



## Unconfirmed

### MINUTES OF A MEETING OF THE REGIONAL COUNCIL

**Date:** Wednesday 31 July 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  
M Mohi

**In Attendance:** M Mohi – Chairman – Maori Committee  
J Palmer – Chief Executive  
P Munro – Te Pou Whakarae Māori Partnerships  
J Ellerm – Group Manager Corporate Services  
J Lawrence – Group Manager Office of the CE & Chair  
C Dolley – Group Manager Asset Management  
L Hooper – Principal Advisor Governance  
C Edmonds – Manager Policy & Planning  
K Campbell – Senior Project Manager

## 1. Welcome/Prayer/Apologies/Notices

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

The Chairman advised the apology for lateness from Cr Fenton Wilson and asked everyone to spare a thought for Brian Gregory, who is ill, and recognise the passing of the former mayor of Napier.

## 2. Conflict of Interest Declarations

There were no conflict of interest declarations.

## 3. Confirmation of Minutes of the Regional Council Meeting held on 26 June 2019

### RC82/19 Resolution

Minutes of the Regional Council Meeting held on Wednesday, 26 June 2019, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Bailey/Beaven  
CARRIED**

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

In relation to the publication of the LGOIMA requests received it was requested that in the case where organisations are requestors those names be included in the report to councillors, or alternately provide the information as a monthly report, separate from the Agenda, similar to the resource consent applications received.

In relation to the Pan Pac replacement of the discharge pipe will be undertaken in four stages as some sections are more recently constructed so do not need to be replaced, with second section (from the beach side of the state highway to where the pipeline joins the section that was the source of the leak) being replaced starting next month.

*Cr Fenton Wilson arrived at 9.18am*

In relation to the information provided on Te Angiangi Reserve, it was noted that a report relating to marine reserves and marine biodiversity will be provided to a future meeting.

### RC83/19 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 15

Item	Topic	Raised by
1.	Local Government NZ conference	Cr Barker / Cr Hewitt
2.	Kahutia Nursery at HB Prison	Cr Barker
3.	Tranche 2 water CHB	Cr Bailey
4.	Central Hawke's Bay DC reporting	Cr Belford

## 6. Significant Council Staff Activities through August 2019

The item was taken as read with queries covering:

- Groundwater Monitoring Strategy guides where monitoring sites are and the number, with its review being undertaken every ten years or so, and future reviews to be undertaken to take account of the SkyTEM survey findings.
- Whakaki and concern in relation to efficacy of a weir being subject to a second opinion being sought as requested by the Trust
- SkyTEM survey programme will be completed over a period of two years, with useable data becoming available early 2021
- Heretaunga aquifer resource consent renewals will be rolled over for a short term in accordance with existing RRMP provisions and reviewed once TANK plan change is operative
- the Glazebok Augmentation Scheme lodged is likely to be a publicly notified consent process with significant technical work still to be done prior to it reaching that stage
- Porangahau Hui on 20 August at Rongomaraeroa Marae, hosted by Ngati Kere and hapū of Porangahau
- Riparian planting brochure is to be published by the Science team in August, with approaches for riparian planting as solutions to varying issues such as flood control
- Chilean needle grass and Apple of Sodom management

### RC84/19 Resolution

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

**Barker/Bailey  
CARRIED**

## 7. Cr Bailey Notice of Motion: Lapse of Water Bottling Resource Consent

James Palmer advised Councillors of his concerns, as discussed with Councillor Bailey, about the notice being a matter delegated for decision by staff, in relation to a specific consent rather than the policy associated, and retrospectively seeking to overturn a regulatory decision already made under delegated authority. Further, Mr Palmer advised the notice being made during the electoral period is problematic in relation to a councillor seeking re-election using council resources which could be perceived to support their campaign and sought withdrawal of the notice. Councillor Bailey initially requested leave to amend the notice of motion before proceeding to withdraw it.

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

Ceri Edmonds introduced the item, which was taken as read.

### Recommendations

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

*Making Plan Change 5 Operative*

- 2.1. That the Regional Planning Committee receives and considers the “*Making Plan Change 5 Operative*” staff report.
- 2.2. The Regional Planning Committee recommends that Hawke’s Bay Regional Council:
  - 2.2.1. Agrees that the decisions to be made are the result of Resource Management Act plan change consultation processes and Environment Court proceedings and therefore able to be made without re-consulting directly with the community.
  - 2.2.2. Approves Change 5 (Land and Freshwater Management) to the Hawke’s Bay Regional Resource Management Plan in accordance with Clause 17 Schedule 1 of the Resource Management Act.
  - 2.2.3. Agrees to staff making the necessary administrative arrangements (including a mandatory public notice) that Change 5 will become operative on a date sometime before 31 August 2019.

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

- 2.3. The Committee did not make any resolutions, deferring the item to the 14 August meeting.

*TANK Plan Change Options for Notification and Beyond*

- 2.4. The Committee did not consider the item, deferring it to the 14 August meeting.

*Outstanding Water Bodies Plan Change*

- 2.5. That the Regional Planning Committee receives and notes the “*Notification of Proposed Plan Change 7: Outstanding Water Bodies*” staff report.
- 2.6. The Regional Planning Committee recommends that Hawke’s Bay Regional Council:
  - 2.6.1. Adopts Draft Plan Change 7 as proposed, including the list of 38 outstanding water bodies and including amendments agreed at the 3 July 2019 Regional Planning Committee meeting, as Proposed Plan Change 7 to the Regional Resource Management Plan for public notification.
  - 2.6.2. Acknowledges the need for further evidence to support the outstanding classification for some of those bodies listed for cultural and spiritual values.
  - 2.6.3. Provides funding for the four identified iwi authorities (Heretaunga Tamatea, Te Rohe o Te Wairoa, Hineuru, and Ngati Ruapani ki Waikaremoana) to provide further evidence and information regarding cultural and spiritual values to support the outstanding status of water bodies where information gaps have been identified.
  - 2.6.4. Publicly notifies Proposed Plan Change 7: Outstanding Water Bodies before 31 August 2019, and calls for submissions in accordance with clause 5 Schedule 1 Resource Management Act 1991.
  - 2.6.5. Confirms that the closing date for receipt of submissions on Proposed Plan Change 7 will be extended beyond the statutory timeframe and be set at a date six months after notification.
  - 2.6.6. Adopts the ‘*Section 32 Evaluation Report: Plan Change 7 - Regional Resource Management Plan: Outstanding Water Bodies*’, including amendments agreed at the 3 July 2019 Regional Planning

Committee meeting, and makes it available for public inspection.

- 2.6.7. Requests staff identify a shortlist of suitable qualified and experienced Resource Management Act accredited Hearing Commissioners for consideration by the Regional Planning Committee for appointment to the Hearing Panel to hear and make recommendations on the proposed Plan Change 7 in response to submissions and further submissions received.

*Update on Central Government Policy Announcements*

- 2.7. That the Regional Planning Committee receives and notes the “Update on Central Government Policy Announcements” staff report.

*Resource Management Policy Project May 2019 Updates*

- 2.8. That the Regional Planning Committee receives and notes the “Resource Management Policy Project July 2019 Updates” staff report.

*Statutory Advocacy May 2019 Update*

- 2.9. That the Regional Planning Committee receives and notes the “Statutory Advocacy July 2019 Update” staff report.

**Bailey/Beaven  
CARRIED**

### **Making Plan Change 5 Operative**

3. Agrees that the decisions to be made are the result of Resource Management Act plan change consultation processes and Environment Court proceedings and therefore able to be made without re-consulting directly with the community.
4. Approves Change 5 (Land and Freshwater Management) to the Hawke's Bay Regional Resource Management Plan in accordance with Clause 17 Schedule 1 of the Resource Management Act.
5. Agrees to staff making the necessary administrative arrangements (including a mandatory public notice) that Change 5 will become operative on a date sometime before 31 August 2019.

**Kirton/Hewitt  
CARRIED**

### **Outstanding Water Bodies Plan Change**

6. Adopts Draft Plan Change 7 as proposed, including the list of 38 outstanding water bodies following, as Proposed Plan Change 7 to the Regional Resource Management Plan for public notification.

<b>ID</b>	<b>Name of outstanding water body</b>	<b>Outstanding value(s)</b>
1	Hautapu River	Cultural, spiritual
2	Heretaunga Aquifer	Cultural, spiritual, geology
3	Karamu River	Cultural, spiritual
4	Kaweka and Ruahine Ranges wetlands	Cultural, spiritual
5	Lake Rotoroa and Lake Rototuna (Kaweka Lakes)	Cultural, spiritual, ecology, natural character
6	Lake Poukawa and Pekapeka Swamp	Cultural, spiritual
7	Lake Tūtira (including Aropaoanui River + Papakiri Stream)	Cultural, spiritual
8	Lake Waikareiti	Cultural, spiritual
9	Lake Waikaremoana	Cultural, spiritual, ecology, natural character, landscape & geology, recreation

ID	Name of outstanding water body	Outstanding value(s)
10	Whakakī Lake - Te Paeroa Lagoon - Wairau Lagoon and wetlands	Cultural, spiritual, ecology
11	Lake Whatumā	Cultural, spiritual, ecology
12	Makirikiri River	Cultural, spiritual
13	Mangahouanga Stream	Cultural, spiritual, geology
14	Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands	Cultural, spiritual, ecology
15	Mohaka River	Cultural, spiritual, ecology, natural character, landscape & geology, recreation
16	Morere Springs	Cultural, spiritual
17	Ngamatea East Swamp	Cultural, spiritual, ecology, natural character
18	Ngaruroro River and Estuary	Cultural, spiritual, recreation, ecology, natural character, landscape, geology
19	Nuhaka River	Cultural, spiritual
20	Opoutama Swamp	Cultural, spiritual
21	Porangahau River and Estuary	Cultural, spiritual, ecology, landscape & geology
22	Putere Lakes	Cultural, spiritual
23	Ripia River	Cultural, spiritual
24	Ruakituri River	Cultural, spiritual, ecology, natural character, landscape & geology, recreation
25	Ruataniwha Aquifer	Cultural, spiritual, geology
26	Tarawera Hot Springs	Cultural, spiritual
27	Taruarau River	Cultural, spiritual, ecology, natural character, landscape & geology, recreation
28	Te Hoe River	Cultural, spiritual, ecology
29	Te Paerahi River	Cultural, spiritual
30	Te Whanganui a Orotū (Ahuriri Estuary)	Cultural, spiritual, ecology, landscape & geology
31	Tukituki River and Estuary	Cultural, spiritual, ecology, landscape & geology
32	Tūtaekurī River	Cultural, spiritual, geology
33	Waiau River	Cultural, spiritual, ecology
34	Waihua River	Cultural, spiritual
35	Waikaretaheke River	Cultural, spiritual
36	Waipawa River	Cultural, spiritual
37	Waipunga River	Cultural, spiritual, ecology
38	Wairoa River	Cultural, spiritual

7. Acknowledges the need for further evidence to support the outstanding classification for some of those water bodies listed, for cultural and spiritual values.
8. Provides funding for the four identified iwi authorities (Heretaunga Tamatea, Te

Rohe o Te Wairoa, Hineuru, and Ngati Ruapani ki Waikaremoana) to provide further evidence and information regarding cultural and spiritual values to support the outstanding status of water bodies where information gaps have been identified.

9. Publicly notifies Proposed Plan Change 7: Outstanding Water Bodies before 31 August 2019, and calls for submissions in accordance with clause 5 Schedule 1 Resource Management Act 1991.
10. Confirms that the closing date for receipt of submissions on Proposed Plan Change 7 will be extended beyond the statutory timeframe and be set at a date six months after notification.
11. Adopts the '*Section 32 Evaluation Report: Plan Change 7 - Regional Resource Management Plan: Outstanding Water Bodies*', and makes it available for public inspection.
12. Requests staff identify a shortlist of suitable qualified and experienced Resource Management Act accredited Hearing Commissioners for consideration by the Regional Planning Committee for appointment to the Hearing Panel to hear and make recommendations on the proposed Plan Change 7 in response to submissions and further submissions received.

**Kirton/Belford  
CARRIED**

## **9. Future Farming Charitable Trust Council Appointment**

Karina introduced the item, outlining the process undertaken for selecting the trustees and seeking the appointment of an interim councillor representative to the Trust to enable the legal establishment of the Trust, for the period leading up to the October election.

### **RC85/19 Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the "*Future Farming Charitable Trust Council Appointment*" 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. Appoints Councillor Tom Belford as the interim Council-appointed trustee for Future Farming Charitable Trust under clause 7.3.1 of the Trust Deed.
4. Requests that staff communicate the name of the Council-appointed trustee to the other trustees.
5. Formally thanks the individuals who have served on the Future Farming Establishment Working Group, and those who will serve on the Future Farming Charitable Trust.

**Beaven/Barker  
CARRIED**

## **10. Affixing of Common Seal**

### **Reason for Report**

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
<b>1.1</b>	<b>Leasehold Land Sales</b>		
	1.1.1 Lot 27 DP 13899 CT F4/423 - Agreement for Sale and Purchase - Transfer	4331 4332	<b>20 June 2019</b> <b>20 June 2019</b>
	1.1.2 Lot 43 DP 14448 CT G2/668 - Transfer	4339	<b>26 June 2019</b>
	1.1.3 Lot 5 DP 4426 CT 55/95 - Agreement for Sale and Purchase - Transfer	4340 4345	<b>26 June 2019</b> <b>23 July 2019</b>
	1.1.4 Lot 19 DP 9788 CT E2/360 - Agreement for Sale and Purchase	4342	<b>12 July 2019</b>
<b>1.2</b>	<b>Staff Warrants</b>		
	1.2.1 M. Groves D. Keracher <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>	4343 4344	
	1.2.2 A. Beattie A. Horrell M. Smiles J. Ellmers B. Focht L. Van Jaarsveldt <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>	4333 4334 4335 4336 4337 4338	
<b>1.3</b>	Confidentiality Deed between Hawke's Bay Regional Investment Company Ltd, Napier Port Holdings Limited and Hawke's Bay Regional Council	4341	<b>10 July 2019</b>

## RC86/19 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.

**Barker/Bailey  
CARRIED**

**11. Timeline for the 2018-19 Annual Report**

Jessica Ellerm introduced the item, which provides the timelines for completing and adopting the Annual Report, subject to advice from Audit New Zealand in relation to the Napier Port accounts in accordance with NZX listing rules and receiving an unqualified audit opinion.

RC87/19 **Resolution**

That the Hawke's Bay Regional Council receives the "*Timeline for the 2018-19 Annual Report*" report.

**Barker/Wilson  
CARRIED**

James Palmer introduced the recently appointed Chief Financial Officer, Shash Davé, who provided an overview of his background and experience.

**12. Local Government Members (2019-20) (Local Authorities) Determination 2019**

The item was taken as read.

RC88/19 **Resolution**

That the Hawke's Bay Regional Council receives and notes the "*Local Government Members (2019-20) (Local Authorities) Determination 2019*" staff report.

**Barker/Hewitt  
CARRIED**

**13. Central Government Policy Announcements' Implications for Council Work Programmes**

James Palmer introduced the item, which is a broad update on Central Government policy reform work programmes and associated legislative changes. In response to a query in relation to funding for wastewater treatment systems it was advised there is a funding paper going to Parliament and that those announcements will not be as part of the policy reform announcements. There was further discussion about cross party negotiations, RMA reforms and timing in relation to passing through Parliament and 2020 elections, as well as the potential for centralised structures for service delivery of regulatory functions.

RC89/19 **Resolution**

That Council receives and notes the "*Update on Central Government Policy Announcements*" staff report.

**Barker/Kirton  
CARRIED**

*The meeting adjourned at 10.35am and reconvened at 10.55am*

**14. Verbal Update on Napier Port IPO Transaction**

James Palmer introduced the update, advising that the process is well under way and there has been plenty of interest in the priority offer to date, including from iwi.

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

Item	Topic	Raised by
1.	<p>Attended the LGNZ conference recently</p> <p>Noted the good relationships between regional councils and work well collaboratively, and that this Council might take better advantage of knowledge and information sharing in particular areas of interest. Also commented on the relationship (tension) between Local and Central Government, which is not unique to NZ.</p> <p>The Regional sector tour is always a highlight and valuable, and made note of the Regional Council sector efforts in relation to receiving Central Government contributions to flood protection funding. Dr Lance O’Sullivan, who expressed the view that Local Government could partner with the health sector more effectively, was an outstanding speaker, and also enjoyed presentations from high school students on Climate Change and a Communications staff member on community engagement.</p>	<p>Cr Barker</p> <p>Cr Hewitt</p>
2.	<p>Nursery at HB Prison</p> <p>Attended a meeting at the Beehive yesterday, with outcome being unanimous agreement to the proposal being a great idea however no clear pathway to make it happen. Minister Nash has undertaken to document the process steps necessary to achieve the end goal of implementation to take advantage of the next available planting season – in 4 months time. Ongoing opportunity for Corrections to work with Council on planting projects throughout the region.</p>	Cr Barker
3.	<p>Tranche 2 water CHB</p> <p>New well put down by Plantation Dairies and constituent has raised concerns in relation to resource consents that may relate to Tranche 2 water.</p>	Cr Bailey
4.	<p>Central Hawke’s Bay DC reporting</p> <p>Tabled a 2-page advertisement on CHB water infrastructure projects in the CHB Mail newspaper as an exemplary example of transparent project reporting to the public covering progress and budgets.</p>	Cr Belford

## 16. Confirmation of Public Excluded Minutes of the Regional Council Meeting Held on 26 June 2019

### RC90/19 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:

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

Napier Port Initial Public Offering - Determination of Minimum Proceeds and Approval to Proceed

#### REASON FOR PASSING THIS RESOLUTION

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

#### 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.

person who supplied or who is the subject of the information.

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.

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).

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.

**Barker/Bailey  
CARRIED**

**16. Confirmation of Minutes of the Regional Council Meeting held on 26 June 2019**

It was noted that the surnames of staff need to be included where attendance or speaking is minuted and that figures need to be stated correctly in thousands or millions as applicable.

RC91/19 Public Excluded Minutes of the Regional Council Meeting held on Wednesday, 26 June 2019, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record as amended.

**Barker/Beaven  
CARRIED**

***The meeting went into public excluded session at 11.20am and out of public excluded session at 11.25am***

**Closure:**

There being no further business the Chairman declared the meeting closed at 11.25am on Wednesday, 31 July 2019.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....