



## MINUTES OF A MEETING OF THE REGIONAL COUNCIL

**Date:** Wednesday 27 February 2019

**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  
A J Dick  
D Hewitt  
N Kirton  
F Wilson

**In Attendance:** M Mohi – Chairman – Maori Committee  
J Palmer – Chief Executive  
P Munro – Te Pou Whakarae Māori Partnerships  
T Skerman – Group Manager Strategic Planning  
J Ellerm – Group Manager Corporate Services  
A Roets – Governance Administration Assistant

**1. Welcome/Prayer/Apologies/Notices**

The Chairman welcomed everyone to the meeting and Pieri Munro offered a karakia.

**2. Conflict of Interest Declarations**

There were no conflict of interest declarations.

**3. Confirmation of Minutes of the Extraordinary Regional Council Meeting Held on 13 February 2019**

RC18/19 **Resolution**

Minutes of the Extraordinary Regional Council Meeting held on Wednesday, 13 February 2019, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Wilson/Bailey  
CARRIED**

**4. Follow-up Items from Previous Regional Council Meetings**

James Palmer advised that the follow-ups have been completed as noted.

In response to a query in relation to a review of the Our Port consultation process, Jessica Ellerm advised that a review is underway and a report will be provided to a future Corporate and Strategic Committee meeting.

In response to a query, James Palmer advised that Clayton Fippard is a long standing litigant of the Crown, particularly in relation to Social Welfare and MSD.

RC19/19 **Resolution**

That the Council receives and notes the ***“Follow-up Items from Previous Meetings”*** staff report.

**Barker/Bailey  
CARRIED**

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

**Recommendations**

That Council accepts the following “Minor Items of Business Not on the Agenda” for discussion as Item 14.

Item	Topic	Raised by
1.	Hawke’s Bay Tourism	Cr Tom Belford
2.	Future Farming Initiative	Cr Tom Belford
3.	Visit to Waitangi Park	Cr Rex Graham
4.	Whakatu Arterial opening	Cr Alan Dick

The Chair advised that Ministers Damian O’Connor and Stuart Nash, are arriving at 11.45am to meet with Councillors.

**6. Councillor Tom Belford Notice of Motion: Potential Tukituki Plan Change**

The Chairman invited Councillor Tom Belford to move his motion, as presented in the recommendations, being:

3. Agrees that no further expenditure is to be made with respect to investigating or progressing any amendment to PC6 unless/until authorised by future action of Hawke's Bay Regional Council and instructs staff to cease all associated activity in this regard.
4. Requests that staff, relying on existing science programmes, continue to assist and advise the Tukituki Water Taskforce with regard to:
  - 4.1. optimum efficient and equitable use of surface and groundwater in Central Hawke's Bay reaches of the Tukituki River catchment; and
  - 4.2. options and approaches for meeting the requirements of the Tukituki Plan Change (PC6) as it stands.

The motion was seconded by Cr Paul Bailey.

Points covered during discussion of the motion included:

- Basically puts the force of a resolution behind the course of action that the Chief Executive has indicated he is inclined to pursue and not expend any further effort to explore a limited plan change
- staff conducted a due process to assess the feasibility of a limited plan change, resulting in a recommendation to the Regional Planning Committee that no plan change is initiated, however for procedural reasons the Committee did not resolve the item
- Tukituki taskforce is developing a strategy for water use in the catchment which is fair to all stakeholders and the community will decide what equitable use is in CHB
- The motion proposes to discontinue consideration of the plan change before the RPC has had the opportunity to resolve the matter because it remains 'on the table' and preempts what tangata whenua may decide
- strong opposition to the motion was expressed, noting that the Tukituki Taskforce has had significantly less time to work with the community than was afforded the TANK stakeholder group and a request made for more time to engage with the community to find solutions and the way forward
- the motion itself does not preclude any further investigation or engagement with the community, and formalises a hiatus in the process which could potentially be reinvigorated through an RPC recommendation to Council

RC20/19

## **Resolutions**

That Hawke's Bay Regional Council

1. Receives and notes the "*Councillor Tom Belford Notice of Motion: Potential Tukituki Plan Change*" staff report.
2. Receives Councillor Tom Belford's Notice of Motion: Potential Tukituki Plan Change for consideration.
3. Agrees that no further expenditure is to be made with respect to investigating or progressing any amendment to PC6 unless/until authorised by future action of Hawke's Bay Regional Council and instructs staff to cease all associated activity in this regard.
4. Requests that staff, relying on existing science programmes, continue to assist and advise the Tukituki Water Taskforce with regard to:
  - 4.1. optimum efficient and equitable use of surface and groundwater in Central Hawke's Bay reaches of the Tukituki River catchment; and
  - 4.2. options and approaches for meeting the requirements of the Tukituki Plan Change (PC6) as it stands.

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

## 7. Draft Regional Public Transport Plan for Consultation

Tom Skerman introduced the item and Ellen Humphries presented the draft Plan with discussions highlighting:

- The public transport plan is a strategic document that provides a public statement of public transport services, policies and procedures that apply to these services for the next 3 years
- A 53% increase on public transport spending nationally is forecast, and \$13million increase (68%) for Hawke's Bay
- Planned high priority activities are concession fare schemes, new and improved ticketing system, transport needs and potential solutions for CHB and Wairoa, trialling on-demand services and introducing 'ridewise'
- Lower priority activities include improved secure cycle parking, goBay website and journey planning
- Queries about how to increase usage and what ultimate targets for patronage for the region might be
- The Regional Transport Committee held a workshop covering issues including future patronage, curb side access and initiatives from overseas to develop the public transport plan
- HBRC Strategic Plan 2017-21 strategic goal of a carbon neutral Hawke's Bay by 2040 - Council does not currently have a public transport or transport specific zero carbon goal, however integrated in the overall strategic plan
- planned activities to investigate transport needs and possible solutions for CHB and Wairoa including consideration of services for EIT students travelling from CHB and a total mobility scheme in Wairoa
- lots of work to be done to investigate alternatives to traditional public transport modes

## RC21/19 Resolutions

That Hawke's Bay Regional Council:

1. Agrees that the decision to be made today is not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion to make this decision to enter into a full public consultation process for the draft 2019-29 Regional Public Transport Plan.
2. Approves the release of the draft 2019-2029 Regional Public Transport Plan as proposed, for public consultation.

**Dick/Wilson  
CARRIED**

## 8. 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	<b>Leasehold Land Sales</b>		
1.1.1	Lot 46 DP 12517 CT D4/978 - Agreement for Sale and Purchase	4288	14 January 2019
1.1.2	Lot 150 DP 12780 CT E1/751 - Agreement for Sale and Purchase	4289	14 January 2019

	1.1.3 Lot 33 DP 9653 CT C2/437 - Agreement for Sale and Purchase	4291	21 January 2019
	1.1.4 Lot 71 DP 6598 CT C2/301 - Agreement for Sale and Purchase	4292	21 January 2019
	1.1.5 Lot 46 DP 12517 CT D4/978 - Transfer	4298	13 February 2019
1.2	Staff Warrants 1.2.1 G. Morton S. Grant P. Davis <i>(Delegations under Resource Management Act 1991; Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908 and Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174))</i>	4284 4285 4287	17 December 2018 17 December 2018 18 December 2018
	1.2.2 T. Edwards <i>(Delegations under Resource Management Act 1991; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174))</i>	4286	17 December 2018
	1.2.3 P. Rakete-Stones S.Diphorn <i>(Delegations under Biosecurity Act 1993; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174))</i>	4299 4300	19 February 2019 19 February 2019
	1.2.4 M. Adye <i>(Delegations under the Civil Defence Emergency Management Act 2002 (s.86-92 inclusive) and Clause 32B Schedule 7 of the Local Government Act 2002)</i>	4293	16 January 2019
1.3	Regional Pest Management Plan 2018-2038	4290	21 January 2019

RC22/19

## Resolutions

That Hawke's Bay Regional Council:

1. Agrees that the decision to be made is not significant under the criteria contained in Council's adopted Significance and Engagement Policy 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/Wilson  
CARRIED**

**9. Report from 12 February 2019 Māori Committee Meeting**

Mike Mohi reported that meeting was held at Matahiwi marae, with discussions traversing:

- For the first time, the four Taiwhenua provided written reports which enabled appropriate staff to answer any questions which may arise from those reports
- Committee members had the opportunity to raise questions and concerns with the CE and Chair
- The “*Nga Pou Mataara Hou: Development of a tikanga Maori based monitoring framework for the Tukituki awa*” report added useful context the regional Three Waters review in terms of the way “mauri” is described from a taiwhenua viewpoint, as Mauri O te Wai

RC23/19 **Resolution**

That the Hawke’s Bay Regional Council receives and notes the “*Report from the 12 February 2019 Māori Committee Meeting*”.

**Graham/Wilson  
CARRIED**

**10. Report from the 13 February 2019 Environment and Services Committee Meeting**

Tom Belford, as Chair of the committee, introduced the item which was taken as read, with discussions covering:

- Clive River dredging
- nominees for the Environmental awards
- Central Hawke’s Bay Wastewater Discharge discussions and feedback from Central Hawke’s Bay that Chairing and conduct at the meeting was very disappointing.

RC24/19 **Resolution**

That Hawke’s Bay Regional Council receives and notes the “*Report from the 13 February 2019 Environment and Services Committee Meeting*”.

**Belford/Barker  
CARRIED**

*The meeting adjourned at 11.40am and reconvened at 1.12pm with Cr Rick Barker absent.*

**11. Report from the Regional Planning Committee**

The item was taken as read.

RC25/19 **Resolution**

That the Hawke’s Bay Regional Council receives and notes the “*Report from the Regional Planning Committee meeting held on Wednesday 20 February 2019*”.

**Graham/Beaven  
CARRIED**

**12. Napier Port IPO Transaction Project Update**

Jessica Ellerm introduced the update from the Executive Steering Committee, highlighting:

- New Port Directors, John Harvey and Vincent Tremaine have been formally appointed and commenced their duties
- two Joint Lead Managers – Goldman Sachs and Deutsche Craigs – have been appointed and will be providing advice to Council in two workshops scheduled for March
- Council has reappointed Jonathan Hill from Series Two as the Primary

Communications Consultant for the remainder of the project.

- Due Diligence Committee, comprised of key Advisors and Port directors and staff, scope of works has been drafted and will be undertaking extensive due diligence of the Port from accounting and tax, trade and economic, environmental and legal perspectives
- In relation to the HoldCo consultation, it was noted that 4 submissions have been received to date, and Hearings are scheduled on 20 March.

RC26/19

### **Resolution**

That Hawke's Bay Regional Council receives and notes the "**Napier Port IPO Transaction Project Update**" staff report.

**Beaven/Wilson  
CARRIED**

13.

### **Significant HBRC Activities through March 2019**

James Palmer responded to queries, with discussions traversing:

- report on the Pre-feasibility assessment for a Groundwater Replenishment Scheme for the Ruataniwha Basin is expected by 1 March
- results of the Tutira air curtain trial are due to be reported back to the Tutira Governance Group in April with a recommendation on whether to continue with the bubbler or not
- The area of Manuka planting at Whakaki

*Cr Rick Barker re-joined the meeting at 1.22pm.*

- Contracts let for Possum eradication and predator suppression at Mahia, and proposed to provide regular updates on Whakatipu Mahia to the Environment and Services Committee
- Mohaka River Road is work in progress and has been a very protracted process
- Cycle networks and proposed trails in the Wairoa area
- Lake Whatuma sediment built up in the out flow and whether Hotspots funding may be available to address the situation
- CHB Wastewater investigations into truly durable, sustainable solutions are progressing through the working party reference group established by CHBDC as ordered by the Environment Court
- The pre-notification consultation process for the TANK plan change is under way and an update will be provided to the RPC
- Council's Groundwater modeller has resigned and it will be extremely difficult find a suitable replacement so consideration is being given to appointing a junior person or someone with a PhD in a related field and grow them. There is sufficient competent staff resource to continue the work relating to the TANK plan change process.
- 5km of fencing at Porangahau Estuary is being done voluntarily
- Formal process for Hastings District Council to designate the road reserve alongside Waimarama Road prior to the new pathway being laid
- Marine is a "stand alone" workstream and will be reported as such in future
- Stormwater and wastewater workstreams for consent applications and compliance for Wairoa, Central Hawke's Bay, Napier and Hastings TAs
- Tukipo sub-catchment selected as a Fonterra 50 catchment (projects around NZ with focus on remediation of native vegetation and riparian planting) with potential for Council to run a science program alongside to ascertain its efficacy

RC27/19

### **Resolution**

That the Hawke's Bay Regional Council receives and notes the **Significant HBRC Activities through March 2019** report.

**Barker/Beaven  
CARRIED**

## 14. Discussion of Minor Items Not on the Agenda

Item	Topic	Raised by
1.	<p>Hawke's Bay Tourism</p> <ul style="list-style-type: none"> <li>• Board met last week and mostly business as usual</li> <li>• HBT Chairman to provide update to Council around funding alternatives with tourism entities dealing with these issues nationwide – seeking advocacy to a national level.</li> </ul>	Cr Tom Belford
2.	<p>Future Farming initiative</p> <ul style="list-style-type: none"> <li>• Mission Statement and Scope of activities has been developed</li> <li>• Minutes of the last meeting will be distributed to Councillors</li> <li>• The Group is working through the structural questions about the permanent form of the committee, its membership and appointment processes</li> <li>• An update will be provided to the next Environment and Services meeting</li> </ul>	Cr Tom Belford
	<p>Whakatu arterial road opening</p> <ul style="list-style-type: none"> <li>• Cr Alan Dick represented the Council at the Whakatu Arterial, now called the "Te Ara Kahikatea" road opening.</li> <li>• Cost of \$27million spent, it was the biggest roading project in HB since building of the expressway</li> <li>• HDC to be congratulated for delivering the project on-time and under budget.</li> </ul>	Cr Alan Dick
3.	<p>Waitangi Park visit</p> <ul style="list-style-type: none"> <li>• Visited the park and was overwhelmed and impressed by the work done there, and has organised a park visit on Monday 18 March at 1pm for any councillors available</li> </ul>	Cr Rex Graham

## 18. Napier to Wairoa Rail Reinstatement

### RC28/19 Resolutions

1. That Council excludes the public from this section of the meeting, being Agenda Item 18 Napier to Wairoa Rail Reinstatement with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

**GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED**

Napier to Wairoa Rail Reinstatement

**REASON FOR PASSING THIS RESOLUTION**

7(2)(i) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

**GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION**

The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

2. That Nick Cornwall remains in attendance for this item as subject matter expert and Council advisor.

**Barker/Kirton  
CARRIED**



**15. Napier Port Director Reappointment**

**RC29/19 Resolutions**

1. That Council excludes the public from this section of the meeting, being Agenda Item 15 Napier Port Director Reappointment with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

<b>GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED</b>	<b>REASON FOR PASSING THIS RESOLUTION</b>	<b>GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION</b>
Napier Port Director Reappointment	7(2)(a) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect the privacy of natural persons.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

2. That Blair O’Keeffe remains in attendance for this item as Chief Executive of HBRIC Ltd, being the body making the recommendation for reappointment.

**Barker/Kirton  
CARRIED**

**16. Port Development Project February 2019 Update**

**RC30/19 Resolutions**

1. That Council excludes the public from this section of the meeting, being Agenda Item 16 Port Development Project February 2019 Update with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

<b>GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED</b>	<b>REASON FOR PASSING THIS RESOLUTION</b>	<b>GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION</b>
Port Development Project February 2019 Update	7(2)(b)(ii) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of that information is necessary to protect information which otherwise would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.  7(2)(j) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

2. That Blair O’Keeffe remains in attendance for this item as Chief Executive of HBRIC Ltd, and subject matter expert.

**Barker/Kirton  
CARRIED**

**17. Shareholder Appointed Directors**

**RC31/19 Resolutions**

1. That Council excludes the public from this section of the meeting, being Agenda Item 17 Shareholder Appointed Directors with the general subject of the item to be

considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	FOUNDATIONS UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Shareholder Appointed Directors	7(2)(a) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect the privacy of natural persons.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

2. That Blair O’Keeffe remains in attendance for this item as Chief Executive of HBRIC Ltd, and subject matter expert.

**Barker/Kirton  
CARRIED**

***The meeting went into public excluded session at 1.47pm and out of public excluded session at 2.41pm***

**Closure:**

There being no further business the Chairman declared the meeting closed at 2.42pm on Wednesday 27 February 2019.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....