



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 29 May 2019

Time: 9.00am

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
J Ellerm – Group Manager Corporate Services
E Lambert – Group Manager External Relations
L Hooper – Principal Advisor Governance
J Lawrence – Group Manager Office of the CE & Chair
A Redgrave – Transport Manager

1. Welcome/Prayer/Apologies/Notices

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

There were no apologies, nor notices.

The Chairman advised the meeting will adjourn at 10.30am for morning tea with recipients of Environmental Appreciation certificates and reconvene at 11am to present those awards.

2. Conflict of Interest Declarations

Councillor Barker declared a conflict of interest in item 15 Majority Shareholder Director Appointments to Port of Napier Board of Directors, and advised he will therefore excuse himself from that part of the meeting.

There were no further conflict of interest declarations.

3. Confirmation of Minutes of the Regional Council Meeting held on 1 May 2019

RC48/19 Resolution

Minutes of the Regional Council meeting held on Wednesday, 1 May 2019, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

Hewitt/Wilson
CARRIED

4. Follow-up Items from Previous Regional Council Meetings

In relation to the email from Joanne Lawrence responding to queries raised at the 1 May meeting, it was noted:

- odour issues in the Awatoto air shed are a resource consent compliance issue, and not part of the air quality monitoring for PM₁₀
- water allocation and bores becoming inefficient not unique to Ahuriri or

A query raised whether Pan Pac has advised dates for commencement of the work to replace the discharge pipe.

The item was not resolved

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 12.

| Topic | Raised by |
|--|-------------|
| Workstreams, KPIs and targets and how we report them | Cr R Barker |
| S36 charges for CHB Water Holdings Ltd | Cr P Bailey |

6. Significant Council Staff Activities through June 2019

The item was taken as read, with discussions covering:

- Pest plants - Napier Boys High School competition sponsored by HBRC collected 5,000 moth plants
- Nuhaka River Road realignment design contract out for pricing and will then be

- subjected to risk assessment to determine start date
- HBRC global gravel extraction consents – no significant opposition to process however has taken some time to work through processes with affected parties, particularly Ngati Kahungunu. Gravel extraction is being undertaken under the ‘old’ regime while new consents process continues.
- HB Drinking Water Joint Committee agendas and minutes are routinely provided to councillors as a means of reporting and queried whether actions and recommendations from the JC should be aligned with regulatory reporting
- WDC new wastewater consent process is in hand, awaiting s92 information requested (expected within next 1-2 weeks) to enable progressing the application to notification within the next 1-2 months in line with agreed expectation that issues will be resolved as soon as practical
- CHB DC wastewater reference group report is to be presented to the Environment and Services committee meeting on 19 June
- land adjacent to Te Angiangi marine reserve is undergoing valuation, including
- Upper Tukituki scheme review commissioned with independent consultant due to workload issues, looking to remove any known errors in the previous report and to re-examine the recommendations in relation to equity issues.
- NPS for protection of productive soils in relation to Heretaunga Plains and whether that legislation may provide Council with more tools to protect its productive capacity
- In relation to water take renewals on Heretaunga Plains, those are being rolled over under current provisions and will be up for review when the TANK plan change become fully operative
- Concerns expressed in relation to preservation of the Te Angiangi estuary including relationships with Ngati Kere, DoC and adjacent landowners

RC49/19 **Resolution**

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

**Barker/Bailey
CARRIED**

7. Hearings and Decision Making Processes for the Regional Public Transport Plan

The item was taken as read, with Anne Redgrave highlighting:

- Late submission from Hastings District Council
- Proposing that councillors Alan Dick, Paul Bailey and Rick Barker form the Hearing Panel to hear submissions

RC50/19 **Resolutions**

That the Hawke’s Bay Regional Council:

1. Receives and notes the “Hearings and Decision Making Processes for the Regional Public Transport Plan” staff report
2. Receives the written submissions on the draft Regional Public Transport Plan
3. Appoints the Hearing Panel comprised of Councillors Alan Dick, Rick Barker and Paul Bailey to hear and consider submissions on 12 June 2019 and make recommendations on the final plan to the Regional Council.

**Wilson/Beaven
CARRIED**

8. Report and Recommendations from the Regional Planning Committee

James Palmer introduced the item, the substantive recommendations relating to the Outstanding Water Bodies plan change pre-notification consultation. Discussions covered:

- Long list of outstanding water bodies which may be shortened through the

submissions and hearing processes

- RPC powers to make decisions in its own right, specifically in relation to instructing staff, recommendations to Council and refer-back provisions in the RPC Act
- Potential for Council to resolve to release a plan change for consultation in the absence of an RPC resolution to do so, the RPC dispute resolution process, plan change timeframes required by the RMA and associated legal risks to Council with options available

RC51/19

Resolutions

That Hawke's Bay Regional Council:

1. Receives and accepts the Report and resolutions from the Regional Planning Committee, being:

TANK Plan Change - Feedback and Recommendations Following Pre-Notification Consultation

- 1.1 That the Regional Planning Committee defers the item for decision at the 3 July 2019 meeting.

Outstanding Water Bodies Plan Change

- 1.2. Receives and notes the report SD 19-18 *Outstanding Water Bodies Plan Change: Selecting a list of outstanding water bodies in Hawke's Bay*.
- 1.3 Receives and notes the report SD 19-19 *Outstanding Water Bodies in Hawke's Bay: Report of the Expert Panel* (April 2019).
- 1.4 Notes that Ngāti Pahauwera and Te Uru Taumatua o Tūhoe have elected not to participate in the Outstanding Water Bodies process and consequently their values for the waterways with which they are associated are not reflected in Draft Plan Change 7.
- 1.5 Agrees the draft list of Outstanding Water Bodies for inclusion in Draft Proposed Plan Change 7 as follows.

| ID | Name of outstanding water body | Description | Outstanding value(s) |
|----|--|-------------|--|
| 1 | Boundary Stream, including Shine Falls | TBC | Cultural, spiritual |
| 2 | Hautapu River | TBC | Cultural, spiritual |
| 3 | Heretaunga Aquifer | TBC | Cultural, spiritual, geology |
| 4 | Karamu River | TBC | Cultural, spiritual |
| 5 | Kaweka and Ruahine Ranges wetlands | TBC | Cultural, spiritual |
| 6 | Lake Rotoroa and Lake Rototuna (Kaweka Lakes) | TBC | Cultural, spiritual, native fish, native plants, natural character |
| 7 | Lake Poukawa and Pekapeka Swamp | TBC | Cultural, spiritual, wildlife |
| 8 | Lake Tūtira (including Aropaoanui River + Papakiri Stream) | TBC | Cultural, spiritual |
| 9 | Lake Waikareiti | TBC | Cultural, spiritual |
| 10 | Lake Waikaremoana | TBC | Cultural, spiritual, native plants, natural character, landscape & geology, recreation |
| 11 | Lake Whakakī - Te Paeroa Lagoon - Wairau Lagoon and wetlands | TBC | Cultural, spiritual, wildlife |
| 12 | Lake Whatumā | TBC | Cultural, spiritual, wildlife |
| 13 | Makirikiri River | TBC | Cultural, spiritual |

| | | | |
|----|--|-----|--|
| 14 | Mangahouanga Stream | TBC | Cultural, spiritual, geology |
| 15 | Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands | TBC | Cultural, spiritual, wildlife |
| 16 | Mohaka River (Lower - below Willowflat) | TBC | Cultural, spiritual, macroinvertebrates |
| 17 | Mohaka River (Upper - above Willowflat) | TBC | Cultural, spiritual, macroinvertebrates, natural character, landscape & geology, recreation |
| 18 | Morere Springs | TBC | Cultural, spiritual |
| 19 | Ngamatea East Swamp | TBC | Cultural, spiritual, native plants, natural character |
| 20 | Ngaruroro River (Lower) and Waitangi Estuary | TBC | Cultural, spiritual, wildlife, native fish, recreation |
| 21 | Ngaruroro River (Upper) | TBC | Cultural, spiritual, wildlife, native fish, macroinvertebrates, natural character, landscape & geology, recreation |
| 22 | Nuhaka River | TBC | Cultural, spiritual |
| 23 | Opoutama Swamp | TBC | Cultural, spiritual |
| 24 | Porangahau Estuary | TBC | Cultural, spiritual, wildlife, native fish, native plants, landscape & geology |
| 25 | Porangahau/Tāurekaitai River | TBC | Cultural, spiritual, wildlife |
| 26 | Putere Lakes | TBC | Cultural, spiritual |
| 27 | Ripia River | TBC | Cultural, spiritual |
| 28 | Ruakituri River | TBC | Cultural, spiritual, macroinvertebrates, natural character, landscape & geology, recreation |
| 29 | Ruataniwha Aquifer | TBC | Cultural, spiritual, geology |
| 30 | Tarawera Hot Springs | TBC | Cultural, spiritual |
| 31 | Taruarau River | TBC | Cultural, spiritual, macroinvertebrates, natural character, landscape and geology, recreation |
| 32 | Te Hoe River | TBC | Cultural, spiritual, wildlife |
| 33 | Te Paerahi River | TBC | Cultural, spiritual |
| 34 | Te Whanganui a Orotū (Ahuriri Estuary) | TBC | Cultural, spiritual, wildlife, native fish, landscape and geology |
| 35 | Tukituki River and Estuary | TBC | Cultural, spiritual, wildlife, landscape & geology |
| 36 | Tūtaekurī River | TBC | Cultural, spiritual, macroinvertebrates |
| 37 | Waiau River | TBC | Cultural, spiritual, wildlife |
| 38 | Waihua River | TBC | Cultural, spiritual |
| 39 | Waikaretaheke River | TBC | Cultural, spiritual |
| 40 | Waikoau River/ Aropaoanui River | TBC | Cultural, spiritual |
| 41 | Waipawa River | TBC | Cultural, spiritual |
| 42 | Waipunga River | TBC | Cultural, spiritual, macroinvertebrates |

| | | | |
|----|--------------|-----|---------------------|
| 43 | Wairoa River | TBC | Cultural, spiritual |
|----|--------------|-----|---------------------|

- 1.6 Agrees that Draft Proposed Plan Change 7 be released for pre-notification consultation.
- 1.7 Requests that staff assist iwi authorities to provide information and commit funding, within existing associated budgets, for iwi to undertake the analysis of information gaps in cultural and spiritual values for the outstanding water bodies in Draft Proposed Plan Change 7.
- 1.8 The Regional Planning Committee recommends that Hawke's Bay Regional Council:
 - 1.8.1 Releases the Draft Proposed Outstanding Water Bodies Plan Change 7 for pre-notification consultation with relevant Ministers of the Crown, local authorities, iwi authorities and stakeholders in accordance with Schedule 1 of the Resource Management Act.
 - 1.8.2 Provides for a period of four weeks for pre-notification consultation with those parties identified in 1.8.1.

Outstanding Water Bodies Plan Change

2. Releases Draft Outstanding Water Bodies Plan Change 7 for pre-notification consultation with relevant Ministers of the Crown, local authorities, iwi authorities and stakeholders in accordance with Schedule 1 of the RMA.
3. Provides for a period of four weeks for pre-notification consultation with those parties identified in 2 above.

Reports

4. Notes that the following reports were provided to the Committee
 - 4.1 Resource Management Policy Project May 2019 Updates
 - 4.2 Statutory Advocacy May 2019 Update.

**Barker/Beaven
CARRIED**

9. Affixing of Common Seal

1. 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 80 DP 11780 CT C3/510 - Transfer | 4316 | 30 April 2019 |
| 1.1.2 | Lot 2 DP 14773 CT G3/1459 - Transfer | 4319 | 6 May 2019 |
| 1.1.3 | Lot 119 DP 11027 CT B3/448 - Agreement for Sale and Purchase | 4320 | 8 May 2019 |

| | | | |
|------------|--|------|------------|
| | 1.1.4 Lots 2 & 3 DP 4318 CT 54/229 - Transfer | 4321 | 8 May 2019 |
| 1.2 | Staff Warrants | | |
| | 1.2.1 R. Engelke <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> | 4318 | 2 May 2019 |
| | 1.2.4 H. McCoskery <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> | 4317 | 2 May 2019 |

RC52/19 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 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.

**Dick/Barker
CARRIED**

12. Discussion of Minor Items Not on the Agenda

| Topic | Raised by |
|---|-------------|
| Workstreams, KPIs and targets and how we report these Suggests need to reorient reporting to better show how much work is being achieved in environmental activities, e.g. set aside x km of riparian margins, planted x trees, etc, to address impacts of climate change and restore biodiversity | Cr R Barker |
| S36 charges for CHB Water Holdings Ltd Request for explanation of how S36 charges are administered, specifically in relation to unexercised resource consents | Cr P Bailey |

11. May 2019 Napier Port IPO Transaction Project Update

Jess Ellerm introduced the item, briefly outlining the work going on to progress toward Council's decision whether or not to proceed with the transaction.

RC53/19 Resolution

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

**Barker/Wilson
CARRIED**

13. Offer Design Detail

RC54/19 Resolutions

1. That Council excludes the public from this section of the meeting, being Agenda Item 13 Offer Design Detail 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 | GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION |
|--|---|--|
| Offer Design Detail | <p>7(2)s7(2)(b)(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 ensure a trade secret is not disclosed.</p> <p>7(2)s7(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.</p> <p>7(2)s7(2)(g) 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 maintain legal professional privilege.</p> <p>7(2)s7(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).</p> <p>7(2)s7(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.</p> | The Council is specified, in the First Schedule to this Act, as a body to which the Act applies. |

2. That Mr Blair O'Keeffe (HBRIC Ltd Chief Executive), Alasdair Macleod (Napier Port Chairman), Todd Dawson (Napier Port CE) and Kristen Lie (Napier Port CFO) and Jonathan Hill (Series2 Communications Specialist) remain in attendance for this item as subject matter experts and Council advisors.

**Beaven/Barker
CARRIED**

14. Initial Public Offering of Minority Shareholding to Support Napier Port Capital Development

RC55/19 Resolutions

1. That Council excludes the public from this section of the meeting, being Agenda Item 14 Initial Public Offering of Minority Shareholding to Support Napier Port Capital Development 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 | GROUNDS UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION |
|---|---|--|
| Initial Public Offering of Minority Shareholding to Support Napier Port Capital Development | <p>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.</p> <p>7(2)(e) 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 avoid prejudice to measures that prevent or mitigate loss to members of the public.</p> <p>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).</p> <p>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.</p> | The Council is specified, in the First Schedule to this Act, as a body to which the Act applies. |

2. That Mr Blair O'Keeffe (HBRIC Ltd Chief Executive), Alasdair Macleod (Napier Port Chairman), Todd Dawson (Napier Port CE) and Kristen Lie (Napier Port CFO) and Jonathan Hill (Series2 Communications Specialist) remain in attendance for this item as subject matter experts and Council advisors.

**Beaven/Barker
CARRIED**

15. Majority Shareholder Director Appointments to Port of Napier Board of Directors Resolutions
RC56/19

1. That Council excludes the public from this section of the meeting, being Agenda Item 15 Majority Shareholder Director Appointments to Port of Napier Board of 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 | GROUNDS UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION |
|---|--|--|
| Majority Shareholder Director Appointments to Port of Napier Board of Directors | 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. |

2. That Mr Jonathan Hill remains in attendance for this item as Council's specialist communications advisor.

**Beaven/Barker
CARRIED**

16. Chief Executive Performance and Remuneration Review

RC57/19 Resolution

That Council excludes the public from this section of the meeting, being Agenda Item 16 Chief Executive Performance and Remuneration Review 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 | GROUNDS UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION |
|---|---|--|
| Chief Executive Performance and Remuneration Review | 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. |

**Beaven/Barker
CARRIED**

The meeting went into public excluded session at 10.10am and out of public excluded session at 10.40am

The meeting adjourned at 10.41am and reconvened at 11am

10. Presentation of Environmental Certificates of Appreciation to Karituwhenua Stream Landcare Group and Jill Snelling

The Chairman presented the Karituwhenua Stream Landcare Group with the certificate of appreciation for Environmental Action in the Community – Te Oho Mauri Taiao ki te Hapori. The group has been working tirelessly for 25 years planting and maintaining a little over 1km of the Karituwhenua Stream reserve in Havelock North.

The Chairman presented Jill Snelling with the certificate of appreciation for Environmental Leadership in Land Management – Te Hautūtanga Taiao me te Whakahaere Whenua. Mike Mohi welcomed Jill and her supporters from Wairoa, who was being recognised for her work to enhance the natural biodiversity of her land on Mangapoike Road on the way to Tukemokihi station, putting it into QEII covenants and carrying on her mother’s work.

Resolution

RC58/19 That the meeting moves back into Public Excluded session to resume consideration of items 13-16 at 11.30am.

**Beaven/Barker
CARRIED**

The meeting went into public excluded session at 11.30am and out of public excluded session at 3.00pm

Closure:

There being no further business the Chairman declared the meeting closed at 3.00pm on Wednesday, 29 May 2019.

Signed as a true and correct record.

DATE:

CHAIRMAN: