Executive
 - NOTE:** If a councillor advises that they have no official information or that they do have official information but declines to provide it to the Chief Executive, the responsibility for responding to any subsequent requests or complaints in relation to the original request, including in relation to any investigation by the Ombudsman, will rest with the councillor(s) concerned.
 - 6.2. Undertake an assessment of the official information retrieved to determine whether there are any grounds under sections 6 and 7 of the LGOIMA to withhold any of that material
 - 6.3. Make his/her preliminary decision on Council’s response to the request
 - 6.4. Prepare any official information for release in accordance with preliminary decision
 - 6.5. Consult with the relevant councillor(s) on the initial determination to obtain their view
 - 6.6. Make a final determination, taking into account the views of the consulted councillor(s) and communicate this determination to the relevant councillor(s)
 - 6.7. Refer the matter to the Ombudsman for a ruling if the relevant councillor(s) do not accept the Chief Executive’s final determination
 - 6.8. Communicate the CE’s Decision, or that the matter has been referred to the Ombudsman, to the requestor and the relevant councillor(s)
 - 6.9. Provide any relevant official information in accordance with Decision on Request

11. 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 |
|-----|--|----------|------|
| 1.1 | Leasehold Land Sales 1.1.1 Lot 470 | | |

| | | | |
|-------|---|--------------|--|
| | DP 11559 CT C1/1470 - Agreement for Sale and Purchase - Transfer | 4124 4130 | 22 June 2017 5 July 2017 |
| 1.1.2 | Lot 111 DP 11999 CT D1/1452 - Agreement for Sale and Purchase | 4125 | 29 June 2017 |
| 1.1.3 | Lot 291 DP 11258 CT B3/588 - Agreement for Sale and Purchase - Transfer | 4126 4127 | 29 June 2017 29 June 2017 |
| 1.1.4 | Lot 118 DP 13111 CT E3/559 - Agreement for Sale and Purchase - Transfer | 4128 4134 | 4 July 2017 12 July 2017 |
| 1.1.5 | Lot 2 DP 11523 CT J1/797 - Agreement for Sale and Purchase | 4129 | 4 July 2017 |
| 1.1.6 | Lots 19-20 DP 921 CT B3/1140 - Transfer | 4131 | 5 July 2017 |
| 1.1.7 | Lot 1 DP 16975 CT J3/71 - Transfer | 4132 | 10 July 2017 |
| 1.1.8 | Lot 36 DP 14223 CT F4/147 - Transfer | 4133 | 10 July 2017 |

RC99/17 Resolutions

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.

Barker/Bailey
CARRIED

12. HBRC'S Social Media Policy

Mr James Palmer introduced the item, which provides guidelines for the HBRC staff

responsible for managing council's facebook page. Discussions and queries traversed:

- Queries around how the staff policy might apply to councillors
- Posts by staff are to be guided by the policy, however comments on those posts are not something that will be governed by the policy and can only be 'moderated' by staff in line with Council policy
- CE, as in all Council activities, has the final word on any actions taken by staff
- Suggestions re considerations of Health and safety legislation and not constraining the public's ability to make comments critical of Council policies or actions

RC100/17 **Resolution**

That the Council receives and notes the "HBRC's Social Media Policy" as an interim policy which will be further developed in line with feedback from councillors and brought back to the August Regional Council meeting for formal acceptance.

**Barker/Bailey
CARRIED**

13. Significant HBRC Staff Projects/Activities through August 2017

Discussions traversed:

- FIF funding grants will be publicly released before the end of next week
- The new report format well received as linking activities to where they 'fit' into the overall Council activities
- Electoral System decision as part of the Representation Review HBRC's required to undertake, and staff will seek informal feedback through social media to help inform Council's decision. A formal engagement process will be required for the full Representation Review beginning early in 2018.

RC101/17 **Resolution**

That Council receives the **Significant HBRC Staff Projects/Activities through August 2017** report.

**Wilson/Belford
CARRIED**

14. Items of Business Not on the Agenda

Minor items for discussion **only**

| Item | Topic | Councillor / Staff |
|------|--|--------------------|
| 1. | Ngaruroro Water Conservation Order WCO has been gazetted and a call for submissions made. Council encouraged the use of a pre-hearing with the Tribunal, which was not agreed to. Formal submission period is 20 working days. The draft submission previously agreed by RPC will be further developed by staff and brought to Council for adoption. Council responsibility to meet requirements under NPSFM including for the TANK collaborative plan change process. Important for the public to understand Council's position. Council has articulated the view that Ngaruroro be considered as two separate parts – upper and lower. CE will look at workshops and/or meetings with RPC and Council to have a submission agreed in time to lodge it by 23 August. | Cr Belford |
| Item | Topic | Councillor / Staff |

| | | |
|----|---|--------------------------------|
| 2. | <p>LGNZ Conference</p> <p>Crs Bailey, Hewitt and Wilson attended the LGNZ conference in Northland and appreciated the opportunity to do that. Councillor Wilson was delegated to vote on behalf of HBRC for replacement of the President at the AGM, with David Cull elected.</p> <p>Flood protection schemes and investigation by Regional Sector around Central Government contributions for funding and options/methodologies for future funding to offset ratepayers paying via targeted rates</p> <p>Poplar nurseries and soil erosion control.</p> <p>Enviroschools visit was fantastic, with students conducting tours to exhibit how the programme has positively impacted on their school, the community and in their homes.</p> | Crs Bailey/ Wilson & Hewitt |
| 3 | <p>Rocket Lab</p> <p>Toured the facility and was amazed by the technology and operations. The company is contributing to environmental projects and pest control projects.</p> | Cr Wilson |
| 4 | <p>HN drinking water video</p> <p>Met with a group making a song/video about all the actions the public can take to care for waterways and get across the message that everyone is responsible for water</p> | M Mohi |
| 5 | <p>Manawatu Gorge</p> <p>Today's press release from the Transport Minister tabled, and suggestion made that HBRC issue a press release expressing disappointment with the Minister's statement.</p> <p>Land Transport NZ working hard to find engineering fixes and an alternative route however Gorge viability issues have been ongoing over past 20 years.</p> <p>Tourism, freight, patients needing specialist treatment, all affected and the delays to resolving the issues are intolerable.</p> | Cr Barker |

Closure:

There being no further business the Chairman declared the meeting closed at 12.55pm on Wednesday 26 July 2017.

Signed as a true and correct record.

DATE:

CHAIRMAN: