



## MINUTES OF A MEETING OF THE REGIONAL COUNCIL

**Date:** Wednesday 1 May 2019

**Time:** 1.00pm

**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 (*from 1.23pm*)

**In Attendance:** M Mohi – Chairman – Maori Committee  
J Palmer – Chief Executive  
J Ellerm – Group Manager Corporate Services  
I Maxwell – Group Manager Integrated Catchment Management  
T Skerman – Group Manager Strategic Planning  
E Lambert – Group Manager External Relations  
J Lawrence – Group Manager Office of the CE & Chair  
L Hooper – Principal Advisor Governance

## 1. Welcome/Prayer/Apologies/Notices

The Chairman welcomed everyone to the meeting and Mike Mohi offered a karakia, acknowledging the recent deaths and misfortunes suffered by the Hawke's Bay community as well as the re-election of Ngahiwi Tomoana as Chair of Ngati Kahungunu Iwi Inc.

### Resolution

RC33/19 That the apology for lateness from Councillor Fenton Wilson is accepted.

**Barker/Bailey  
CARRIED**

Having read of Councillor Debbie Hewitt's decision to stand down at the next election, her service and contributions to the Council and the Central Hawke's Bay community was acknowledged.

## 2. Conflict of Interest Declarations

There were no conflict of interest declarations.

## 3. Confirmation of Minutes of the Regional Council Meeting Held on 27 March 2019

### RC34/19 Resolution

Minutes of the Regional Council Meeting held on Wednesday, 27 March 2019, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Barker/Bailey  
CARRIED**

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

The item was taken as read, with discussions covering:

- Transport focussed workshop potentially scheduled after Regional Passenger Transport Plan submission hearings (27 May) and before the Plan's adoption at the 26 June Regional Council meeting.
- Additional information in relation to LGOIMA requests including the Radio NZ request in relation to the Pan Pac pipeline leak; the Ethical Investment policy as relates to Kathryn Bayliss' request, the Greenpeace request relating to councillor business connections (council does not hold); and the Forest & Bird request for Farm Environment Management plans (Council provided the relevant data council holds however Council does not hold the actual FEMP documents).
- Further discussion in relation to the request for the FEMPs covered - the information required by Council (nutrient budgets) and provided to the requestor, privacy considerations in terms of the collection of information and the purpose for which it is collected; discussions nationally on what information councils should hold as well as infrastructure requirements if it is decided that Council does have to 'hold' the thousands of physical FEMPs, which may run to many pages and include maps and photos.

*Fenton Wilson arrived at 1.23pm*

### RC35/19 Resolution

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

**Barker/Beaven  
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 15

| Topic  | Raised by |
|--|-----------|
| HB Drinking Water Governance Joint Committee | Cr Bailey |
| Carbon Footprint & Air travel                | Cr Kirton |

## 6. Significant Council Staff Activities through May 2019

The item was taken as read, with queries including:

- discussions with Waipawa Catchment management staff on use of the Waipuk depot
- School challenge activity finding moth plants
- Latest update from Pan Pac was last Wednesday when the item was written
- Stormwater discharge (to Ahuriri Estuary) consent applications remain on hold pending iwi consultation and awaiting further information requested by staff, who are in active discussions with the applicants
- Te Mata mushrooms application notification anticipated in June
- Approach to Heretaunga Plains water take application renewals in anticipation of TANK plan change
- Realignment of Nuhaka River road – has been redesigned and staff working for WDC
- Tranche 2 applications still on hold

### RC36/19 Resolution

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

**Barker/Kirton  
CARRIED**

## 7. Order of Candidates' Names on Voting Documents

Joanne Lawrence introduced the item, recommending that voting papers list candidate names randomly rather than alphabetical which has been used by this council in all past elections, with queries about the evidence that random is more fair than alphabetical.

### RC37/19 Resolutions

That Hawke’s Bay Regional Council:

1. Agrees that the decision to be made is not significant under the Council’s adopted Significance and Engagement Policy, and that Council can exercise its discretion and make this decision without conferring directly with the community or persons with an interest in the decision.
2. Resolves that the names of candidates at the 2019 Hawke’s Bay Regional Council elections and any intervening by-elections be arranged in random order.

**Hewitt/Bailey  
4 for: 5 against  
LOST**

## 8. Report and Recommendations from the Regional Planning Committee

Joanne Lawrence introduced the item, with discussions covering:

- Voting and quorum for the Committee to accommodate a tangata whenua vacancy to comply with the legislative requirement that there are equal numbers of councilors and tangata whenua
- Agreed recommendations to Council in relation to the remuneration review and potential Tukituki plan change
- Definition of feedlot relates to continuous ground cover; the different way farmers use feedlots
- Very successful and interesting day and sincere thanks extended to the hosts

### RC38/19 Resolution

That the Hawke's Bay Regional 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. That Hawke's Bay Regional Council receives and adopts the Report and recommendations from the Regional Planning Committee including the Regional Planning Committee resolutions as follows.

#### Potential Tukituki Plan Change

3. Agrees that the decision to be made is not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that the Committee can exercise its discretion and make this decision without conferring directly with the community in addition to the feedback already provided by stakeholders.
4. Agrees to not progress a proposed plan change to defer the 2018 minimum flow regime until 1 July 2021.

**Against: Dick, Hewitt, Wilson**

#### Reports

5. Notes that the following reports were provided to the Committee
  - 5.1. Tangata whenua Remuneration Review
  - 5.2. HBRC 2019-20 Annual Plan Approach
  - 5.3. Overview of the Regional Three Waters Review
  - 5.4. Resource Management Policy Project Updates
  - 5.5. Statutory Advocacy Update.

**Bailey/Barker  
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 | <b>Leasehold Land Sales</b>  |          |               |
|     | 1.1.1 Lot 96<br>DP 13379<br>CT F1/596<br>- Agreement for Sale and Purchase | 4309     | 29 March 2019 |

|            |  |      |               |
|------------|--|------|---------------|
|            | 1.1.2 Lot 3<br>DP 4578<br>CT 56/142<br>- Transfer  | 4310 | 29 March 2019 |
|            | 1.1.3 Lot 2<br>DP 11825<br>CT C4/669<br>- Transfer   | 4313 | 9 April 2019  |
|            | 1.1.4 Lot 96<br>DP 13379<br>CT F1/596<br>- Transfer  | 4314 | 9 April 2019  |
|            | 1.1.5 Lot 2<br>DP 14773<br>CT G3/1459<br>- Agreement for Sale and Purchase   | 4315 | 15 April 2019 |
| <b>1.2</b> | <b>Staff Warrants</b>  |      |               |
|            | 1.2.1 C. Stace<br><i>(Delegations under Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91)and Local Government Act 2002 (s.174))</i> | 4312 | 9 April 2019  |
|            | 1.2.2 W. Telford<br><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>  | 4311 | 29 March 2019 |

## RC39/19 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 that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
2. Confirms the action to affix the Common Seal.

**Wilson/Barker  
CARRIED**

## 10. April 2019 Napier Port IPO Transaction Project Update

Jessica Ellerm introduced the item, which was taken as read.

## RC40/19 Resolution

That Hawke's Bay Regional Council receives and notes the "*April 2019 Napier Port IPO Transaction Project Update*" staff report.

**Dick/Belford  
CARRIED**

**11. Annual Plan 2018-19 Progress Report to 31 March 2019 and Nine Month Reforecast for Financial Year Ending 30 June 2019**

Jessica Ellerm introduced the item, including the reforecasting exercise and over spend on the Napier Port IPO consultation process, advising this is Manton's last appearance at Council before he moves on to his new job in the private sector.

- Some revenue shortfalls however expected that year end financial results will be broadly on budget
- Request for clarification of the Awatoto air shed PM<sup>10</sup> exceedance
- Esk River water allocation under existing rules, with remaining capacity in the system despite reports of domestic bores becoming inefficient
- Encouraging efficient and effective water use performance narratives all relate to measuring and reporting – no measure to assess initiatives/activities and their level of effectiveness
- How targets are reported in terms of being “on track” or otherwise, and using meaningful data when reporting, i.e. 2 projects representing 100km of riparian planting
- CDEM reports regularly to the CDEM Coordinating Executives Group and Joint Committee and will report the Group's performance under the new model to each individual council – as was reported to this Council 27 March
- Reporting progress against the strategic goals, and whether Council's measuring the right things including reducing Council's carbon footprint
- Investment returns will be reported to the 22 May Finance Audit & Risk sub-committee meeting, and investment managers in attendance
- Kahutia carbon credit loan has not progressed, as business case not yet submitted
- Salary protection and Life insurance cover for staff

**RC41/19 Resolution**

That the Hawke's Bay Regional Council receives and notes the “*Annual Plan 2018-19 Progress Report to 31 March 2019 and Nine Month Reforecast for Financial Year ending 30 June 2019*” staff report.

**Kirton/Bailey  
CARRIED**

**12. Clifton to Tangoio Coastal Hazards Strategy Joint Committee Meeting Summary**

Councillor Peter Beaven, as Chair, spoke to the item highlighting:

- Stage 4 financial modelling and design tasks taking longer than originally envisaged
- Now likely that consultation on Strategy implementation will run at the same time as, and possibly in conjunction with, the next LTP consultation process
- The Joint Committee is potentially going to recommend a hybrid funding model that taps into funding from central government and some agencies that benefit from coastal protection works in addition to Council funding

**RC42/19 Resolution**

That the Hawke's Bay Regional Council receives and notes the “Clifton to Tangoio Coastal Hazards Strategy Joint Committee Meeting Summary” report.

**Beaven/Barker  
CARRIED**

**13. Report from 9 April 2019 Māori Committee Meeting**

Mr Mohi introduced the item, which was taken as read, highlighting discussions on the seagrass in Porangahau Estuary, Dartmoor eels, tangata whenua updates which encourage tai whenua reps to shed more public light on the issues facing their rohe, and updates from the HBRC Chair and CE that the committee find useful.

RC43/19 **Resolution**

That the Hawke’s Bay Regional Council receives and notes the “*Report from 9 April 2019 Māori Committee Meeting*”.

**Graham/Barker  
CARRIED**

**14. Report from the 10 April 2019 Environment and Services Committee Meeting**

Tom Belford introduced the item, highlighting the discussions at the meeting on the discharges to the marine environment item in particular, and requests for additional reporting on discharges including compliance with resource consent conditions which may potentially be over and above what is included in the six monthly compliance report. Further discussions traversed:

- Process for taking requests from the Committee forward in the absence of decision items making recommendations to Council and whether those could be more fully reflected in the report from the Committee
- ANZ carbon presentation and drivers for forestry and tree planting, Right tree Right place expansion to include comparative agronomic assessment, socioeconomic analysis and a Wairoa case study.

RC44/19 **Resolutions**

1. That Hawke’s Bay Regional Council receives and notes the “*Report from the 10 April 2019 Environment and Services Committee Meeting*”.
2. That a comprehensive report on public wastewater consents is provided to Council on a six monthly basis, including:
  - 2.1. Compliance with consent conditions
  - 2.2. Council science input
  - 2.3. Assessment from the Council Executive on strategic elements of public wastewater management.

**Belford/Kirton  
CARRIED**

**15. Discussion of Minor Items not on the Agenda**

| Item | Topic  | Raised by |
|------|--|-----------|
| 1.   | HB Drinking Water Governance Joint Committee<br>Recent meeting on 11 April received only information items, which included discussions of the regional and national 3 waters reviews, the source protection zone development through the TANK plan change and results of the Tikokino/Ongaonga residents’ drinking water survey which will be reported to the Environment and Services Committee | Cr Bailey |
| 2.   | Carbon Footprint & Air travel<br>HBRC carbon footprint in relation to impacts of travel (air and road) on the organisation’s footprint and how Council might measure that  | Cr Kirton |

**16. Confirmation of Public Excluded Minutes of the Regional Council Meeting held on 27 March 2019**

**RC45/19 Resolution**

That the Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 16 with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

| <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>                              |
|--|---|--|
| Nominations for Certificates of Appreciation                     | 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. |
| 2019-20 Annual Plan Communications Plan                          | 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) | The Council is specified, in the First Schedule to this Act, as a body to which the Act applies. |
| Confirmation of Public Excluded Meeting held on 27 February 2019 | 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. |
| HBRIC Ltd Independent Director Remuneration                      | 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. |

**Wilson/Beaven  
CARRIED**

**Resolutions**

**RC46/19** Public Excluded Minutes of the Regional Council meeting held on Wednesday, 27 March 2019, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Hewitt/Barker  
CARRIED**

**RC47/19** That the meeting moves out of Public Excluded session.

**Beaven/Bailey  
CARRIED**

***The meeting went into public excluded session at 3.01pm and out of public excluded session at 3.02pm***

Mike Mohi offered a karakia to close.

**Closure:**

There being no further business the Chairman declared the meeting closed at 3.04pm on Wednesday, 1 May 2019.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....