



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 25 October 2017

Time: 10.15am

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

Present: R Graham - Chairman
P Bailey
R Barker
P Beaven
T Belford
AJ Dick
D Hewitt
N Kirton
F Wilson

In Attendance: M Mohi – Chairman – Maori Committee
J Palmer – Chief Executive
E Lambert – Group Manager External Relations
J Ellerm – Group Manager Corporate Services
L Hooper – Governance Manager
M Collings – Corporate Accountant

1. Welcome/Prayer/Apologies/Notices

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

There were no apologies for the meeting today.

Councillor Dick requested leave of absence for most of November, specific dates to be advised.

Chairman Rex Graham advised that he will be on leave of absence for seven weeks from 5 November, and Mr Mike Mohi offered his apology for the 15 November Regional Council meeting.

2. Conflict of Interest Declarations

There were no conflict of interest declarations.

3. Confirmation of Minutes of the Regional Council Meeting Held on 27 September 2017

RC118/17 Resolution

Minutes of the Regional Council Meeting held on Wednesday, 27 September 2017, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Wilson/Belford
CARRIED**

4. Follow-ups from Previous Regional Council Meetings

The item was taken as read, other than advice from the CE that the costs associated with an Oil and Gas plan change will be advised to the Regional Planning Committee once stakeholder pre-engagement has been undertaken, with dates of that engagement to be circulated.

It was advised that regular updates on the TANK process and latest science reports will be provided to the Regional Planning Committee.

Information about other regional councils' governance arrangements relating to Maori representation and partnerships will be provided to Council as part of the item for the decision on whether or not HBRC wishes to establish Maori constituencies on 15 November.

RC119/17 Resolution

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

**Wilson/Beaven
CARRIED**

5. Call for Items of Business Not on the Agenda

Recommendation

That Council accepts the following "Items of Business Not on the Agenda" for discussion as Item 13:

Item	Topic	Councillor / Staff
1.	Corrections riparian planting	Rick Barker
2.	Tutira update	Paul Bailey
3.	Drinking Water Governance Joint Committee	Paul Bailey
4.	Whitebait	Peter Beaven
5.	Kohupatiki Marae kaumatua statement re WCO	Mike Mohi

6. Adoption of the Audited 2016-17 Annual Report

Mr Manton Collings introduced the item, outlining the main points of the Audit NZ opinion which was received this morning. The Opinion and finalised Chair/CE Introduction were tabled. Discussions and queries traversed:

- HBRC and HBRIC Ltd write offs related to RWSS
- Comments on how the Auditors' opinion could be improved to be more easily understood
- Repeated suggestion that the Chair and CE should have separate introductory statements
- Napier Port remuneration disclosures

RC120/17 **Resolutions**

1. That Council adopts the audited 2016-17 Annual Report, under Section 98 of the Local Government Act 2002, and authorises the Chairman and Chief Executive to sign the Annual Report on behalf of Council.
2. That Council agrees that no revaluation of the investment in HBRIC Ltd is required as the current carrying value of \$235,224,000 sits within the current updated valuation range as developed by Deloitte New Zealand.

**Graham/Bailey
CARRIED**

7. Proxy for the HBRIC Ltd Annual General Meeting

The item was taken as read.

RC121/17 **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. Notes the Hawke's Bay Regional Investment Company Limited Annual General Meeting is to be held on Monday 13 November 2017.
3. Appoints Cr Rick Barker as Council's proxy at the sixth Annual General Meeting of the Hawke's Bay Regional Investment Company Limited to be held at 5.30pm on Monday 13 November 2017, and to vote as proxy holder on behalf of the Council, and appoints Cr Paul Bailey, to act as alternate.

**Graham/Wilson
CARRIED**

8. Proposed Schedule of 2018 Council and Committee Meetings

Mr James Palmer introduced the item, seeking agreement to the schedule as proposed after considering feedback provided at the 11 October workshop.

RC122/17 **Resolution**

That Council adopts the 2018 Schedule of Meetings as proposed, subject to field trip and workshop dates to be confirmed for Reserve Dates as required.

**Barker/Kirton
CARRIED**

9. Affixing of 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 51 DP 14228 CT g1/49 - Agreement for Sale and Purchase - Transfer	4150 4151	16 October 2017 16 October 2017
	1.1.2 Lot 1 DP 24417 CT V2/797 - Agreement for Sale and Purchase - Transfer	4152 4153	16 October 2017 16 October 2017
1.2	Application for Funding Mad Mile Safety Project with Pub Charity Ltd	4149	22 September 2017

RC123/17 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. Confirms the action to affix the Common Seal.

**Bailey/Wilson
CARRIED**

14. Māori Committee Charter and Membership

Mr Mohi and Mrs Joyce-Anne Raihania spoke to the item, outlining discussions amongst members of the Committee in reviewing and updating the Charter between the Maori Committee and the Regional Council recommended for adoption by Council today. Mr Mohi provided further details of the history of membership on the Committee by taiwhenua representatives of the marae.

RC124/17 Resolution

That Council Adopts the Māori Committee Charter and Terms of Reference (following).

**Graham/Barker
CARRIED**

Maori Committee

Terms of Reference

1. The Māori Committee comprises those 12 representatives nominated by each of the four Ngāti Kahungunu Taiwhenua / Executive in this region.
2. Within the first year of the Committee's establishment, a work plan for the Committee will be developed to set out, in general terms, what the Committee aims to achieve over its three-year term.

3. The expectation of the membership is that each Taiwhenua / Executive collective will engage with their respective constituents.
4. The Chairperson is to be elected at the first meeting of the Committee of each triennium, from among the appointed Māori members of the committee. The Chairperson shall be elected for that term of the Committee but is not precluded from a subsequent term as Chairperson if so nominated. Two key roles of the Chair will be to:
 - 4.1. preside over meetings of the Committee in accordance with the Hawke's Bay Regional Council Standing Orders
 - 4.2. manage the nominations and appointments by Taiwhenua / Executive to the Māori Committee at the end of each triennium, for re-establishment of the Committee for the next triennium.
5. The Deputy Chair is to be elected at the first meeting of the Committee of each triennium from among the appointed members of the committee.

Membership

Members *Twelve* representatives nominated by the Tangata Whenua, appointed at the first meeting of the Māori Committee each triennium; plus one Proxy representative nominated to attend in an appointee's absence; being:

Mr Bill Blake	Kaumatua (Wairoa)
Mr Duane Culshaw	Kahungunu Executive (Wairoa)
Mr Adrian Manuel	Wairoa Taiwhenua
Ms Kataraina Kawana	Proxy (Wairoa Taiwhenua)
Ms Teresa Smith	Proxy (Kahungunu Executive - Wairoa)
Mr Haami Hilton	Kaumatua (Hastings)
Mr Michael Paku	Heretaunga Executive (Hastings)
Mr Marei Apatu	Heretaunga Taiwhenua (Hastings)
Ms Joella Brown	Proxy (Heretaunga Taiwhenua)
Mr Paora Sciascia	Te Taiwhenua o Tamatea (Central Hawke's Bay)
Mr Mike Mohi	Kaumatua (Central Hawke's Bay)
Mr Brian Gregory	Tamatea Taiwhenua (Central Hawke's Bay)
Ms Marge Hape	Proxy (Tamatea)
Mr Peter Eden	Te Taiwhenua o Te Whanganui-a-Orotū (Napier)
Mr Ata Te Tomo	Te Taiwhenua o Te Whanganui-a-Orotū (Napier)
Mr Api Robin	Te Taiwhenua o Te Whanganui-a-Orotū (Napier)
tbc	Proxy

Up to *three* elected members of the Council, being:

Cr Rick Barker, Cr Rex Graham and Cr Fenton Wilson

Meeting Frequency Bi-monthly, but with the Chairman of the Committee authorised to arrange additional meetings should the need arise, with Tuesday being the normal meeting day.

10. Report from the Regional Planning Committee

The Chairman provided an overview of discussions held at the last RPC meeting, highlighting a presentation by CHB community representatives in relation to the potential implications of Tukituki Plan Change 6 in the district.

RC125/17 **Resolution**

That Council receives the "Report from the Regional Planning Committee".

**Bailey/Beaven
CARRIED**

11. Annual Plan Progress Report for the First Three Months of the 2017-18 Financial Year

Mrs Jessica Ellerm introduced the item, advising staff's intention to carry out a full reforecast at six months to examine the consequences of extra resources (internal staff and external legal and consultancy) required to respond to the Water Conservation Order application. Queries and discussions covered:

- Financial cash assets and reserves
- Movement of bottom line by \$7M attributed to accounts receivable, accruals and timing

RC126/17 **Resolution**

That Council receives and takes note of the "**Annual Plan Progress Report for the First Three Months of the 2017-18 Financial Year**".

**Kirton/Bailey
CARRIED**

15. Chairman's Monthly Report

The Chairman tabled his report (following)

A summary of some of the challenges in the month.

The WCO for the Ngaruroro and Clive rivers

1. The WCO continued to be a major part of my work load over the last month and frankly a distraction from our strategic objectives of improving our environment.
2. The process is now under way and the tribunal has decided to split the application into two parts.
3. Whilst this is encouraging, I am very concerned that we do not just throw the landowners in the upper part of the river "*under the bus*" just because they have less political power and tend to be a quieter bunch.
4. It is my own view that the WCO breaches their rights and as much as it does to the communities in the lower reaches is just a big threat to their communities albeit they are small.
5. We have now met with some of these farmers and landowners in the upper Ngaruroro catchment and they are universally opposed to the WCO.

Owhaoko Trust

6. A large Māori owned farm which hosts the Source of the Ngaruroro.
7. They believe that they are the kaitiaki of this part of the river and that the Minister has granted them specific governance rights that will be usurped by the WCO.

Ngamatea station

8. Renata Apatu of Nagmatea station, represented his family at this meeting and expressed his strong views against the WCO.

Timahana station

9. I met with Allan and Jack Roberts the owners of Timahana.
10. They are strongly against the WCO and are particularly offended that the application states that they were, "*consulted and were not interested*". In fact they only found out about the WCO because a friend notified them and they are deeply interested.
11. They have regarded themselves as trustees of the rivers and stream on their properties for over 100 years and gifted large tracks of land to the QEII Trust (4,000ha).
12. All the families that we have spoken to so far in the upper reaches of the Ngaruroro have a strong attachment to the rivers and streams on their lands and believe that they have proven to be good guardians over the last 100 years of ownership.

WCO -Treaty agreements

13. I am also of the view that the WCO breaches treaty rights of He Toa Takatini, Mana Ahuriri and

collectively the regional treaty groups through the RPC, whose authority will be totally usurped if the application is upheld.

Plan Change 6

14. The Central HB group presented to Council and to the Māori Committee.
15. It is my personal view that we should support this Region's request for consideration to change the time frames on implementation of Plan Change 6.
16. If Council agreed, this would take a co-ordinated approach with the independent environmental groups.

Workshop with the Regional Mayors

17. We had a very successful meeting with the regional Mayors and Council is still considering all the issues raised in the meeting.

Matariki / REDS

18. As reported we have proposed a different governance/ management model.
19. The current Matariki establishment board are still considering our proposal and have not yet reported back to us.

Poukawa Lake

20. Poukawa Lake was not identified as one of the Region's hot spots but it is vital to our Region as it lies at the headwaters of the Karamu and is surrounded by intensive farming.
21. As reported we had previously met with the delegation from Te Hauke Marae concerning the lake health. They are also the principal owners of much of the land which surrounds the lake.
22. This land is leased to Brownrigg farms who have lived in this region for three generations.
23. We listened to their concerns and resolved to meet with the Brownriggs which we did on Friday 29 October, accompanied by Cr Hewitt and Mr Mohi.
24. It is very clear that their aspirations and objectives were in the main interlinked and that they should sort out between them how they can achieve these and the broader community objectives. We resolved that they needed to get together as a community, connect with our science team and come back to us with an agreed business plan for the management of the lake

Tutira

25. I met with Henare Ratima whose family own some of the land at the Northern end of the lake and the northern section of the lake beard.
26. He is very passionate about his land and protecting the lake and wants to set up a native species habitat in their section of the lake.

My meeting schedule for the month:

- | | |
|---------------------|---|
| 29 September | <ul style="list-style-type: none">• Met with Mana Ahuriri with CE• Met with Brownrigg Bros with Cr Hewitt, Mike Mohi and CE |
| 30 September | Met with Sir Graeme Avery |
| 2 October | <ul style="list-style-type: none">• Attended meeting with Twyford water users• Met with National Party candidate for Tuki Tuki• Met with Liz Remmerswaal• Attended meeting with NKII Chair |
| 4 October | <ul style="list-style-type: none">• Attended Regional Planning Meeting |
| 11 October | <ul style="list-style-type: none">• Attended Regional Councillors Workshop• Councillors met with HB Mayors |
| 12 October | <ul style="list-style-type: none">• Met with Twyford water user group |
| 13 October | <ul style="list-style-type: none">• Met with Andy Lowe (feed lots)• Attended meeting with Upper Ngaruroro Māori land owners with Crs Belford, Beaven and Bailey |
| 16 October | <ul style="list-style-type: none">• Attended Regional Sports Park AGM and Trustee meeting |
| 17 October | <ul style="list-style-type: none">• Attended Māori Committee meeting in Waipukurau• Met with Henare Ratima |
| 18 October | <ul style="list-style-type: none">• Visited Lowe Corporation factory in Pandora• Viewed Tyne Street drain and estuary with Cr Bailey• Attended meeting with Napier Port Chair and CE |
| 19 October | <ul style="list-style-type: none">• Attended Capital Review Structure meeting• Attended Primary Sector lunch• Attended A&P Show function |

- 20 October • A&P Show Day
- 22 October • Met with Jack and Allan Roberts

The Chairman introduced his report, with discussions traversing:

- The water conservation order application, landowners in the upper reaches of the Ngaruroro and land put into QE2 covenants, rights of mana whenua and tangata whenua don't appear to have been considered
- Discussions in relation to Tukituki PC6 and new low flow limits with community representatives and stakeholders
- Alternative Matariki governance structure proposed and potential changes in the Economic Development space to come with the change of Government
- Lake Poukawa issues, meetings with landowners and Te Hauke marae, and related PC5 provisions.

RC127/17 **Resolution**

That the Council receives the tabled "Chairman's Monthly" report.

**Wilson/Barker
CARRIED**

12. HBRC Staff Projects and Activities Through November 2017

James Palmer introduced the item, highlighting science and planning resources focussed on the TANK process and WCO application.

Responding to a query, Mr Palmer and Mrs Lambert provided information in relation to the paratyphoid outbreak, science investigations into the source of the contamination, regulatory requirements for vessels illegally discharging untreated sewerage and advice that the DHB is working with NCC on potentially better regulation of vessels and discharges in the inner harbour marina.

Further discussions covered the NCC Ahuriri Master Plan, ramping up of staff efforts working with landowners to meet FEMP requirements leading up to the May 2018 due date, the soil monitoring programme, HBRC application for Tranche 2 water has been withdrawn, results from the air curtain installed at Lake Waikopiro will be reported to the Environment and Services Committee, and adding Lake Whatuma specifically to the Hotspots projects list.

RC128/17 **Resolution**

That Council receives the ***HBRC Staff Projects and Activities through November 2017*** report.

**Beaven/Bailey
CARRIED**

13. Items of Business Not on the Agenda

Minor items (for discussion only)

Item	Topic	Raised by
1.	Corrections riparian planting Advises he has approached the Corrections department to work with HBRC planting projects if Council can partner with a long term, well established programme	Rick Barker
2.	Tutira update Attended forum meeting recently to report back to the Community, which included a NIWA presentation about Grass Carp and students from Tutira School	Paul Bailey

3.	Drinking Water Governance Joint Committee First meeting held yesterday and agreed final Terms of Reference to be recommended to Council for adoption	Paul Bailey
4.	Whitebait Has been whitebaiting for 60 years, this year is the worst year on record and requests the reasons for that need to be found so that actions can be taken, whether that's suspension of licenses for a period of time or shortening the season, etc, to allow stocks to regenerate	Peter Beaven
5.	Kohupatiki Kaumatua statement re WCO At a meeting recently, Mr Mohi spoke with the Kohupatiki kaumatua, who advised that the WCO was not discussed with the Kohupatiki Marae Committee	Mike Mohi

Item - 15. Chairman's Monthly Report - was considered immediately following item 11.

Closure:

There being no further business the Chairman declared the meeting closed at 12.20pm on Wednesday 25 October 2017.

Signed as a true and correct record.

DATE:

CHAIRMAN: