



## Meeting of the Hawke's Bay Regional Council

**Date:** Wednesday 27 November 2019  
**Time:** 9.00am  
**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

### Agenda

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# **HAWKE'S BAY REGIONAL COUNCIL**

**Wednesday 27 November 2019**

**Subject: CALL FOR MINOR ITEMS OF BUSINESS NOT ON THE AGENDA**

**Item 4**

## **Reason for Report**

1. Hawke's Bay Regional Council standing order 9.13 allows:
  - 1.1. "A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion."

## **Recommendations**

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

Item	Topic	Raised by
1.		
2.		
3.		

**Leeanne Hooper**  
**GOVERNANCE LEAD**

**James Palmer**  
**CHIEF EXECUTIVE**





# HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 November 2019

Item 5

## Subject: CODE OF CONDUCT FOR ELECTED REPRESENTATIVES

### Reason for Report

1. This report is provided to enable Council to adopt its Code of Conduct for the 2019-22 triennium.

### Officers Recommendation

2. Staff have considered councillors feedback on previous versions of the Code, specifically in relation to brevity and language, and recommend that Council adopts the amended Code of Conduct attached.

### Executive Summary

3. In order to meet the requirements of the Local Government Act and the needs of elected representatives, staff have developed a simplified version for Council to consider adopting.
4. Schedule 7 Part 15 of the Local Government Act 2002 requires that Council adopts a Code of Conduct, specifically:

#### 15 Code of conduct

- (1) A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.
- (2) The code of conduct must set out—
  - (a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—
    - (i) behaviour toward one another, staff, and the public; and
    - (ii) disclosure of information, including (but not limited to) the provision of any document, to elected members that—
      - (A) is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and
      - (B) relates to the ability of the local authority to give effect to any provision of this Act; and
  - (b) a general explanation of—
    - (i) the Local Government Official Information and Meetings Act 1987; and
    - (ii) any other enactment or rule of law applicable to members.
- (3) A local authority may amend or replace its code of conduct, but may not revoke it without replacement.
- (4) A member of a local authority must comply with the code of conduct of that local authority.
- (5) A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.
- (6) After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
- (7) To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

**Background**

5. Local Government New Zealand developed and provided Code of Conduct templates in 2016 and 2019, mainly to provide for more national consistency.
6. The updated template, for the 2019-22 triennium, incorporated changes based on feedback received since the 2016 version was published, including:
  - 6.1. An amendment to the complaints process, whereby the Chief Executive will forward, in the first instance, complaints to the Chair (except where they may be party to the complaint) in order to make it easier to address low level complaints
  - 6.2. The addition of a section on social media.
7. When presented with the proposed version of the Code for adoption for the 2019-22 triennium, feedback provided by councillors included:
  - 7.1. The need for clarity about what might constitute “undermining Council policy”
  - 7.2. The code should be easily understood, and not overcomplicated with legalese
  - 7.3. Councillors want to understand which provisions of the code apply to the Chief Executive
  - 7.4. The complaints process should allow for the appointment of an independent ‘investigator’ with appropriate specialist experience/knowledge pertinent to the nature of the complaint, at the time a complaint is made.

**Decision Making Process**

8. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 8.1. The Adoption of a Code of Conduct is a statutory obligation for Council in accordance with Schedule 7 of the Act.

**Recommendations**

That Hawke’s Bay Regional Council:

1. Receives and notes the “Code of Conduct for Elected Representatives” staff report.
2. Notes that Council may review the Code at any time, notwithstanding the fact that 75% of those present and voting have to agree to amendments.
3. Adopts the Code of Conduct as amended and agreed. *(by majority to be not less than 75% of members present and voting)*

**Authored by:**

**Leeanne Hooper**  
**GOVERNANCE LEAD**

**Approved by:**

**James Palmer**  
**CHIEF EXECUTIVE**

**Attachment/s**

[1](#) 2019 Proposed Code of Conduct

## **Hawke's Bay Regional Council**

# **Code of Conduct**

**Adopted on 6 November 2019**

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## 1. Introduction

The Code of Conduct (the Code) sets out the standards of behavior expected from elected members in the exercise of their duties. Its purpose is to:

- Enhance the effectiveness of the local authority and the provision of good local government of the ~~community, city, district or region~~;
- Promote effective decision-making and community engagement;
- Enhance the credibility and accountability of the local authority to its communities; and
- Develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviors agreed in the code.

## 2. Scope

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, ~~including the members of any local boards as well as the members of any community boards that have agreed to adopt it.~~ The Code is designed to deal with the behaviour of members towards:

- Each other;
- The Chief Executive and staff;
- The media; and
- The general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

The Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

## 3. Values

The Code is designed to give effect to the following values:

1. **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively in an accountable and transparent manner<sup>2</sup>.
3. **Ethical behaviour:** members will act with honesty and integrity at all times and respect the impartiality and integrity of officials<sup>2</sup>.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by the Code of Conduct and act in accordance with the trust placed in them by the public.

7. **Equitable contribution:** members will take all reasonable steps to fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.<sup>1</sup>

These values complement, and work in conjunction with, the principles of s14 of the LGA 2002 and the governance principles of s39 of the LGA 2002.

#### 4. Role and responsibilities

The Code of Conduct is designed to strengthen the good governance of ~~your city, district or~~ the region. Good governance requires that the complementary roles of the governing body and the administration are understood and respected. These roles involve:

##### ~~1.14.1~~ Members

The role of the governing body includes:

- Representing the interests of the people of the ~~city, district or~~ region;
- Developing and adopting plans, policies and budgets;
- Monitoring the performance of the Council against stated goals and objectives set out in its long term plan;
- Providing prudent stewardship of the Council's resources;
- Employing and monitoring the performance of the Chief Executive; and
- Ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

##### ~~1.24.2~~ Chief Executive

The role of the Chief Executive includes:

- Implementing the decisions of the Council;
- Ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- Ensuring the effective and efficient management of the activities of the local authority;
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- Providing leadership for the staff of the Council; and
- Employing, on behalf of the Council, the staff of the local authority, (including negotiation of the terms of employment for those staff).

The Chief Executive is the only person *directly* employed by the Council itself (s.42 LGA 2002). All concerns about the performance of an individual member of staff must, in the first instance, be referred to the Chief Executive.

#### 5. Relationships

<sup>1</sup> See Code of Conduct Guide for examples.

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public. Any failure by a member to comply with the provisions of this section can represent a breach of the Code.

#### **1.35.1 Relationships between members**

Given the importance of relationships to the effective performance of the Council, members will conduct their dealings with each other in a manner that:

- Maintains public confidence;
- Is open, honest and courteous;
- Is focused on issues rather than personalities;
- Avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- Avoids aggressive, bullying or offensive conduct, including the use of disrespectful or malicious language.

Please note, nothing in this section of the Code is intended to limit robust debate.

#### **1.45.2 Relationships with staff**

An important element of good governance involves the relationship between a Council, its chief executive and its staff. Members will respect arrangements put in place to facilitate this relationship, and:

- Raise any concerns about employees, officers or contracted officials with the Chief Executive;
- Raise any concerns about the performance or behaviour of the Chief Executive with the Mayor/Chair or the chairperson of the Chief Executive Performance Review Committee (however described);
- Make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe these requirements at all times, such as the duty to be a good employer;
- Treat all employees with courtesy and respect and not publicly criticise any employee; and
- Observe any protocols put in place by the Chief Executive concerning contact between members and employees.

Please note, elected members should be aware that failure to observe this portion of the Code may compromise the Council's obligations to be a good employer and consequently expose the Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of the Council's annual audit.

#### **1.55.3 Relationship with the public**

Given the vital role that democratic local government plays in our communities it is important that Councils have the respect and trust of their citizens. To facilitate trust and respect in their Council members will:

- Ensure their interactions with citizens are fair, honest and respectful;
- Be available to listen and respond openly and honestly to citizens' concerns;
- Represent the views of citizens and organisations accurately, regardless of the member's own opinions of the matters raised; and
- Ensure their interactions with citizens and communities uphold the reputation of the local authority.



## 6. Media and social media

The media play an important role in the operation and efficacy of our local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of Council. Any failure by member to comply with the provisions of this section can represent a breach of the Code.

1. In dealing with the media elected members must clarify whether they are communicating a view endorsed by their Council, or committee ~~or community board~~, or are expressing a personal view.
2. Members are free to express a personal view to the media or social media at any time, provided ~~the following rules are observed~~:
  - Comments shall be consistent with the Code;
  - Comments must do not purposefully misrepresent the views of the Council or the views of other members;
  - Social media pages controlled by members and used for making observations relevant to their role as an elected members should be open and transparent, except where abusive or inflammatory content is being posted; and
  - Social media posts about other members, council staff or the public must be consistent with section five of this Code.

Social media is the term for internet-based tools used for publishing, sharing and discussion of information. This includes blogs, wikis and social networking sites such as Facebook, Twitter or LinkedIn. All communication through social media platforms is in the public domain. Whether talking to the media, speaking in public or using social media, ~~the protocols outlined below apply~~:

- Show respect and avoid offensive or abusive language;
- Make it clear when expressing a personal opinion;
- Do not disclose confidential information or question the integrity or impartiality of fellow elected members or staff;
- Do not ~~undermine Council policy or~~ bring Council into disrepute.

Elected members who have a concern about any communication they receive, or are aware of, should raise the matter with the:

- Chair if it relates to a communication from another elected member
- Chief Executive if it relates to a communication from a staff member.



## 7. Information

Access to information is critical to the trust in which a local authority is held and its overall performance. A failure to comply with the provisions below can represent a breach of the Code.

### 6.17.1 Confidential information

In the course of their duties members will receive information, whether in reports or through debate, that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

### 6.27.2 Information received in capacity as an elected member

Occasionally members will receive information from external parties which is pertinent to the ability of their Council to properly perform its statutory duties. Where this occurs, and the information does not contravene the privacy of natural persons, the member will disclose such information to other members and/or the chief executive as soon as practicable.

## 8. Conflicts of Interest

All elected members are required to maintain a clear separation between their personal interests and duties, and their role as an elected member of Council. The public must have confidence that elected members are acting impartially in their decision making and use of publically-funded resources.

Conflicts of interest sometimes cannot be avoided, and can arise without anyone being at fault. They are a fact of life, but they need to be managed carefully.

### Financial Conflicts of Interest

If an elected member has a financial interest they must consider the requirements of the Local Authorities (Members' Interests) Act 1968 which states that elected members cannot:

- Have interests in contracts with the local authority that are worth more than \$25,000 in a year, unless the Auditor-General approves the contracts. Breach of the rule results in automatic disqualification from office; or
- Participate in matters before their local authority in which they have a financial interest, other than an interest in common with the public. The Auditor-General can approve participation in limited circumstances. Breach of the rule is a criminal offence and conviction results in automatic disqualification from office.

### Non-financial Conflicts of Interest

Hawke's Bay Regional Council is committed to addressing elected members' conflicts of interest. Council will adhere to the following steps identified by the Auditor-General in relation to managing members' conflicts of interest:

1. Recognising that there is a conflict of interest.
2. Disclosing the conflict of interest.
3. Managing the risks associated with the conflict of interest.

Examples of non-financial conflicts of interest include:

- Holding another public office
- Being an employee, advisor, director, or partner of another business or organisation
- Pursuing a business opportunity
- Being a member of a club, society or association
- Having a professional or legal obligation to someone else (such as being a trustee)
- Owning a beneficial interest in a trust
- Owning or occupying a piece of land.

#### Disclosing the Conflict of Interest

Disclosing conflicts of interest is the responsibility of the elected member concerned. It is better to err on the side of openness and take a precautionary approach. All disclosures of conflicts of interest by elected members are recorded in the Resolutions Database maintained by the Governance Team.

#### Initial Disclosure

Conflicts can arise at any time, and elected members need to remain alert to this possibility. It is the responsibility of the elected member concerned to make a disclosure as soon as practicable after becoming aware of any interest that has not previously been declared.

#### Meetings

Elected members have the opportunity at the opening of each governance meeting to declare any interests pertaining to items on the agenda for that meeting. It is the responsibility of the elected member concerned to disclose the interest before that matter is discussed.

The Chair of the meeting will decide on the appropriate action in order to mitigate any risk associated with the conflict of interest.

#### Managing the Risks Associated with the Conflict of Interest

Managing the risks associated with the conflict of interest is the responsibility of Council. Council will consider carefully what needs to be done to manage the risks associated with a conflict on a case-by-case basis.

~~Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).~~

~~Members will not participate in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse/partner has a pecuniary interest, such as through a contract with the Council. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.~~

~~If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive immediately. Members may also contact the Office of the Auditor General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.~~

~~Please note: Failure to observe the requirements of LAMIA could potentially invalidate a decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the elected member open to prosecution (see Appendix A). In the event of a conviction elected members can be ousted from office.~~

Item 5

Attachment 1

## 9. Register of Interests

Members shall, at least annually, make a declaration of interests. These declarations are ~~recorded~~ held in a public Register of Interests maintained by the Council. The declaration must include information on the nature and extent of any interest, including:

- a) Any employment, trade or profession carried on by the member or the members' spouse/partner for profit or gain;
- b) Any company, trust, partnership etc for which the member or their spouse/partner is a director, business partner or trustee;
- c) A description of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) A description of any land owned by the local authority in which the member or their spouse/partner is:
  - A tenant; or
  - The land is tenanted by a firm in which the member or spouse/partner is a business partner; a company of which the member or spouse/partner is a director; or a trust of which the member or spouse/partner is a trustee.
- e) Any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive).

Please note, where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

## 10. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members will:

- Claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- Not influence, or attempt to influence, any Council employee, officer or member in order to benefit their own, or ~~families~~ family's, personal or business interests;
- Only use the Council's resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

Any failure by members to comply with the provisions set out in this section represents a breach of the code.

## 11. Creating a supportive and inclusive environment

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which members will work;
- Taking part in any assessment or evaluation of the Council's performance and operating style during the triennium;<sup>2</sup>
- Taking all reasonable steps to acquire the required skills and knowledge to effectively fulfill their Declaration of Office (the Oath) and contribute to the good governance of the ~~city, district or~~ region.

## 12. Breaches of the Code

Members must comply with the provisions of the code (LGA 2002, schedule 7, cl. 15(4)). Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

### 6.312.1 Principles

The following principles will guide any processes for investigating and determining whether or not a breach under the code has occurred.

- That the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the alleged breach
- That the processes of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach, and
- That the concepts of natural justice and fairness will apply in the determination of any complaints made under the Code. This includes, conditional on the nature of an alleged breach, directly affected parties:
  - Have a right to know that an investigation process is underway
  - Are given due notice and are provided with an opportunity to be heard
  - Have confidence that any hearing will be impartial
  - Have a right to seek appropriate advice and be represented, and
  - Have their privacy respected.

<sup>2</sup> A self-assessment template is provided in the Guidance to the code.



### 6.412.2 Complaints

All complaints made under the code must be made in writing and forwarded to the Chief Executive. On receipt of a complaint the Chief Executive must forward the complaint to the Chair or, where the Chair is a party to the complaint, an independent investigator, drawn from a pool of names or agency to be agreed in advance at the time.

Please note, only members and the Chief Executive may make a complaint under the ~~code~~Code.

#### Complaint referred to Chair

On receipt of a complaint made under the provisions of the Council's Code of Conduct the Chair will, as the situation allows:

- Interview the complainant to assess the full extent of the complaint
- Interview the member(s) subject to the complaint
- Assess the complaint to determine materiality
- Where a complaint is assessed by the Chair to be trivial, frivolous or minor, either dismiss the complaint, require an apology or other course of action, or assist the relevant parties to find a mutually agreeable solution
- Where a complaint is found to be material, or no mutually agreed solution can be reached, the Chair will refer the complaint back to the Chief Executive who will forward it, along with any recommendations made by the Chair, to the Council or an adjudicative body established by the Council to assess and rule on complaints made under the Code.<sup>3</sup>

If the Chair chooses they may, instead of undertaking an initial assessment, immediately refer the complaint to ~~the~~an independent investigator, via the Chief Executive.

#### Complaint referred to Independent Investigator

On receipt of a complaint from a member which concerns the Chair, or from the Chair after initial consideration, the Chief Executive will forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to be referred, with recommendations if necessary, to the Council or an adjudicative body for assessing and ruling on complaints.<sup>4</sup> The process, following receipt of a complaint, will follow the steps outlined in **Appendix B**.

### 6.512.3 Materiality

An alleged breach under the Code is material if, in the opinion of the Chair or independent investigator, it would bring the Council into disrepute or, if not addressed, adversely affect the reputation of a member.

An alleged breach under this Code is non-material if, in the opinion of the Chair or independent investigator, any adverse effects are minor and no investigation or referral is warranted.

<sup>3</sup> Advice on establishing adjudication bodies can be found in the Guide to the Code of Conduct.

<sup>4</sup> On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor or Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as EquiP.

### 13. Penalties and actions

Where a complaint is determined to be material and referred to the Council or an adjudicative body established to consider complaints, the nature of any penalty or action will depend on the seriousness of the breach.

#### 6.613.1 Material breaches

In the case of material breaches of the Code, the Council, or the adjudicative body with delegated authority, may require one of the following:

1. A letter of censure to the member;
2. A request (made either privately or publicly) for an apology;
3. Removal of certain Council-funded privileges (such as attendance at conferences);
4. Removal of responsibilities, such as committee chair, ~~or~~ deputy committee chair ~~or portfolio holder~~;
5. Restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. Limitation on any dealings with Council staff other than the Chief Executive or identified senior manager;
7. A vote of no confidence in the member;
8. Suspension from committees or other bodies to which the member has been appointed; or
9. Invitation to the member to consider resigning from the Council.

A Council or adjudicative body with delegated authority may decide that instead of a penalty, one or more of the following may be required:

- Attend a relevant training course, ~~and/or~~
- Work with a mentor for a period of time, ~~and/or~~
- Participate in voluntary mediation (if the complaint involves a conflict between two members); ~~and/or~~
- Tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

#### 6.713.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under LAMIA);
- Breaches which result in the Council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.44 LGA 2002 which may result in the member having to make good the loss or damage); ~~and/or~~
- Breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

**14. Review**

Once adopted, the Code continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code. Amendments to the Code require a resolution supported by 75 per cent of the members of the Council present at the Council meeting at which the amendment is considered.

Councils are encouraged to formally review their existing Code and either amend or re-adopt it as soon as practicable after the beginning of each triennium in order to ensure that all members have the opportunity to provide their views on the Code's provisions.



## Appendix A: Legislation bearing on the role and conduct of elected members

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members. The full statutes can be found at [www.legislation.govt.nz](http://www.legislation.govt.nz).

### The Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the Council.

~~A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse/partner or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.~~

~~With regard to pecuniary or financial interests, a person is deemed to be "concerned or interested" in a contract or interested "directly or indirectly" in a decision when:~~

- ~~• A person, or spouse/partner, is "concerned or interested" in the contract or where they have a pecuniary interest in the decision; or~~
- ~~• A person, or their spouse/partner, is involved in a company that is "concerned or interested" in the contract or where the company has a pecuniary interest in the decision.~~

~~There can also be additional situations where a person is potentially "concerned or interested" in a contract or have a pecuniary interest in a decision, such as where a contract is between an elected members' family trust and the Council.~~

### Determining whether a pecuniary interest exists

Elected members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

*"...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned."* (OAG, 2001)

In deciding whether you have a pecuniary interest, members should consider the following factors<sup>1</sup>:

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?
- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the ~~Mayer~~/Chair or other person, to determine if they should discuss or vote on an issue, but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the Council's Standing Orders.)

#### **The contracting rule**

A member is disqualified from office if he or she is "concerned or interested" in contracts with their Council if the total payments made, or to be made, by or on behalf of the Council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the Council (or committee of the Council) while disqualified.

#### **Non-pecuniary conflicts of interest**

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

*"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"*

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members' focus should be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- Members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"), and
- Members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform, then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

### Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of elected members is the fact that the chairperson has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. ~~No elected member should:~~

- ~~• Create a disturbance or a distraction while another Councillor is speaking;~~
- ~~• Be disrespectful when they refer to each other or other people; or~~
- ~~• Use offensive language about the Council, other members, any employee of the Council or any member of the public.~~

See Standing Orders for more detail.

### Secret Commissions Act 1910

Under this Act it is unlawful for an elected member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to Council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

### Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council; and
- Use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

Elected members convicted of these offences will automatically cease to be members.

### Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

### The Local Government Act 2002

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles, and details the personal liability of members.

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s44 LGA 2002, it is found that one of the following applies:

- a) Money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) An asset has been unlawfully sold or otherwise disposed of by the local authority; or

- c) A liability has been unlawfully incurred by the local authority; ~~or~~
- d) A local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive. ~~890~~

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) Without the member's knowledge;
- b) With the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) Contrary to the manner in which the member voted on the issue; ~~and~~
- d) In circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situations, members will also be responsible for paying the costs of proceedings (s47 LGA 2002).



## Appendix B: Process where a complaint is referred to an independent investigator

*The following process is a guide only and Councils are encouraged to adapt this to their own specific circumstances.*

### Step 1: Chief Executive receives complaint

On receipt of a complaint under the Code, whether from a member (because the complaint involves the Chair) or from the Chair after an initial assessment, the Chief Executive will refer the complaint to an investigator ~~selected from a list~~ agreed at the ~~start of the triennium~~ time. The Chief Executive will also:

- Inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; ~~and~~
- Inform the respondent that a complaint has been made against them, the name of the investigator and remind them of the process for dealing with complaints as set out in the Code.

### Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

1. The complaint is trivial or frivolous and should be dismissed;
2. The complaint is outside the scope of the Code and should be re-directed to another agency or institutional process;
3. The complaint is minor or non-material; ~~and~~ or
4. The complaint is material and a full assessment is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine their recommendations, including interviewing relevant parties, which are then forwarded to the Council's Chief Executive. On receiving the investigator's preliminary assessment the Chief Executive will:

1. Where an investigator determines that a complaint is trivial or frivolous, inform the complainant, respondent and other members (if there are no grounds for confidentiality) of the investigator's decision.
2. In cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform the Chief Executive who will then inform the complainant, the respondent and members.

### Step 3: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material, but more than trivial or frivolous, the investigator will inform the chief executive and, if they choose, recommend a course of action appropriate to the breach, such as:

- That the respondent is referred to the Chair for guidance; ~~and/or~~
- That the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters resulting in the complaint.

The Chief Executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the Council.

### Step 4: Actions where a breach is found to be material

Hawke's Bay Regional Council Code of Conduct - pg 17

If the subject of a complaint is found to be material, the investigator will inform the Chief Executive, who will inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach. In preparing that report, the investigator may:

- Consult with the complainant, respondent and any directly affected parties; and/or
- Undertake a hearing with relevant parties; and/or
- Refer to any relevant documents or information.

On receipt of the investigator's report, the Chief Executive will prepare a report for the relevant Council body charged with assessing and ruling on material complaints, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the investigator's full report.

#### **Step 5: Process for considering the investigator's report**

The investigator's report will be considered by the Council or adjudicative body established for considering reports on Code of Conduct complaints, or any other body that the Council may resolve, noting that the process will meet the principles set out in section 12.1 of the Code.

The Council, or adjudicative body, will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify, in accordance with LGOIMA, the exclusion of the public. Before making any decision on a specific complaint, the relevant body will give the respondent an opportunity to appear and speak in their own defense. Members with an interest in the proceedings, including the complainant and the respondent, should not take part in these proceedings in a decision-making capacity.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in clause 13.1 of the Code.

The report, including recommendations from the adjudicative body, should that body have no formal delegations, will be heard and accepted by the Council in open session, unless grounds for excluding the public exist, without debate.

# HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 November 2019

## SUBJECT: COUNCILLOR REMUNERATION AND ALLOWANCES

Item 6

### Reason for Report

1. This item seeks Council resolutions to adopt the updated Elected Members' Expenses and Allowances Policy and the proposed remuneration for councillors for the period to 30 June 2020, in accordance with the Remuneration Authority's [Local Government Members \(2019-20\) Determination 2019](#).

### Officers' Recommendations

2. Staff recommend that Council resolves:
  - 2.1. The confirmed remuneration levels for councillors in accordance with Option 3 agreed at the 6 November Regional Council meeting
  - 2.2. To accept the updated Elected Members' Expenses and Allowances Policy covering reimbursement to eligible councillors for the costs of vehicle mileage, travel time, communications and childcare incurred in the course of undertaking their Council duties.

### Executive Summary

3. The Council is required to provide, to the Remuneration Authority, recommendations for how it proposes its Governance Pool should be distributed amongst the councillors, in the form of resolutions. In addition, the following are required to be submitted in support of Council's recommendations.
  - 3.1. An Excel workbook provided by the RA, completed to contain the details of Council's proposed remuneration
  - 3.2. A record of the dates the official result of the HBRC election was declared and the Council remuneration resolution passed
  - 3.3. Job descriptions for the positions of responsibility (Deputy and committee chairs).
4. Once Council's recommendations have been submitted to the RA, the authority will consider those before determining the remuneration payable to members. Council will need to wait until the amending determination which contains its new remuneration rates is gazetted by the Authority before it can pay the new remuneration rates for positions of responsibility and the new base councillor rate. However, it is important to note that councillors' remuneration will be backdated.
5. The new base remuneration rate approved by the Authority for a councillor will take effect from the day after the date on which the official results for the council were declared by public notice (18 October) and the remuneration for positions of responsibility will take effect from the day following the day that the Council made formal decisions on those roles (7 November).

### Background

6. Each year the Authority determines the remuneration for elected members.
7. In 2019, each newly elected council was invited to give the Remuneration Authority (RA) recommendations (by resolution) for how its pool (\$557,483) should be distributed among the Council members. The resolutions will include a rate for base councillor remuneration (minimum \$50,378) and rates for all/any positions of responsibility (except Council Chair) and must use the entire pool.
8. Staff previously requested that councillors consider three options for distribution of the pool, as reflected in the following table, which were structured to provide:
  - 8.1. Option 1 - Greater equity across councillors, e.g. higher base salary and lesser additional duties 'top up' including Deputy Chair at same rate as Committee Chair

- 8.2. Option 2 - More recognition of leadership roles, e.g. base salary same as set by RA and higher additional duties pay for Committee Chairs with an additional increment again for Deputy Chair
- 8.3. Option 3 – between options 1 and 2.

Total Remuneration Pool = \$557,483					
Option 1		Option 2		Option 3	
Base salary	\$62,000 pa	Base salary	\$50,378 pa	Base salary	\$58,000 pa
Deputy Chair	\$72,247 pa	Deputy Chair	\$92,913 pa	Deputy Chair	\$73,580 pa
Committee Chair	\$72,247 pa	Committee Chair	\$92,913 pa	Committee Chair	\$73,580 pa

9. The options presented were based on there being five positions of additional responsibility.

### Considerations for Council

10. Council resolved, on 6 November, to distribute the pool in accordance with Option 3 (above) which, when calculated with the four positions of additional responsibility resolved, translates to:
  - 10.1. Base salary \$58,000 pa (Crs Foley, van Beek, Ormsby and Lambert)
  - 10.2. Deputy Chair \$81,370 pa (Cr Barker)
  - 10.3. Committee Chair \$81,370 pa (Crs Kirton, Williams and Foss).

Total Remuneration Pool = \$557,483	
Breakdown Calculated	
Base salary	\$58,000 pa
Deputy Chair	\$81,370 pa
Committee Chair	\$81,370 pa

11. Council is now asked to consider whether it wishes to agree the remuneration as set out in accordance with their choice of Option 3 calculated for the four committee chair positions, or set the distribution levels at some other level it determines as fair and equitable in recognition of elected representatives' workloads.

### Elected Member Allowances and Expenses

12. At the Regional Council meeting on 6 November 2019, Council resolved to offer the Childcare Allowance to eligible members, and asked staff to include that in the amended Elected Members' Expenses and Allowances Policy.
  - 12.1. consider circumstances where childcare allowances may be required to enable elected members to undertake their duties, rather than focus on specific individuals
  - 12.2. Childcare allowances can be incurred by elected members at most times of a 24/7 weekly period, but most probably, will be applicable for daycare fees to allow meeting attendance, babysitting fees to allow attendance at night meetings, or casual payments for the likes of holiday programmes to enable elected members to attend meetings during those periods.
  - 12.3. The cost of childcare allowance is met from outside the governance remuneration pool available to elected members, thus Council will budget \$20-25,000 per annum for this item specifically.
13. Staff propose that Council agrees to the Elected Members' Expenses and Allowances Policy proposed, including the allowances paid to councillors as set out in the following table.



Allowance	18 October 2019 – 30 June 2020
Mileage Allowance – petrol or diesel	\$0.79 per km
Mileage Allowance - Hybrid	\$0.79 per km
Mileage Allowance – Electric Vehicle	\$0.79 per km
Mileage Distance on Higher Rate	14,000 km per year
Mileage Allowance (after higher rate distance)	\$0.30/km petrol/diesel \$0.19/km hybrid \$0.09/km electric
Threshold time on daily travel	8 hours in a 24 hour period
Travel Time Allowances	\$37.50 per hour (after the first hour of eligible travel)
Communication Allowance	Limited to \$1,190 per year
Childcare Allowance	Limited to \$6,000 per child per year

### Decision Making Process

- Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained in Part 6 Sub Part 1 of the Act in relation to this item and have concluded that Council can exercise its discretion and make these decisions without consulting directly with the community or others having an interest in the decision.

### Recommendations

That Hawke's Bay Regional Council:

- Receives and considers the "Councillor Remuneration and Allowances" staff report.
- Proposes that the remuneration levels to be paid to elected members under the Local Government Elected Members' Determination 2019 of:
  - \$00,000 per annum for a councillor with no additional responsibilities
  - \$00,000 for
  - \$00,000 per annum for each position of additional responsibility following:
    - Cr Rick Barker Deputy Chairman and Chair, Environment & Integrated Catchments Committee
    - Cr Neil Kirton Chair, Corporate and Strategic Committee
    - Cr Martin Williams Chair, Regional Transport Committee and Hearings Committee
    - Cr Craig Foss Chair, Finance, Audit and Risk Sub-committee.
- Adopts the HBRC 2019-20 Elected Members' Expenses and Allowances Policy as attached.

### Authored by:

**Leeanne Hooper**  
**GOVERNANCE LEAD**

### Approved by:

**James Palmer**  
**CHIEF EXECUTIVE**

### Attachment/s

There are no attachments for this report.



# HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 November 2019

## SUBJECT: PROPOSED SCHEDULE OF 2020 COUNCIL AND COMMITTEE MEETINGS

Item 7

### Reason for Report

1. This item proposes a schedule of meetings for Council and its committees for the upcoming year for Council feedback and adoption.

### Officers Recommendation

2. Staff recommend that Council either adopts the schedule as proposed or provides feedback on changes required in order that an updated schedule can be adopted at the Council meeting on 18 December 2019.

### Background

3. Council traditionally adopts a Schedule of Meetings for the following year in October each year.
4. The proposed 2020 schedule of meetings (attached) has been developed taking public holidays and the following into consideration.
  - 4.1. One Regional Council meeting scheduled on the last Wednesday of each month
  - 4.2. One Regional Planning Committee meeting scheduled every second month, (plus a Tāngata Whenua pre-meeting hui the day prior)
  - 4.3. Environment & Integrated Catchments Committee (EICC) and Māori Committee meetings are scheduled every second month
  - 4.4. Regional Transport Committee (RTC) meetings are scheduled on a Friday, four times per year
  - 4.5. Finance, Audit & Risk Sub-committee (FARS) meetings are scheduled quarterly, to align with financial reporting and Audit timeframes, with Corporate & Strategic Committee meetings scheduled 3-4 weeks after
  - 4.6. CDEM Group Joint Committee meetings are coordinated to occur on the same day as Regional Leaders Forum meetings, two to three times per year
  - 4.7. Timeframes for Annual Plan and Annual Report development, consultation and Audit.

### Decision Making Process

5. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 5.1. Council is required to (LGA sch.7 cl.19(1)) hold the meetings that are necessary for the good government of its region
  - 5.2. Adoption of a schedule of meetings is specifically provided for under Schedule 7, Part 1, Section 21
  - 5.3. Given the provisions above, Council can exercise its discretion and make these decisions without consulting directly with the community or others having an interest in the decision.

### Recommendation

That Hawke's Bay Regional Council:

1. Receives and considers the "Proposed Schedule of 2020 Council and Committee Meetings" staff report.

## Item 7

2. Agrees that Council can exercise its discretion and make these decisions without consulting directly with the community or others having an interest in the decisions
3. Adopts the 2020 Schedule of Meetings as proposed

OR

4. Requests that staff update the proposed schedule in accordance with feedback from today's meeting and bring back a final version for adoption at the 18 December 2019 Regional Council meeting.

### **Authored by:**

**Leeanne Hooper**  
**GOVERNANCE LEAD**

### **Approved by:**

**Joanne Lawrence**  
**GROUP MANAGER OFFICE OF THE**  
**CHIEF EXECUTIVE AND CHAIR**

**James Palmer**  
**CHIEF EXECUTIVE**

### **Attachment/s**

[!\[\]\(dd161862f9164df98f62b726e9846241\_img.jpg\) 1](#) 2020 Proposed Meeting Schedule

## 2020 Meetings Schedule

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	
SAT		1				LTP pre-engagement		1					SAT
SUN		2	1					2			1		SUN
MON		3	2			1 Queen's B-day		3			2		MON
TUE		4	3			2		4	1		3	1	TUE
WED	1 NY Day	5 EICC	4 C&S (DAP & CD)	1 reserve day		3 C&S (DAP)	1 reserve day	5 reserve day	2 C&S (DAR)		4 EICC	2 C&S /LTP w/s	WED
THU	2 NY holiday	6 Waitangi Day	5	2 AP subs open ↑		4	2	6	3	1	5	3	THU
FRI	3	7	6 Transport	3	1	5 Transport	3	7 CDEM CEG	4 Transport	2	6	4 Transport	FRI
SAT	4	8	7	4	2	6	4	8	5	3	7	5	SAT
SUN	5	9	8	5 DLS ends	3	7	5	9	6	4	8	6	SUN
MON	6	10 CDEM CEG	9 CDEMG JC	6	4	8	6	10	7	5	9 CDEM CEG	7	MON
TUE	7	11	10	7	5	9	7	11	8	6	10	8	TUE
WED	8	12 FARS /Hearings	11 Māori (StrPin)	8 EICC	6 Māori (AP)	10 Planning	8 reserve day	12 FARS (DAR)	9 Māori	7 LTP w/s	11 FARS	9 Planning	WED
THU	9	13	12	9	7	11	9	13	10	8	12	10	THU
FRI	10	14	13	10 Good Friday	8	12	10	14	11	9	13	11	FRI
SAT	11	15	14	11	9	13	11	15	12	10	14 Diwali	12	SAT
SUN	12	16	15	12	10	14	12	16	13	11	15	13	SUN
MON	13	17	16	13 Easter Monday	11	15 CDEM JC	13	17	14 CDEMG JC	12	16	14	MON
TUE	14	18	17	14	12	16	14	18	15	13	17	15	TUE
WED	15	19 Planning	18 reserve day	15 Planning	13 FARS (AP fin)	17 EICC	15 Māori	19 Planning	16 EICC	14 Planning	18 Māori (LTP)	16 Council	WED
THU	16	20	19	16	14	18	16	20	17	15	19	17	THU
FRI	17	21	20 Equinox	17	15	19	17	21	18	16	20	18	FRI
SAT	18	22	21	18	16	20	18	22	19	17	21	19	SAT
SUN	19	23	22	19	17	21 Solstice	19	23	20	18	22	20	SUN
MON	20	24	23	20	18 CDEM CEG	22	20	24	21	19	23	21	MON
TUE	21	25	24	21	19 AP Hearings	23	21	25	22	20	24	22	TUE
WED	22	26 Council	25 Council (DAP CD)	22 reserve day	20 AP Hearings	24 Council (AP)	22 reserve day	26 Council	23 reserve day	21 LTP w/s	25 Council	23	WED
THU	23	27	26	23	21	25	23	27	24	22	26	24	THU
FRI	24	28	27	24	22	26	24	28	25	23 HB Ann Day	27	25 Christmas	FRI
SAT	25	29	28	25 Anzac Day	23	27	25	29	26	24	28	26	SAT
SUN	26		29	26	24	28	26	30	27 DLS starts	25	29	27	SUN
MON	27		30	27 Anzac Observe	25	29	27	31	28	26 Labour Day	30	28 Boxing Day	MON
TUE	28		31	28	26	30	28		29	27		29	TUE
WED	29 Council + AP w/s			29 Council (StrPin)	27 Council		29 Council		30 Council (AR)	28 Council		30	WED
THU	30			30 AP subs close	28		30			29		31	THU
FRI	31				29		31			30			FRI
SAT					30					31			SAT
SUN					31								SUN
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	

Key: red, italicised print = tentative; black print = confirmed; green, italicised print = extra info School Holidays

Council Regional Council  
 Planning Regional Planning Committee  
 CDEMG JC HB Civil Defence Emergency Management Group Joint Committee  
 Transport Regional Transport Committee  
 Coast Clifton to Tangoio Coastal Hazards Strategy Joint Committee  
 FARS Finance, Audit & Risk Sub-committee  
 C&S Corporate & Strategic Committee  
 EICC Environment & Integrated Catchments Committee

Tenders Tenders Committee (scheduled as required)  
 Hearings Hearings Committee (scheduled as required)  
 HBRC-NKII Councillors + NKII Board  
 Māori Māori Committee (10am)  
 TW Hui RPC Tangata Whenua reps workshop (10am)  
 CDEM CEG CDEM Coordinating Executive Group (CEs only)  
 Drinking HB Drinking Water Governance Joint Committee  
 W/S Workshop

(D)AP (Draft) Annual Plan  
 (D)AR (Draft) Annual Report  
 DLS Daylight Savings  
 Fin Financials  
 CD Consultation Document  
 StrPin Strategic Plan  
 Subs Submissions  
 FT Field trip



# HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 November 2019

## Subject: FUTURE FARMING CHARITABLE TRUST COUNCIL APPOINTMENT

Item 8

### Reason for Report

1. The purpose of this item is to provide the means for Council's to appoint a trustee to the Future Farming Charitable Trust Board.

### Staff recommendation

2. Staff recommend that one councillor be appointed to the Future Farming Trust.

### Executive Summary

3. The Future Farming Initiative (FFI) was created as an outcome of the Council's consultation on the 2018-28 Long Term Plan as an independent farmer and grower led initiative to lead on-farm research and innovation focused on identifying practical, profitable and achievable options for farmers to improve environmental outcomes on their farms while maintaining and enhancing productivity.
4. Because the Trust was formally established so close to the Local Elections it was necessary for Council to make an interim appointment to the Trust, with the intention of making a permanent appointment following the elections.
5. The Terms of Reference and Constitution for the Trust provides for a Council-appointed trustee. While in the formation of the Trust an expectation was created that the Council-appointee would be either a councillor or staff member, there is nothing in the Trust Deed preventing a non councillor appointee.

### Decision Making Process

6. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 6.1. The decision does not fall within the definition of Council's policy on significance.
  - 6.2. Provisions of the Local Electoral Act also apply, in relation to the decision and its implementation occurring during the formal pre-election period.
  - 6.3. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

### Recommendations

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 \_\_\_\_\_ as the 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 Trust.

## **Item 8**

**Authored by:**

**Joanne Lawrence  
GROUP MANAGER OFFICE OF THE  
CHIEF EXECUTIVE AND CHAIR**

**Approved by:**

**James Palmer  
CHIEF EXECUTIVE**

### **Attachment/s**

There are no attachments for this report.



# HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 November 2019

## Subject: CONFIRMATION OF THE CORPORATE AND STRATEGIC COMMITTEE TERMS OF REFERENCE

Item 9

### Reason for Report

1. This item provides the proposed Terms of Reference for the Corporate and Strategic Committee (C&S) for the 2019-22 Triennium for Council's adoption.

### Officers' Recommendation(s)

2. Council officers recommend that the Terms of Reference proposed (attached) is adopted, with the inclusion of any amendments agreed at the Council meeting, which provide for the C&S Committee to consider and recommend to Council:

Corporate and Strategic Committee (High Level Oversight)
• Strategic Planning initiatives
• Annual Plan and Long Term Plan development
• External relationships including strategic partnerships, marketing and communications
• Economic development and tourism including reporting by HB Tourism and Business HB
• Corporate Services including information and communication technology, fleet and facilities
• People and Capability management and Health and Safety and Wellbeing
• Oversight of Consents and Compliance

### Executive Summary

3. The C&S Committee is an important vehicle for setting the direction of the Council's business and ensuring that Council's resources are aligned and coordinated to achieve its strategic goals.
4. In response to feedback provided by councillors at the 6 November 2019 Regional Council meeting, staff have amended the Terms of Reference initially proposed by:
  - 4.1. Moving the climate change policy work to the Environment and Integrated Catchments Committee
  - 4.2. Bringing oversight of the consents and compliance functions (Regulation) into the Corporate and Strategic Committee terms of reference.

### Background

5. In previous triennia, the Corporate and Strategic Committee has set Council's strategic direction and corporate policies, signaled regional issues, advised Council on Local Government Act planning and decision making (e.g. Strategic Plan, Annual and Long Term plans), and established strategic priorities for organisational direction.
6. Prior to establishment of the Finance, Audit and Risk Sub-committee in 2015, the C&S Committee's purpose also included Audit and Risk Management functions.

### Decision Making Process

7. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 7.1. Council is required to (LGA sch.7 cl.19(1)) hold the meetings that are necessary for the good government of its region
  - 7.2. Council may appoint (LGA sch.7 cl. 30(1)(a)) the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate

- 7.3. Given the provisions above, Council can exercise its discretion and make these decisions without consulting directly with the community or others having an interest in the decision.

### **Recommendations**

That Hawke's Bay Regional Council:

1. Receives and considers the "Confirmation of the Corporate and Strategic Committee Terms of Reference" staff report
2. Agrees that Council can exercise its discretion and make these decisions without consulting directly with the community or others having an interest in the decision
3. Adopts the Terms of Reference for the 2019-22 triennium, incorporating any agreed amendments, following.

*(insert final text of ToR)*

### **Authored by:**

**Leeanne Hooper**  
**GOVERNANCE LEAD**

### **Approved by:**

**Joanne Lawrence**  
**GROUP MANAGER OFFICE OF THE**  
**CHIEF EXECUTIVE AND CHAIR**

**James Palmer**  
**CHIEF EXECUTIVE**

### **Attachment/s**

- [!\[\]\(609f3372828e3526d7ce4ba9a1b5248e\_img.jpg\) 1](#) Proposed 2019 Corporate and Strategic Committee Terms of Reference

## Corporate and Strategic Committee Terms of Reference

*(adopted by Hawke's Bay Regional Council resolution 27 November 2019)*

1. Responsible for recommending actions, responses and changes to Council for:
  - 1.1. Establishing strategic priorities for organisational direction and performance including development of Council's Strategic Plan
  - 1.2. Development of Council's Annual and Long Term plans
  - 1.3. External relationships including Council's strategic partnerships ~~with Tangata Whenua~~
  - ~~1.4. Advise Council in respect of thought leadership across matters of regional significance~~
  - ~~1.5.1.4.~~ Consideration of resourcing implications of strategic initiatives and significant financial matters
  - ~~1.6.1.5.~~ Corporate Services including information and communication technology, fleet and facilities, marketing and communications
  - ~~1.7.1.6.~~ The effectiveness of Council's resource consent, compliance monitoring and enforcement activities
  - ~~1.8.1.7.~~ People and Capability management and Health and Safety and Wellbeing
  - ~~1.9.1.8.~~ The strategic direction of Council's investment portfolio and, where appropriate, the sale or acquisition of Council investments.
2. **Use of Delegated Powers for the Corporate and Strategic Committee** – this committee may, without confirmation by the local authority that made the delegations, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them, provided that the decision deserves urgency and the decision to make the resolution a decision of Council is carried unanimously.

<b>Members:</b>	<p>All Councillors being: Rick Barker, Will Foley, Craig Foss, Rex Graham, Neil Kirton, Charles Lambert, Hinewai Ormsby, Jerf van Beek and Martin Williams</p> <p>One appointed member of the Māori Committee being _____</p> <p>One appointed Tangata Whenua member of the Regional Planning Committee being _____</p>
<b>Chair:</b>	A Councillor as elected by the Council being Councillor Neil Kirton
<b>Deputy Chair:</b>	A Councillor as elected by the Council being Councillor Craig Foss
<b>Meeting Frequency:</b>	Quarterly
<b>Staff Executive:</b>	<p>Chief Executive</p> <p>Group Manager Strategic Planning</p> <p>Group Manager Corporate Services</p> <p>Group Manager Office of the CE &amp; Chair</p>



# HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 November 2019

Item 10

## Subject: 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
1.1	<b>Leasehold Land Sales</b>		
	1.1.1 Lot 7 DP 7201 CT 115/185 - Transfer	4365	11 November 2019
1.2	<b>Staff Warrants</b>		
	1.2.1 N. Zaman (Delegations under the Civil Defence Emergency Management Act 2002 (s.86- 92 inclusive) and Clause 32B Schedule 7 of the Local Government Act 2002)	4364	4 November 2019

2. The Common Seal is used twice during a Leasehold Land Sale, once on the Sale and Purchase Agreement and once on the Land Transfer document. More often than not, there is a delay between the second issue (Land Transfer document) of the Common Seal per property. This delay could result in the second issue of the Seal not appearing until the following month.
3. As a result of sales, the current numbers of Leasehold properties owned by Council are:
  - 3.1. 0 cross lease properties were sold, with 70 remaining on Council's books
  - 3.2. 1 single leasehold property was sold, with 91 remaining on Council's books.

### Decision Making Process

4. Council is required to make every decision in accordance with the provisions of Sections 77, 78, 80, 81 and 82 of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within these sections of the Act in relation to this item and have concluded the following:
  - 2.1 Sections 97 and 88 of the Act do not apply
  - 2.2 Council can exercise its discretion under Section 79(1)(a) and 82(3) of the Act and make a decision on this issue without conferring directly with the community or others due to the nature and significance of the issue to be considered and decided
  - 2.3 That the decision to apply the Common Seal reflects previous policy or other decisions of Council which (where applicable) will have been subject to the Act's required decision making process.

### Recommendations

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.

**Authored by:**

**Trudy Kilkolly  
PRINCIPAL ACCOUNTANT RATES AND  
REVENUE**

**Diane Wisely  
EXECUTIVE ASSISTANT**

**Approved by:**

**Jessica Ellerm  
GROUP MANAGER CORPORATE  
SERVICES**

**James Palmer  
CHIEF EXECUTIVE**

**Attachment/s**

There are no attachments for this report.

# HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 November 2019

## Subject: 2018-19 COMPLIANCE ANNUAL REPORT

Item 11

### Reason for Report

1. This item provides the 2018-19 Compliance Annual Report for councillors' information and adoption.

### Executive Summary

2. The Compliance section is responsible for the resource consent monitoring, pollution response, RMA enforcement, hazardous sites and Building Act functions of the Regional Council.
3. The attached report provides a summary of the work undertaken by the Regulation Group's Compliance section in 2018-19. It details the volume of monitoring undertaken, the levels of compliance reported, and a summary of enforcement action taken during the year.
4. It is usual practice for this report to be presented through the reporting committee but with the cancellation of the Corporate and Strategic Committee staff were requested to bring the report directly to the Council agenda.
5. Staff will make a presentation to Council at the meeting based on the written report and at the conclusion of questions Council will be asked to receive the report for publication.

### Discussion

6. For the Council's information reporting back occurs through the following mechanisms to Council:
  - 6.1. Compliance Annual Report (2018-19 report herein)
  - 6.2. HBRC Annual Report – results are presented through the Regulation Group of Activities within the Annual Report document.
  - 6.3. Active investigations or issues are reported to Council through the Significant Activities item on the monthly Council agenda.
7. Internally a weekly incident report is prepared for the Group Manager which details complaints and incidents and the outcomes or progress towards the outcomes.
8. Internally staff have established an approach whereby a media release will be issued at the conclusion of any prosecution carried out by HBRC, regardless of the outcome of the prosecution.

### National comparisons

9. Data on overall performance of compliance, monitoring and enforcement (CME) functions nationally has historically been patchy and this has led to the regional sector (the regional and unitary councils) commissioning an independent report that provided a comprehensive picture of CME activities. The report was released earlier this year.
10. The report was prepared by an independent consultant - Dr. Marie Brown of the Catalyst Group. All 16 of New Zealand's regional and unitary councils participated. This is the first report to provide some means of comparative evaluation of councils. The level of detail is greater than the information in the public realm from any environmental enforcement agency in New Zealand.
11. The national CME Report noted that HBRC has room for improvement around information management, particularly regarding the outcomes of incident responses. This has previously been highlighted through an audit undertaken on behalf of the Finance, Audit and Risk sub-committee and new systems have been put in place to address this.



12. The CME report has found that HBRC has some of the lowest staffing levels per head of population involved in CME activities. This has the potential to reduce capacity to carry out the minimum requirements within the Best Practice Guidelines developed by the Ministry for the Environment (July 2018). The average resourcing is 0.13 per 1000 population, and HBRC is at 0.06 per 1,000. HBRC has provided for additional staff through the Long-Term Plan and this is helping to address this.
13. Council can expect there to be ongoing need for greater compliance, monitoring and enforcement staff as new consenting requirements take effect, such as the new land use consents required in the Tukituki catchment, and eventually the region's other catchments as plan changes are completed.

### **Looking forward**

14. The regional and unitary council sector has been working for several years on standardising fundamental CME tasks that enable national scale data to have much stronger value due to increased comparability.
15. The ongoing development of a robust and regular reporting framework, including review and improvement of the current suite of metrics, will help drive performance improvements year on year.

### **HBRC Report Highlights**

16. In the 2018-19 year HBRC (with 2017-18 figures in brackets):
  - 16.1. employed 12 FTEs in CME activities (10)
  - 16.2. Received 1116 complaints (1095)
  - 16.3. Monitored 2965 resource consents (2943)
  - 16.4. Issued:
    - 16.4.1. 40 abatement notices (46)
    - 16.4.2. 101 infringement notices (92)
  - 16.5. Initiated 4 prosecutions (4)

### **Decision Making Process**

17. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision-making provisions do not apply.

### **Recommendation**

That Hawke's Bay Regional Council receives and notes the *"2018-19 Compliance Annual Report."*

### **Authored by:**

**Nick Zaman**  
**MANAGER COMPLIANCE**

### **Approved by:**

**Liz Lambert**  
**GROUP MANAGER REGULATION**

### **Attachment/s**

[!\[\]\(4f6bf54ae7e4144a72d78316053e412d\_img.jpg\) 1](#) HBRC Annual Compliance Report 2018-2019

# Annual Compliance Report 2018-19

Presented to Council: 27 November 2019

November 2019  
Hawke's Bay Regional Council Publication No. 5432



ISSN 2703-2051 (Online)  
ISSN 2703-2043 (Print)

**Attachment 1**

**Item 11**



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Regulation

## Annual Compliance Report 2018-19

**Presented to Council: 27 November 2019**

November 2019  
Hawke's Bay Regional Council Publication No. 5432

Prepared By:  
J. Blunden, S. Moffitt, R. Hogan, K. Peacock,  
M. Alebardi and N. Zaman

Reviewed By:  
Liz Lambert – Group Manager Regulation

signed

Approved:  
James Palmer - Chief Executive

ISSN 2703-2053 (Online)  
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Item 11

Attachment 1

**Attachment 1**

**Item 11**

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## Item 11



## Executive Summary

This report gives an overview of our compliance monitoring activity undertaken by Hawke's Bay Regional Council under the Resource Management Act from 1 July 2018 to 30 June 2019. It is the first year we have reported using information from a new Integrated Regional Information System. Reporting is based on the Ministry for the Environment (MfE) national compliance grading framework.<sup>1</sup>

Compliance monitoring involves carrying out inspections to assess some or all conditions placed on resource consents. We use compliance to promote behaviour change and enable consent holders, and the wider community, to take ownership of resource management issues, and incorporate best practice which goes beyond the minimum requirements.

The Compliance Team uses both regulatory and non-regulatory tools and works with a range of teams across Council to achieve a coordinated approach.

2,965 consents were monitored last year. Nearly 65% of these were for irrigation. The remainder of consents were for land use activities or discharges to land, air and water. Agricultural and horticultural activities (cropping, orchards, viticulture, dairy and pastoral) made up the majority of consents monitored.

The following gradings were achieved:

- 93% (2750) Full Compliance
- 3% (94) Low-risk non-compliance
- 3% (94) Moderate non-compliance
- 1% (27) Significant non-compliance

Water take consents for irrigation were generally compliant. There is only one issue of note relating to failure to undertake bore security works in an adequate timeframe to ensure protection of the underlying aquifer. Compliance staff are working with the consent holder to bring the bore up to standard. The Regional Council has developed a bore security program that will require all 1,800 consented water take bores to comply with a set of mandatory conditions and submit a report confirming the security status. We have prioritised at-risk bores starting with public water supplies. Private water supplies servicing multiple households are now being looked at.

Across the dairy industry, full compliance rates dropped, the number of Gold award recipients increased. This suggests that higher-performing operators are maintaining and improving standards while others may require further support or encouragement.

This Regional Council has employed dedicated forestry staff to meet our requirements for monitoring and enforcement under the National Environment Standard for Forestry. We have set up an online portal and system for managing applications, notifications, monitoring and enforcement. It is expected that the forestry compliance workload will increase significantly in 2019-2020.

Although improvements have occurred, there continue to be non-compliance with various discharge requirements at some industrial sites. Non-compliance will be monitored more closely in the 2019-2020 year.

The stormwater and sewage networks in all cities and towns are old and under significant stress, especially during periods of heavy rainfall. This causes sewage overflows that are both an environmental and health risk. All councils in the Hawke's Bay region are aware of this and recognise that addressing this is a major priority.

From 1 July 2018 to 30 June 2019, we received 1,116 requests for service through the Pollution Hotline service, a 1.9% increase on the previous year, with an increasing trend of 86% increase over the previous 5 years. Most of those incidents related to air discharge complaints.

<sup>1</sup> Taken from MfE's *Best Practice Guidelines for Compliance Monitoring and Enforcement under the RMA 1991* published in 2018.

Infringement notices issued increased to 101 from 92. Most infringement notices issued were for outdoor burning. This increase reflects the continued zero tolerance approach to outdoor burning breaches confirmed during the air shed season.

The number of abatement notices issued decreased slightly from 46 in 2017-18 to 40 in 2018-19. There were 4 prosecutions initiated during the year. The one completed prosecution was successful and resulted in a conviction and an \$11,750 fine for burning prohibited items.

## Introduction

Hawke's Bay Regional Council (HBRC) supports the sustainable development of the region by managing the effects of people's use of natural and physical resources. We also have a broader responsibility for the economic, social and cultural well-being of the community.

HBRC uses a range of regulatory and non-regulatory tools to manage the environmental impacts of activities throughout the region, including rules and resource consents made under the Resource Management Act 1991 (RMA). Compliance with the requirements of these rules and resource consents provides an important measure of how we, as a regulatory authority, engage with the community to manage environmental impacts.

The Compliance team is responsible for monitoring the following areas of HBRC business:

- Resource consents
- Pollution response
- Contaminated land and hazardous waste
- Oil spill response

This annual report provides an overview of all our compliance monitoring activity undertaken under the RMA from 1 July 2018 to 30 June 2019. It is the first year that we have reported using information from the new IRIS (Integrated Regional Information System) and reporting is based on the Ministry for the Environment (MfE) national compliance grading framework<sup>2</sup> (refer Table 1). While the results are not comparable to previous years, the report does provide a benchmark of compliance grading for following years and will allow comparison with National data sets.

Compliance is reported for the following activity areas:

- |                                |   |
|--------------------------------|---|
| • Agricultural                 | • Territorial Authorities               |
| • Bore security                | • Low flow monitoring                   |
| • Non-municipal effluent       | • Private landfill                      |
| • Forestry                     | • Pollution and Oil spill response      |
| • Horticulture and viticulture | • Contaminated land and hazardous waste |
| • Industrial activities        |   |

As with previous annual reports, significant non-compliance has been reported, as well as more detailed discussion of some more prominent and significant activities. An overview of compliance, pollution response, investigations and enforcement activities are also included.

Major industrial consents, or those of special interest to Hawke's Bay, that have been previously reported on, are included in the report.

New to this report is:

- The importance of understanding why and how we monitor compliance
- A new compliance grading framework (consistent with national best-practice)
- Why monitor compliance?
- The principles which underpin investigations and enforcement
- Discussion of the role of tāngata whenua in compliance and the need for further engagement and growth as a Council.

<sup>2</sup> Taken from MfE's *Best Practice Guidelines for Compliance Monitoring and Enforcement under the RMA 1991* published in 2018.

### Why Monitor Compliance?

In its most basic form, achieving compliance is often seen as meeting a minimum acceptable standard of resource use. Regulatory Compliance only forms one aspect of the regulatory lifecycle (refer figure 1), which also includes policy development and resource consents.

Monitoring compliance with consent requirements and responding to pollution events and pollution hotline requests for service:

- Raises awareness about the required level of environmental management and why it is important.
- Allows early detection of activities that might be adversely affecting the environment and allows action to be taken to remedy and mitigate effects.
- Ensures any non-compliance with consent conditions is identified and appropriate action taken.
- Gives assurance to communities that the resource management framework they were consulted on is being upheld.
- Contributes to assessing long-term trends over time.
- Helps Council make informed decisions.



Figure 1: Regulatory Lifecycle  
(Source Bay of Plenty Regional Council)

- Provides useful information about where policies and plans are not meeting the anticipated environmental outcomes. Feedback may lead to changes to policies and plans.

Our goal is to use compliance as a tool to promote behaviour change and enable consent holders, and the wider community, take ownership of resource management issues, and incorporate best practice which goes beyond the minimum requirements.

The Compliance Team seeks to achieve this using both regulatory and non-regulatory tools and works with a range of teams across Council to achieve a co-ordinated approach.

### How We Monitor Compliance

Compliance monitoring involves carrying out inspections to assess some or all active conditions within resource consents.

The frequency of site inspections for each activity is set in our 2018-28 Long Term Plan and a review will be carried out for the 2019-2020 year as part of the annual Resource Management Act Section 36 charges review, which outlines the costs associated with maintaining resource consent. The inspection frequency considers the type of activity and its environmental risk profile. Other factors are also considered for particular consents, such as the consent holder's compliance history.

In addition to inspections, the team also undertakes desktop performance monitoring, which is the audit of incoming compliance returns from consent holders, such as test results, reports, records and monitoring data. These compliance grades are explained in the Table 1.



Table 1: Explanation of compliance grades

Compliance Grade	Explanation
Complying	Complying with all assessed consent conditions.
Low-risk Non-Compliance	Compliance with most consent conditions. Any non-compliance is of a low-risk to the environment.
Moderate Non-Compliance	Non-compliant with some consent conditions, where the environmental consequence of non-compliance is deemed to be minor to moderate risk, and/or has the potential to result in more serious environmental effects.
Significant Non-Compliance	Failure to comply with a number of consent conditions and/or the environmental consequences of non-compliance was deemed to be significant.

### Strategic Compliance Framework

In March 2016, the Regional Sector Compliance and Enforcement Special Interest Group (CESIG) finalised and endorsed the Regional Sector Strategic Compliance Framework (SCF). More recently the CESIG has just completed its biennial 2018 review of the SCF. Staff from HBRC were involved in the development and recent review of the SCF. The HBRC compliance programme is being implemented to be consistent with the national framework and national best practice, for example, using the four-grade compliance system, previously three.

The Regional Sector SCF (along with the MfE's Best Practice Guidelines) assists Regional and Unitary Authorities to develop a consistent approach to:

- Monitoring compliance (to assess the state of compliance).
- Encouraging compliance (so we all achieve the highest levels of compliance).
- Dealing with non-compliance (consistent use of enforcement tools to bring about behaviour change).
- Reviewing each of these components to gauge the effectiveness of the SCF.

The SCF encourages Regional and Unitary Authorities to implement the **4 Es Model** approach (engage, educate, enable, enforce) to compliance promotion (refer Figure 2).

It is important that councils take a comprehensive 'spectrum' approach to encourage compliance, through understanding what influences behaviour change. The inclusion of the 'enforce' element recognises that more coercive measures are available, if the softer approach is ineffective in achieving behaviour change.

**Engage** – consult with regulated parties, stakeholders and community on matters that may affect them. This will require maintaining relationships and communication until final outcomes have been reached. This will facilitate greater understanding of challenges and constraints, engender support and identify opportunities to work with others.

**Educate** – alert regulated parties to what is required to be compliant and where the onus lies to be compliant (i.e. with them). Education should also be utilised to inform community and stakeholders about what regulations are in place around them, so that they will better understand what is compliant and what is not.

**Enable** – provide opportunities for regulated parties to be exposed to industry best practice and regulatory requirements.

Link regulated parties with appropriate industry advisors.  
Promote examples of best practice.

**Enforce** – when breaches of regulation, or non-compliance, are identified then an array of enforcement tools are available to bring about positive behaviour change. Enforcement outcomes should be proportional to individual circumstances of the breach and culpability of the party.

The SCF also encourages Regional and Unitary Authorities to undertake robust data collection and reporting on its compliance and monitoring activities, to understand compliance and non-compliance within the region, and to continue to improve and tailor the compliance programme accordingly.

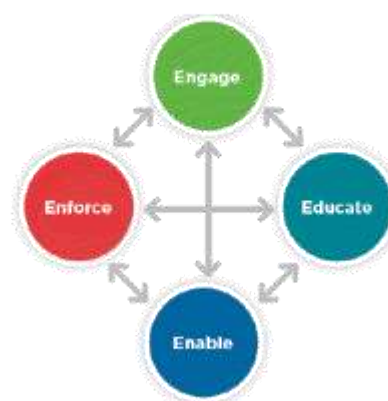


Figure 2: 4 Es source Regional SCF

### Who Monitors Compliance?

Regulatory Compliance monitoring is largely driven through the HBRC Regulation Group which includes the Compliance and Harbour Master functions. The Compliance Team is made up of Environmental Compliance Officers, Environmental Pollution Response Officers and Compliance Coordinators based out of our Dalton Street Office in Napier.

Environmental compliance staff generally carry out the day-to-day compliance tasks, including scheduled inspections, Pollution Response and requests for service, investigations and enforcement. Officers focus on and lead a wide range of specialised compliance projects which are linked to escalated or high-profile issues such as plan changes and organisation challenges such as new emerging national issues.

More recently a regulatory policy implementation position has been added to the Regulation Group to help implement the Tukituki Catchment Plan (PC6) and that recognises the crucial link in the regulatory lifecycle and the important contribution that putting emphasis on the 'engage and educate' part of the 4'Es plays in delivering good compliance outcomes and ensuring that our policies are fit for purpose.

### Enforcement

Depending on the severity of non-compliance, staff will often work with consent holders and other parties to achieve compliance without using enforcement. However, when this approach is unsuccessful or inappropriate, HBRC can use a variety of enforcement tools.

#### Directive options

- Compliance audit sheets and letters of direction – these set out actions required to achieve compliance.
- Abatement notices - formally require works or actions to be undertaken or ceased.
- Enforcement orders - are applied for through the Environment Court. This is more common during prosecution sentencing, as obtaining enforcement orders can be very time consuming and costly.

### Punitive options

- Formal warning letters - advise offenders of their non-compliance.
- Infringement notices – issue set fines ranging from \$300 to \$1,000. They can be issued to individuals or organisations that have breached the RMA<sup>3</sup>.
- Prosecution - the maximum penalty can be up to two years imprisonment and a fine of up to \$300,000 for individuals or up to \$600,000 for any other entity.

It is sometimes appropriate to use a mix of directive and punitive options, as these options are not exclusive of each other and can be very effective.

When considering which enforcement option to take, it is important that a fair, robust and consistent decision-making process is followed. Decisions can only be made using the facts, not assumptions or guesses. The following criteria are considered in each case as part of Enforcement Decision Making Process set out in HBRC Enforcement Policy 2018:

1. Actual adverse effects on the environment (effects that have occurred).
2. Likely adverse effects (potential effects).
3. Value or sensitivity of area affected.
4. Toxicity of discharge.
5. Deliberate or accidental action.
6. Degree of due care taken/foreseeability of incident.
7. Effort to remedy/mitigate effects.
8. Effectiveness of remedy/mitigation.
9. Profit or benefit gained by alleged offender.
10. Repeat non-compliance or previous enforcement action for the same or similar situation.
11. Failure to act on prior instructions.
12. Degree of deterrence required in relation to the party (specific deterrence and not a wider effect).
13. Degree of general deterrence required.

In addition, the Solicitor General's guidelines must be considered in the decision-making process for prosecutions.

### Implications for Tāngata Whenua

The Māori population in the Hawke's Bay equates to about 26% of the total population<sup>4</sup>. HBRC has clear statutory obligations to Māori under the Local Government Act 2002 (LGA), and the Resource Management Act 1991 (RMA). In particular, Part 2, Sections 6 and 7 of the RMA recognises and provides for participation in decision-making, having regard to kaitiakitanga, consultation and fostering development.

Council is actively seeking to collaborate and improve the way we do business in the regulatory compliance space and strengthen relationships between the Regulatory Compliance team and tāngata whenua.

The core function of compliance is to ensure consent conditions, plans, policies, rules and the RMA are followed. The role of tāngata whenua as kaitiaki is to protect the natural and physical environment, waahi tapu and other sites of cultural significance to ensure community and cultural sustainability is achieved. Therefore, the role of compliance directly aligns with tāngata whenua and kaitiaki values; partnering with tāngata whenua is of mutual benefit to ensure the best environmental outcome is achieved.

<sup>3</sup> Central Government are currently reviewing infringement notices as part of the RMA Amendment Bill with a view to increasing penalties

<sup>4</sup> Source Ministry of Health 2018-19



Areas for involvement and improvement in relation to our compliance monitoring function include:

- Early notification aims to ensure all effects (i.e. cultural, environmental, socio-economic, spiritual) from incidents, particularly discharges to water, are dealt with early and provides tāngata whenua and kaitiaki an opportunity to inform their own decision-making. Their observations and involvement can then further inform relevant cultural assessments which feed into consent applications.
- Regular meetings and workshops with various tāngata whenua across the region to strengthen communication and relationships, build trust and increase accountability.

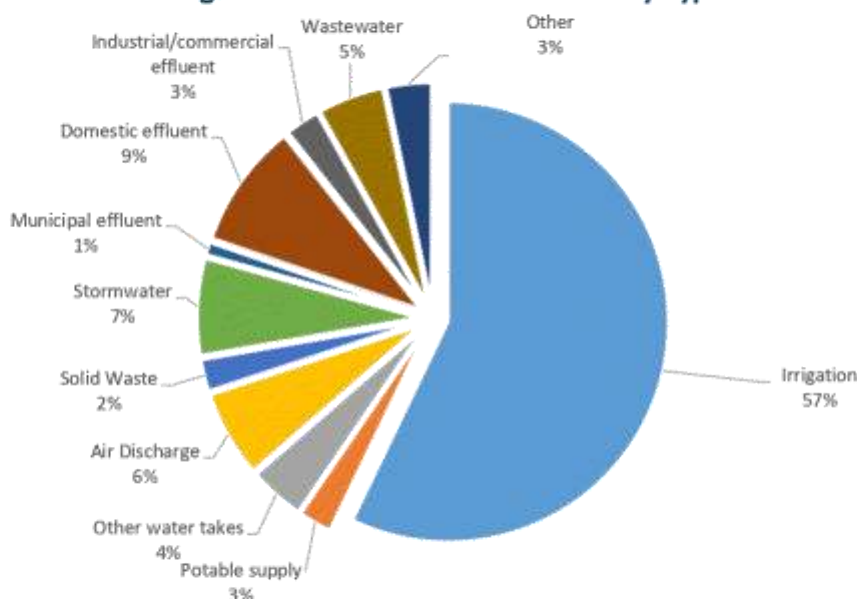
Doing the above will ultimately enable us to have an improved understanding and appreciation of mātauranga Māori. Greater understanding will drive consistency across the team and improve relationships and collaboration with tāngata whenua across the region.

Hawke's Bay is experiencing economic and population growth, with development occurring throughout the region. Managing environmental outcomes can become more difficult under high growth situations and thus kaitiaki play a significant role in this space. One of the compliance teams focus areas is to progress collaboration initiatives across the region.

## Compliance Inspection and Results

For the 2018-2019 reporting period, HBRC had approximately 8500 resource consents. Of these, 3290 required monitoring during the reporting period - 2040 water takes consents and the remaining 1250 consents predominantly for land use or discharges to land, air and water. Figure 3 shows the total percentage of the resource consents by type across the Hawke's Bay region.

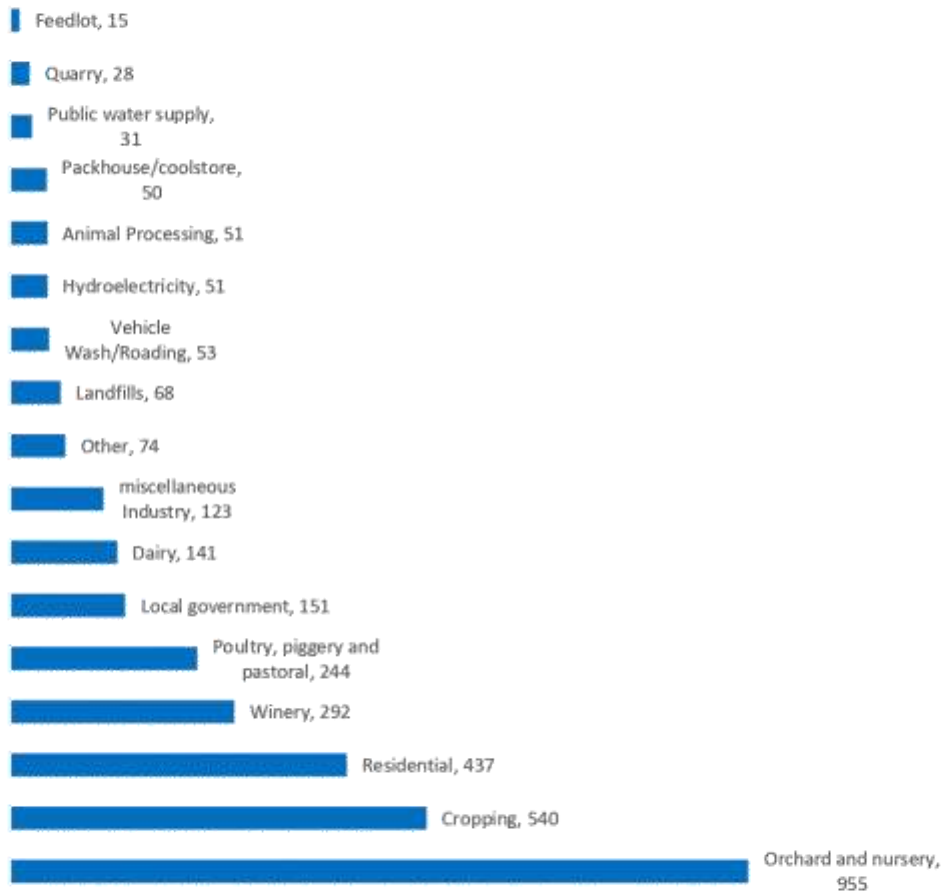
**Figure 3: Total Resource Consents by Type**



The resource consents that we issue are dominated by irrigation and other water supplies that make up approximately 64% of all resource consents for HBRC. Resource consents for discharging effluent are the next largest portion, with domestic, municipal and commercial effluent making up 13% of all monitored resource consents. Stormwater and wastewater consents are 7% and 5% respectively of all consents. Air discharges that make up approximately 6% comprise odour, dust, particulate matter and other contaminants.

The number of consents monitored by activity in 2018-19 (refer Figure 4) show that agricultural and horticultural activities namely; cropping, orchards, viticulture, dairy and pastoral, make up the majority of the consents monitored during this period. The other major portion are consents issued for domestic activities, this is predominantly domestic effluent consents.

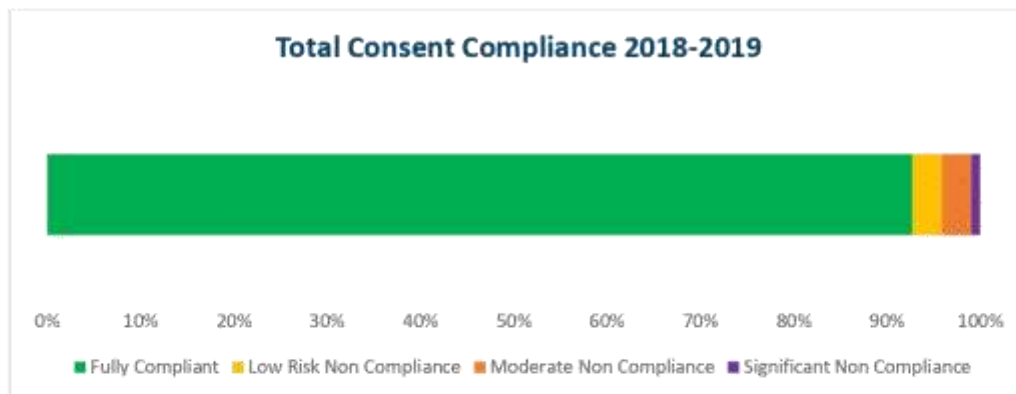
**Figure 4: Total Resource Consents by Activity**



During the 2018-2019 period HBRC compliance staff monitored 90% of the resource consents that required monitoring (2965 of 3290). Monitoring includes physical site inspections of the resource consents, assessments of performance and data returns received by the compliance and water information services team.

The chart below details the compliance grading for all of the consents monitored by HBRC during the 2018-2019 reporting period. Of the 2965 resource consents that were monitored the following gradings were achieved:

- 93% (2750) Full Compliance
- 3% (94) Low-risk non-compliance
- 3% (94) Moderate non-compliance
- 1% (27) Significant non-compliance



Compliance and Enforcement reporting for the 2018-2019 year is presented in this report in three main sections:

- Audit and Inspection activities
- Incident response and enforcement
- Contaminated land, hazardous waste and oil spill response.

The **Audit and inspection activities** section is based on industry groupings such as forestry, dairying and domestic effluent. The performance of resource consents held by local authorities is broken down to each individual local authority. Regionally significant consents have also been identified and are included in the report.

The performance of resource consents held by major industry sectors and regionally significant industries is presented as a table of summary figures and a graph detailing the overall compliance grading. Comments detailing other important information such as; the completeness and quality of the results provided, evidence of contingency planning, prompt notification of events, completion of full and thorough investigations, maintenance of good communications with HBRC and proactive in addressing or highlighting potential issues and evidence of environmental effects.

The **Incident response and enforcement** section is presented as complaints and enforcement action undertaken. The complaints received are shown by resource type such as land air or water. The enforcement reporting is shown as infringement notices, abatement notices and prosecutions completed or undertaken during the 2018-2019 reporting period. Both complaints and enforcement data is compared to previous years to indicate trends.

The **Contaminated Land and Hazardous Waste** section details the contaminated land information currently recorded on our Selected Land Use Register and outlines other projects that have been undertaken within the 2018-2019 reporting period. Upcoming projects and expected pressures are also highlighted. A summary is included for our subsidised Agricultural Chemical collection.

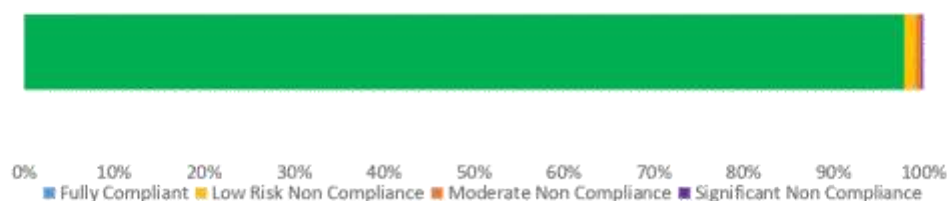
## Audit and Inspection Activities

The following section details the total number of resource consents for each industry sector or regionally significant industry, the number of assessments made against these resource consents during the period, and the compliance grading achieved by the industry as a collective.

During the 2018-2019 period the compliance and water information services teams monitored 2965 resource consents which is 90% of the resource consents that required monitoring during the period.

Of the total 3290 resource consents that required monitoring during the 2018-2019 period, 2040 of these are water takes. Most water take data is automatically transmitted to Council through our telemetry system and any non-compliances are identified by the water information services team (WIS) and passed onto the compliance team for follow up.

### Water Take Compliance 2018-2019

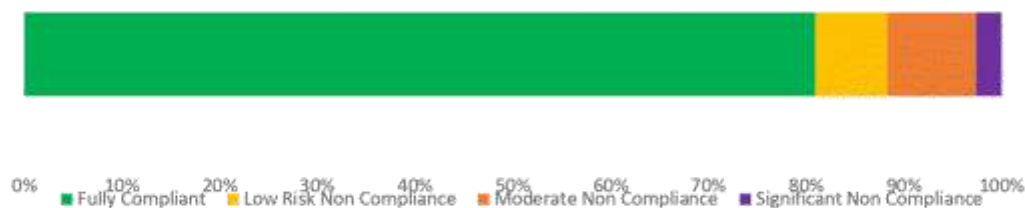


During the 2018-2019 monitoring period, the 2040 water take consents were predominantly compliant with only 2.2% (38) being identified as non-complying.

The remaining 1250 consents are for land use or discharge to air, land and water. HBRC received, logged and reviewed 2972 performance monitoring returns for 925 individual resource consents. 457 resource consents had a physical site visit undertaken and an additional overall assessment was made against 375 resource consents.

The compliance grading for every monitoring action or assessment undertaken is recorded and for the 2018-2019 period the compliance grading statistics for all land use and discharge consents monitored is presented below.

### Discharge and Land Use Consent Compliance 2018-2019



The compliance grading shows that the discharge consents monitored were generally compliant with 81% (749) of all monitored consents achieving a grading of full compliance. Of the consents that did not achieve full compliance, 7% (68) were graded low-risk non-compliant, 9% (84) were graded moderately non-compliant and 3% (24) were graded significantly non-compliant. The low-risk, moderate and significant non-compliances are discussed further in the report.

The following audit and inspection activities section details the compliance grading of the dominant industries within the Hawke's Bay region as well as regionally significant operations. The compliance of the following industries and activities are reported on for the 2018-2019 period:

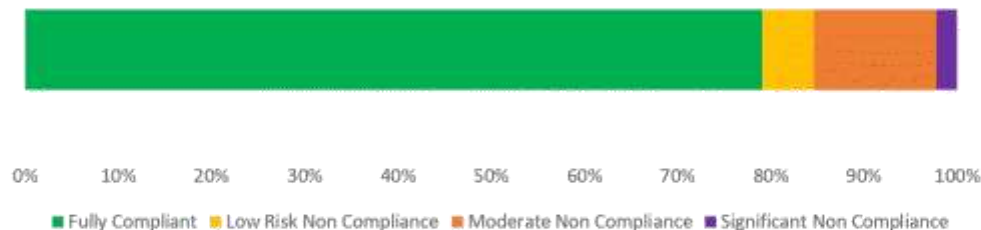
- Agricultural discharges
- Bore Security
- Low flow monitoring
- Non-municipal effluent discharges
- Forestry
- Horticulture and viticulture
- Industrial Discharges
- Territorial authority discharges
- Solid waste discharges
- Contaminated land and hazardous waste



## Agricultural Discharges

### Dairy resource consents

#### Dairy Compliance 2018-2019



The discharge of dairy effluent to land in Hawke's Bay is a Controlled Activity requiring resource consent. Discharge consents allow farms to irrigate dairy shed effluent to land and some dairies also hold a consent to discharge odour to air. All dairy farms receive an annual compliance visit.

The compliance grading presented in the above chart shows that the consents monitored were generally compliant with 79% (72) of all monitored consents achieving a grading of full compliance. Only 7% (5) were graded low-risk non-compliant, 13% (12) were graded moderately non-compliant and only 2% (2) were graded significantly non-compliant.

The significantly non-compliant consents were held by Kiwitahi Pastoral dairy farm located on the Mahanga plains in the Wairoa District and Maxwell farms in Patoka. Two abatement notices and four infringement notices totalling \$4000 were issued to Kiwitahi pastoral. HBRC have increased monitoring of the farm with quarterly visits to help them achieve compliance. In the 2019-2020 period the dairy is currently graded fully compliant and have improved management practices and staff training in place to manage compliance and reduce environmental risk from their operations.

For Maxwell farms, the significant non-compliance grading was given for an effluent runoff event that resulted in irrigation of a race and runoff that nearly reached water. In this 2019-2020 period the farm is currently graded full compliance and no further incidents have been reported or discovered. It should be noted that this incident was self-reported by the consent holder and they have invested in upgrading the effluent disposal system to avoid future occurrences.

Dairy shed effluent is created from the clean down of the milking shed and yards and is a combination of water and effluent. It is regarded as an excellent natural liquid fertiliser. It contains potassium, nitrogen, phosphorus, magnesium, sulphur and trace elements essential for grass growth.

However, pasture can only use so much effluent at a time. It is important to match the irrigation depth to the capability of the pasture to utilise the nutrients. Over-application of effluent can result in the following outcomes:

- Kill pasture – especially where effluent has 'ponded' on the soil surface;
- Pollute groundwater – by seeping below the root zone;
- Pollute nearby waterways – where it runs off paddocks and into streams and rivers;

Council facilitates a *Dairy Industry Liaison Group* consisting of Council staff, dairy farmers, Fonterra and DairyNZ representatives. This group has adopted a goal of achieving 100% full compliance across all dairy farms in Hawke's Bay. Recognising those achieving this over a long period is one way to promote reaching this goal.

Farms must achieve full compliance at all inspections; both water take consents and farm dairy effluent discharge consents are included.

Bronze certificates are awarded for three consecutive years of full compliance, Silver certificates are awarded for four consecutive years of full compliance, and Gold certificates are awarded for five consecutive years of full compliance. Thirty-seven farms achieved Gold certificates in 2019-2020 year.

The count of compliant years is reset to zero at a change in farm ownership or noncompliance.

Current Gold certificate holders are:

- Anacott Farms Limited Partnership
- Ashton Family Trust
- Blatchford C D & B M
- Bluff Views Limited
- Brylee Farm Limited
- Cameron Dairies – Black Road
- Cameron Dairies – Boyle Road
- Cavan Downs Trust
- Chrystal C J J
- Cooper Del Este Limited
- Flat Hill Trust
- Galloway Enterprises Limited
- Great Glen Farm Limited
- Hayward Standing Trust
- HB Pastoral
- Hedley J H & J
- Incline Farm Limited
- Lansdown Family Trust
- Lyon Family Trust
- Lyons Family Partnership
- Mangatutu Station Limited
- McBaxter Investments Limited
- Mitchell Dairy Farms Limited
- Omatane Farms Limited
- Opoiti Limited
- Perthshire Farms Land Company Limited
- Pine Estate Limited
- Seven Oaks Partnership
- Spring Valley Holdings Limited
- Te Repo Farms Limited
- Thompson Perry Family Trust
- Tuki Tuki Awa Limited
- Waikare Dairy Company Limited-Tutira
- Waikare Dairy Company Limited-Putorino
- Wairua Farms Limited
- Wantara Farms
- Watts and Son Limited
- Wilson GP

Over time, compliance rates have improved considerably. Forty four dairy farms out of the 77 in Hawke's Bay have been fully compliant for a minimum of three years, compared to 2012 when only 23 out of 92 farms were fully compliant.

Table X HB Dairy Award holders 2012 to 2019

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Gold	12	19	21	28	31	34	37
Silver	8	3	7	4	6	13	5
Bronze	3	8	4	7	13	7	5
Total	23	30	32	39	50	54	47

Across the whole dairy industry, full compliance rates have dropped, although the number of both Gold award recipients have increased. This would suggest that higher performing operators are maintaining and improving standards while others may require further scrutiny from monitoring officers. The main causes of noncompliance are failing to meet sampling requirements and not observing the nitrogen loading limit of 150kgN/ha/year limit. In some cases, this was a result of a lack of tracking by the consent holder of accumulative N loading during the year.



## Feedlots

## Feedlot Compliance 2018-2019



The compliance grading presented in the above chart shows that the majority of consents monitored were compliant with 71% (10) of all monitored consents achieving a grading of full compliance. The remaining 4% (4) were graded low-risk non-compliant. For the period there were no moderate or significantly non-compliant consents. Low-risk non-compliance is generally of a technical nature and considered a low-risk to the environment. For 2018-2019 the low-risk non-compliances were for late submissions of feedlot maps and in one case a missing analysis in the required sample.

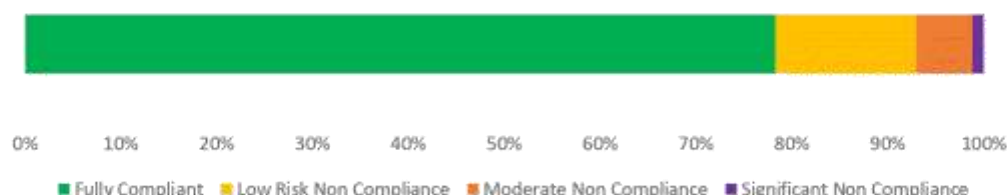
There has been wide commentary from the media and conservation organisations on feedlots and winter grazing. In 2017, HBRC clarified its position on what constituted a feedlot and considerable effort was made to work with the farming sector in this regard. This resulted in 16 operations that had previously operated as permitted activities applying for and obtaining resource consents to operate. There are other operations that continued to operate as permitted activities through complying with the requirements of Rule 5 of the Hawke's Bay Regional Resource Management Plan.

Additionally, a few operators have since reassessed their farming practices and ceased the activity altogether. This has continued as the consenting requirement of Plan Change 6 draws near. Whether consented or not, winter grazing operations and feedlots are monitored by the compliance team as a priority during the year. Monitoring activities included a monitoring flight. In the 2018-2019 reporting year the winter rainfall was lower than normal and significantly fewer issues were discovered.

## Irrigation

The majority of irrigation consent holders were compliant with their conditions. Over the summer there was enough rain at the right times therefore comparatively little irrigation was required by most consent holders. This in turn meant less investigations for water exceedances. The compliance team works closely with the Council Water Information Services team with regards to water exceedances, ensuring meter verifications are up to date and missing meter readings are submitted. The compliance grading information for irrigation water takes includes cropping, horticulture and frost protection water takes.

## Irrigation Watertake Compliance 2018-2019



The compliance grading presented in the above chart shows that the consents monitored were generally compliant with 78% (133) of all monitored consents achieving a grading of full compliance. Only 15% (25) were graded low-risk non-compliant, 6% (10) were graded moderately non-compliant and only 1% (2) were graded significantly non-compliant.

Significant non-compliance relates to two consents held by Yule Partnership and Williams Family Trust. The Yule Partnership consent was graded non-compliant following repeated failure to submit meter readings and verify the meter. This has been investigated further by HBRC compliance staff and the consent is now fully compliant for the 2019-2020 period. The Williams Family Trust consent was graded significantly non-compliance for inadequate bore security to ensure protection of the underlying aquifer. This consent will be reassessed in the 2019-2020 period and bore security works are scheduled to be undertaken within this period.

### Piggery

The region has three operational piggeries, one in Esk Valley, one in Takapau and the other in Te Pohue. All are operating under a current resource consent. In the 2018-2019 year the Esk Valley piggery achieved compliance and the Te Pohue piggery was graded moderately non-compliant. Steps have been taken to achieve compliance ahead of consent renewal in 2020. The Esk Valley piggery produces the most significant amount of effluent which is irrigated to land after passing through a three-stage settlement pond system. The resource consent has similar consent conditions as a dairy effluent discharge.

### Bore Security

Following on from the Havelock North drinking water contamination crisis, the Council has developed a bore security program that will require all 1800 consented water take bores to comply with a set of mandatory conditions and submit to the Council a report confirming the security status. Assessing the security of a bore is a specialist role, the Council relies on the Blue Tick operators and well drillers to provide this service to the consent holders.

Due to the large number of consented bores compliance staff have prioritised at risk bores starting with public water supplies, working closely with the four TLAs who have been proactive in upgrading their public water supply bores. Private water supplies servicing multiple households are now being looked at. In addition, all new consents, renewals and consents that require a change of consent conditions must have a bore security check undertaken.

With only 250 bore security reports received, the Compliance team is assessing how to expedite this program.

The bore security requirements include:

- Flange gaskets in place and in good condition.
- Top plate cable glands in place.
- Other top penetrations sealed and secure.
- Welded connections and surface coating in good condition.
- Bores to have a concrete apron or impervious material like Bentonite to seal between the bore casing and the surrounding ground.
- Backflow prevention devices installed where applicable.



The Council has received great support from the industry with the bore security programme.



The image on the left shows common unsecured bores while the image of the right is a similar bore following bore security works.

## Low Flow Monitoring

Throughout the year the compliance team, with the hydrology team, monitor the automatic river and stream level recording stations throughout the region.

There are a number of resource consents for irrigation water takes that have cut off points for water extraction. These bans predominantly occur during the summer months and are strictly enforced.

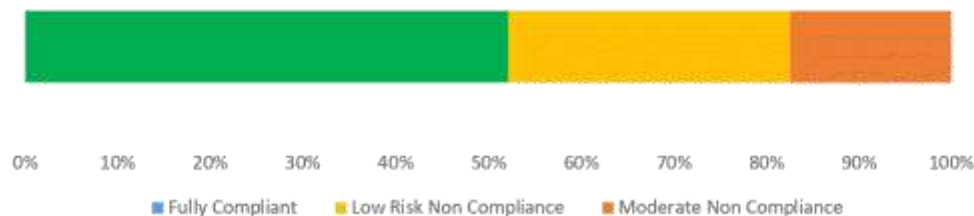




## Non-Municipal Effluent Discharges

Commercial and industrial effluent consents

### Non-Municipal Effluent Compliance 2018-2019



The compliance grading presented in the above chart shows that the only 53% (24) of all monitored consents achieved a grading of full compliance. 30% (14) were graded low-risk non-compliant, 17% (8) were graded moderately non-compliant and none were graded significantly non-compliant.

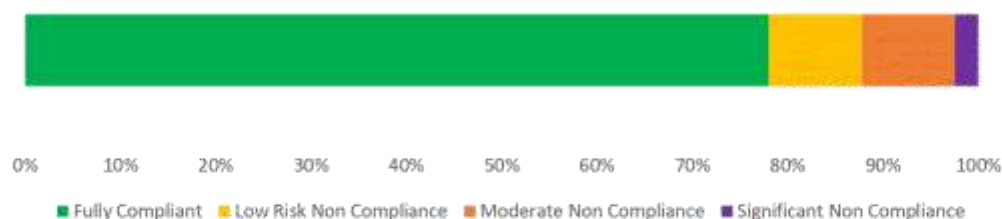
The low-risk non-compliance grading is mostly applied to consents where the required data submission date has been missed, even if only by a day.

The moderate non-compliance relates to eight different operations and is predominantly for effluent standards being breached on one occasion during the period. The consents that have continued to exceed on more than one occasion have had increased monitoring frequency and are on track to be graded compliant in the 2019-2020 year.

Commercial and industrial effluent is discharged from businesses and sites that are not connected to the municipal sewage network. In the Hawke's Bay region major contributors are Pan Pac Forest Products Limited (Pan Pac), Silver Fern Farms, Heretaunga plain companies and other commercial operations. Domestic wastewater is addressed in the following section.

Commercial and industrial wastewater consents

### Commercial and Industrial Wastewater (Excluding Dairy) Compliance 2018-2019



The compliance grading presented in the above chart shows that the consents monitored were generally compliant with 78% (32) of all monitored consents achieving a grading of full compliance. Only 10% (4) were graded low-risk non-compliant, 10% (4) were graded moderately non-compliant and only 2% (1) were graded significantly non-compliant.

The significant non-compliance relates to AFFCO (Wairoa) Ltd and is discussed in detail in the meat processing section below.

Wastewater includes discharges to land and sea from manufacturing, cooling water, production and pack houses/cool stores where they are not connected to the municipal trade waste. This includes meat processing, timber treatment and other industrial and commercial activities.

### Domestic effluent accreditation programme

#### Domestic Effluent Compliance 2018-2019



The compliance grading presented in the above chart shows that the domestic effluent consents monitored in the 2018-2019 period were generally compliant with 89% (80) of all monitored consents achieving a grading of full compliance. Only 9% (8) were graded low-risk non-compliant, 2% (2) were graded moderately non-compliant and no consents were graded significantly non-compliant. The low-risk non-compliances related to data submission dates not being met and the two moderate non-compliances were for poorly maintained or damaged systems. Both systems have been serviced and repaired during the 2019-2020 period and are on track to improve their compliance grading.

The Regulation team operates a Wastewater Accreditation Programme for on-site domestic wastewater treatment systems and industry professionals. Consent holders with an on-site domestic wastewater treatment system type that is on the Councils accredited manufacturer list and is installed and maintained by an HBRC accredited installer and service provider will not be subject to routine compliance inspection. Instead a desk top audit is carried out to ensure the system is being regularly serviced. We incentivise compliance through the Domestic Onsite Wastewater Accreditation Program through reduced compliance monitoring fees for newer or more advanced treatment systems.

Typically consents are issued for a period of ten years, upon expiry most household systems can become a permitted activity. Council has monitored systems prior to expiry to confirm compliance. HBRC has employed a full-time compliance officer in the 2019-2020 period to monitor compliance of onsite domestic wastewater systems. Having a dedicated officer will increase the oversight and enforcement of non-compliant consents and allow an increased volume of consents to be monitored.

### Forestry

#### Forestry Compliance 2018-2019



The compliance grading presented in the above chart shows that only 57% (57) of all monitored consents achieved a grading of full compliance. Fourteen percent (14) were graded low-risk non-compliant, 29% (29) were graded moderately non-compliant and no consents were graded significantly non-compliant in the 2018-2019 period.

Most of the moderate non-compliance grading are related to forestry infrastructure that at the time of the visit required remedial action; this included water sediment retention structures and disturbed earthworks not yet stabilised. The required work had in most cases already been identified in the forest manager's internal auditing.

Other technical low-risk and moderate non-compliances resulted from insufficient information provided to HBRC in the application for activities. Re-education of the smaller forestry companies and the appointment of specialist environmental managers within the larger companies is improving outcomes and reducing non-compliance in the 2019-2020 period.

**The NES-PF took effect on 1 May 2018.** It covers eight core plantation forestry activities, being afforestation, pruning and thinning to waste, harvesting, replanting, river crossings, earthworks, quarrying, and mechanical land preparation. Miscellaneous activities such as installation of slash traps are also covered. HBRC has employed dedicated forestry staff to meet our requirements for monitoring and enforcement under the NES – Forestry. One position was filled in late 2018 and HBRC and HDC have jointly funded another role starting late 2019.

As part of managing the large volume of forestry permitted activities and resource consents the forestry compliance officers have set up an online portal and system for managing applications, notifications, monitoring and enforcement. It is expected that the forestry compliance workload will increase significantly in the 2019-2020 period compared to 2018-2019.

The NES-PF Regulations are based on achieving good forestry practices and use a risk-based approach to determine where resource consents are required. This includes the mapping of Erosion Susceptibility Class (ESC), and requiring consent for harvesting, afforestation and replanting within the Red (very high risk) ESC areas.

The Compliance and Consents team have been proactive in liaising with the forestry industry and neighbouring Regional Councils to get consistency throughout the mid and lower North Island, including:

- Ongoing attendance and contribution to lower North Island Regional Council NES PF workshops.
- Ongoing work with the **Hawke's Bay Forestry NES sub-group**. This small group was established to provide a forum for some of the key industry consents and compliance representatives to meet with Council staff to discuss and clarify areas of NES implementation.
- **Development of supporting information and resources** for applicants, including online application forms. Also developed is an information brochure for land owners which draws their attention to their liabilities, and encourages them to select high quality forestry contractors who integrate environmental best practice into their operations.

The larger forestry companies have made it clear to Council that they want and expect to see Council staff on the ground. This reflects the positive relationship that has been developed. 95 permitted activities notices were received, and 24 resource consents issued in the period.

## Horticulture and Viticulture Discharges

### Horticulture

#### Te Mata Mushrooms Co. Ltd

Te Mata Mushroom at Brookvale Road still has significant non-compliances with its resource consent. Prosecutions were taken in 2016 and 2018. An environment court enforcement order was issued requiring the company to obtain a new air discharge consent, and this is currently going through a hearing process.

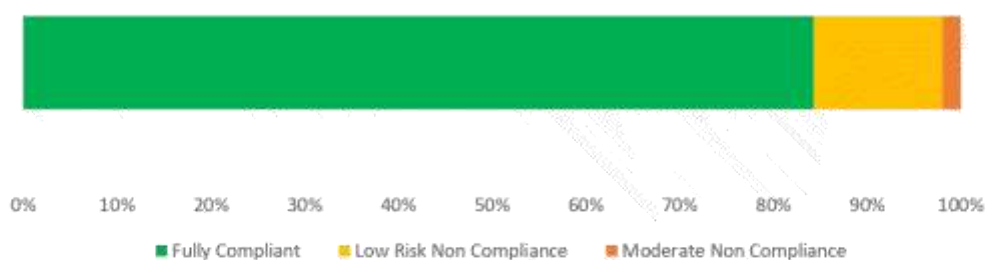
The Council received 175 odour complaints in the 2018-2019 reporting period, this is down from the 298 odour complaints from the previous year. No formal enforcement action was taken during this period while the consent hearings were in progress.

As part of its consent application Te Mata Mushroom are proposing a series of staged upgrades to its composting operations. They have proposed enclosure of some of the key odour generating activities, with treatment of odorous air using biofilters. Including construction of additional filling/mixing buildings, which will contain conveyors to transport compost between Phase 1 and 2 buildings, construction of a new Phase 1 bunker and enclosure of the bale breaking and blending line. These upgrades are proposed to occur in a staged fashion, with key milestones at 13, 19 and 30 months from the date the consent commences.

The hearing on this application was recently concluded (November 2019), and the independent hearing panel will release their decision in the next few weeks.

### Wineries

#### Winery Compliance 2018-2019



The compliance grading presented in the above chart shows that the consents monitored were mostly compliant with 84% (43) of all monitored consents achieving a grading of full compliance. Only 14% (7) were graded low-risk non-compliant, 2% (1) were graded moderately non-compliant and no consents were graded significantly non-compliant.

Hawke's Bay is the second largest wine growing region in the country. Wineries and vineyards generally have two forms of consent; consents to take water and consents to discharge winery waste or treated effluent from associated buildings. Unless water take exceedances are excessive or warrant enforcement action, they will not be highlighted in this report. The wine industry does not generally pose a significant risk in the region, but several properties reside over the Heretaunga Aquifer and require specific attention.

The wineries in this region, particularly the larger sites have significant requirements in their winery consents to report on the quantity and quality of the waste water generated. Most of the non-compliance is technical in nature from insufficient reporting of data. In contrast, environmental compliance observed during inspections is historically good. Other wine industry-led environmental auditing such as Sustainable Wine Growing New Zealand (SWINZ) incentivises compliance.



## Industrial Discharges

### Crematoriums

#### Hastings Crematorium

The Hastings crematorium operates at 202 Orchard Road in Hastings Central and was granted resource consent to discharge to air in 2017. For the 2018-2019 reporting period full compliance was achieved. There was a delay in providing the required stack test due to contractor difficulties however this did not impact the compliance grading.

This represents an improvement from significant non-compliance in 2017-2018 to full compliance.

#### Beth Shan (Invocare)

Beth Shan (Invocare) operate a crematorium at 401 Maraekakaho Road in Hastings Central and were granted consent to discharge to air in 2014. For the 2018-2019 reporting period full compliance was achieved. This represents an improvement from moderate non-compliance in 2017-2018 to full compliance.

### Composting

For the 2018-2019 period BioRich was graded full compliance. There are no other major composting operations occurring within the Hawke's Bay region.

### Fertiliser manufacturing

Ravensdown operate a fertiliser production facility along Waitangi Road in Awatoto. They hold two consents for discharge to air and discharge to water from the site. In the 2018-2019 reporting period the discharge to air was graded moderately non-compliant because of exceedances in discharge quality standards on several occasions. The discharge to water has not been assessed during the 2018/2019 period as we are waiting for technical review of the 4-yearly receiving environment monitoring. It is anticipated that this consent will be graded low-risk non-compliance because of a minor exceedance in suspended solids in one sample.

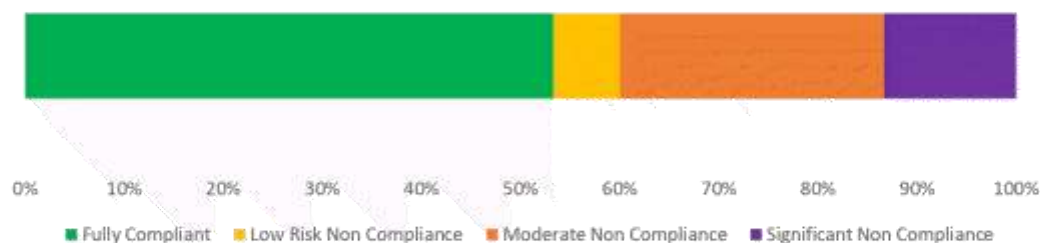
This is an improvement on the 2017/2018 grading of significant non-compliance with both consents. The consent holder has taken steps to dramatically improve compliance over the current reporting period. No enforcement action has been taken at this stage for the non-compliances.

### Hydroelectricity

Waihi Dam is operated by the Eastland Network for the generation of Hydroelectricity and was granted consent in 1979. This consent is currently graded moderately non-compliant due to certain operational requirements not being maintained and issues with reporting data. HBRC have not received any substantiated complaints regarding the discharge of silt from the Waihi dam during this reporting period.

### Meat processing

#### Meat Processing Compliance 2018-2019





The compliance grading presented in the above chart shows that the approximately half of consents monitored were compliant with 53% (8) of all monitored consents achieving a grading of full compliance. 7% (1) were graded low-risk non-compliant, 27% (4) were graded moderately non-compliant and 13% (2) were graded significantly non-compliant.

The significant non-compliance was for the AFFCO (Wairoa) Ltd operations in the Wairoa Township and are detailed below. Other major producers such as Silver Fern Farms are also discussed.

#### **AFFCO Wairoa**

AFFCO operate a meat processing and rendering plant in Wairoa, they hold consent to discharge contaminants to air from processing, a discharge to the Wairoa River for treated wastewater and a discharge to the Wairoa River of stormwater from the site. Following the 2019 site visit in January 2019 significant non-compliance was identified with regards to the wastewater, stormwater and air discharges as detailed below;

The discharge of wastewater into the Wairoa River occurs through three diffusers during outgoing tides and outside of daylight hours when river users may otherwise be present. On 19 June 2019 diffuser number three was found to be leaking and subsequent repairs have not been able to identify the source of the leak. The consent holder is non-compliant with discharge standards, reporting timelines and maintenance of the infrastructure. The wastewater discharge is graded significant non-compliant for the 2018-2019 period.

The discharge to air is from the processing of meat, the rendering of fats and waste and the burning of coal in a boiler. The main discharge is for odour and coal related contaminants to air. The consent does not allow for odour or particulate matter to be discharged beyond the boundary of the site. During the 2018/2019 reporting period HBRC received 12 complaints regarding odour from AFFCO and in May 2019 AFFCO was issued with an infringement notice of \$1000 for breach of consent. This was challenged and a hearing requested but AFFCO withdrew the challenge prior to the hearing and accepted the notice. The discharge to air is graded moderately non-compliant for the 2018-2019 period. This is an improvement on the significant non-compliance of the previous reporting period.

The stormwater onsite discharges through four outlets into the Wairoa River. At the time of the compliance visit significant erosion was obvious as well as evidence of contaminants entering the stormwater system. This is reflected in the monitoring results with elevated e. coli levels in the discharge. The stormwater discharge is graded significantly non-compliant for the 2018-2019 period due to the discharge of contaminants other than stormwater through the infrastructure installed as part of this consent. The compliance team are currently reviewing the overall site compliance.

#### **Hawke's Bay Protein**

There were eight odour complaints lodged in the monitoring period and Hawke's Bay Protein are engaging with HBRC compliance staff to make improvements to contain the odour within their buildings such as adding internal walls and replacing the roof.

#### **Silver Fern Farms**

Silver Fern Farms operates meat processing facilities in Takapau and Whakatu (and previously Frasertown) that discharge waste water and domestic effluent to land.

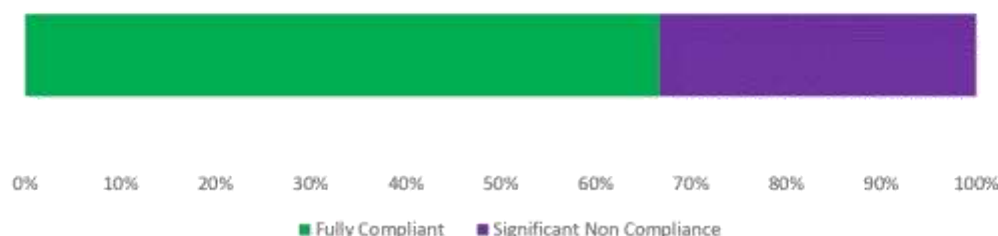
- Full compliance has been achieved for the discharge of stormwater and the discharge to air from the boilers.
- The domestic effluent discharge was graded low-risk non-compliance because of one minor exceedance of the total discharge volume during the period.
- The discharge of waste water to land was graded moderately non-compliant because of regular breaks in the effluent irrigation equipment resulting in unconsented discharges of wastewater to land.

The moderate non-compliance with some consents in the 2018-2019 reporting period is a decrease in compliance when compared with 2017-2018 when full compliance was achieved. The consent holder is undertaking a program of replacing the effluent infrastructure to stop breaks in the pipelines occurring.

## Other food processing

## KraftHEINZ (Watties)

## KraftHEINZ Compliance 2018-2019



The compliance grading presented in the above chart shows that the consents monitored were mostly compliant with 67% (4) of all monitored consents achieving a grading of full compliance. No consents were graded low-risk or moderately non-compliant and 33% (2) consents were graded significantly non-compliant. The significant non-compliances are detailed below.

KraftHEINZ (Watties) operates a canning operation at King Street in Hastings Central and a crop receiving site and pet food factory in Tomoana. Each site discharges stormwater from the site to an adjacent site and discharge to air from production. Wastewater from the sites is diverted to Hastings District Council trade waste network.

*King Street Operations*

For the 2018/2019 reporting period the King Street operations were graded fully compliant. The King Street environmental team show a willingness to engage with HBRC staff and undertake environmental improvement works beyond the requirements of their consent.

*Tomoana Operations*

The operations at the Tomoana site were graded low-risk non-compliance for the discharge to air due to boiler heights not being confirmed to be at the required height. This information has since been received and the consent is now graded as compliant.

The discharge of stormwater from the site was initially graded significantly non-compliant and an interim report issued. The non-compliance was for not undertaking sampling, discharging other than storm water from the site, and not maintaining the infrastructure as required. An abatement notice was issued requiring these issues to be remedied, most have now been addressed. The abatement notice and compliance grading remain in place for the 2019-2020 period.

*Port of Napier*

During the 2018-2019 compliance period the Port of Napier was compliant with all of its resource consents. Port of Napier hold consents to discharge stormwater from the port and wharf to land and the coastal environment. They also hold consent for discharges to air from the burning of dunnage for biosecurity reasons.

During the 2018-2019 reporting period there have been several unconsented discharges to water including a moderate spill of tallow into the port waters. The tallow spill is considered an unauthorised discharge and not part of the consent. All discharges are recorded and reported to Council as required and no other major incidents have occurred this reporting period.

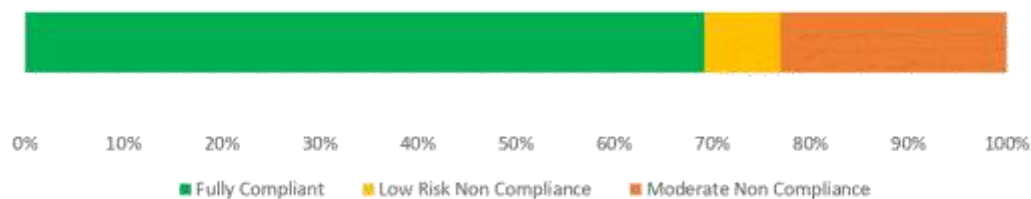
- Maintenance dredging was not undertaken in 2018-2019.
- No abrasive blasting was undertaken during 2018-2019
- Burning of Dunnage was fully compliant with the consent

### Wharf 6 Extension Works

The Port of Napier was granted several consents by the Environment Court during the 2018-2019 period to undertake capital dredging, occupy the seabed and erect a structure for the purposes of the Wharf 6 extension. This work will be split into five stages and commenced in August 2019 will require regular monitoring and increased compliance monitoring resource for the duration of the works.

### Skin and wool processing

#### Animal byproducts Compliance 2018-2019



The compliance grading presented in the above chart shows that the consents monitored were mostly compliant with 69% (9) of all monitored consents achieving a grading of full compliance. Only 8% (1) were graded low-risk non-compliant, 23% (3) were graded moderately non-compliant and no consents were graded significantly non-compliant.

### Wool processors

Cavalier Bremworth operate a wool scour in Awatoto. There have been no major issues this compliance reporting period.

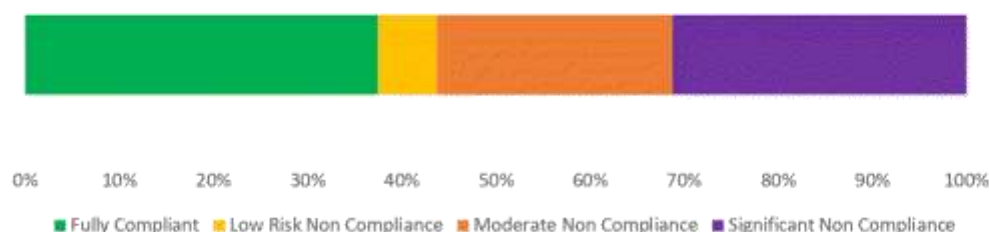
### Tanneries

Hawke's Bay has five operating tanneries located in Pandora, Whakatu and Tomoana.

- AFFCO in Pandora is graded moderately non-compliant for the 2018-2019 period due to exceedances of the H2S emitted from the site.
- Progressive Leathers in Whakatu and is graded moderately non-compliant due to exceedances in H2S detected during the annual ambient air monitoring.
- Tomoana Pelt processors in Whakatu were graded low-risk non-compliance for the 2018-2019 period improving on the moderate non-compliance from 2017-2018. The low-risk non-compliance was for reporting timelines not being met.
- Lowecorp Tannery in Pandora was graded full compliance for the 2018-2019 period which is an improvement from moderate non-compliance in 2017-2018.
- Graeme Lowe Tannery in Coventry was graded full compliance in 2018-2019 for the discharge to air and low-risk non-compliance for the stormwater discharge due to notifications of roofing works not being undertaken.

## Timber processing

## Timber Processing Compliance 2018-2019



The compliance grading presented in the above chart shows that the consents monitored were mostly non-compliant with only 38% (6) of all monitored consents achieving a grading of full compliance. 6% (1) were graded low-risk non-compliant, 25% (4) were graded moderately non-compliant and 31% (5) consents were graded significantly non-compliant.

The significant non-compliance relates to the operations at Carters Wairoa, Central timbers Waipawa and Napier Pine in Omahu, additionally TUMU timbers in Hastings was graded moderately non-compliant. Since this significant non-compliance was identified HBRC has increased monitoring frequency of these sites and engaged with the site owners to reduce environmental risk and achieve compliance. In the 2019-2020 period Napier Pine and Carters Wairoa have chosen to cease timber treatment on their sites to completely remove the risk and it is anticipated that this will help them to achieve compliance. TUMU Timbers and Central Timbers are still graded as non-compliant and these are a focus for the 2019-2020 period.

#### Timber Treatment Plants

Central Timber Ltd hold a consent to discharge stormwater from a timber treatment site. During the 2018-2019 period they have been graded significantly non-compliant which is no change from the 2017-2018 period. The non-compliance relates to investigative reports and monitoring not being completed. Enforcement action is currently being considered to ensure compliance with the resource consent.

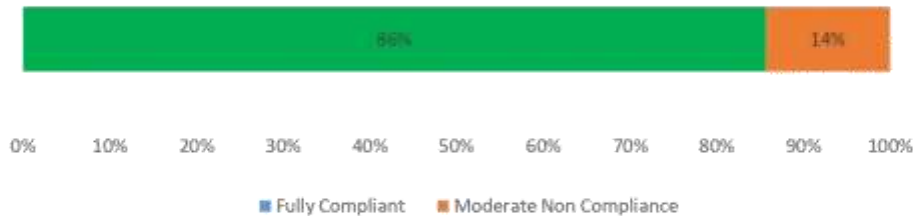
Tumu Timbers hold a consent to discharge stormwater from a timber treatment site. During the 2018-2019 period they have been graded as moderately non-compliant. Onsite monitoring showed elevated CCA contaminants in the drainage swales which was not reported or remediated within the required timeframes. The remediation has since been completed and ongoing monitoring is occurring. Moderate non-compliance is an improvement on the 2016-2017 assessment of significant non-compliance.

Carters Wairoa hold a consent to discharge stormwater from a timber treatment site in Wairoa. The consent is currently graded as significantly non-compliant due to contaminated soils within surface drains not being remediated as required and incomplete reporting. The consent holder has since addressed the majority of the concerns raised and it is anticipated that full compliance will be achieved in the 2019-2020 reporting period. The consent holder is currently in the process of decommissioning the treatment plant.

Napier Pine holds a consent for discharge of stormwater from a contaminated site. During the 2018-2019 reporting period this was graded significantly non-compliant. This is not changed from the 2017-2018 period. Napier Pine undertake groundwater monitoring which is indicating increased levels of contaminants within the groundwater from the CCA treatment of timber. The consent holder is currently in the process of decommissioning the treatment plant.



Pan Pac Forest Products Limited

**Pan Pac Pulp Mill Compliance 2018-2019**

The compliance grading presented in the above chart shows that the consents monitored were generally compliant with 86% (6) of all monitored consents achieving a grading of full compliance. Only 14% (1) consent was graded moderately non-compliant.

Pan Pac operate a lumber and pulp mill in Whirinaki and hold resource consents to discharge stormwater and domestic effluent to land, discharge to air and a discharge of stormwater to the coastal environment. They also hold a consent to discharge green waste and organic material from the mill into a landfill on the property.

*Coastal Discharge*

The pipeline leak on the Whirinaki beach was discovered in September 2018 and continued until June 2019 while the consent holder undertook repairs. It was estimated that less than 2-5% of wastewater was being discharged through the leak. Previous reports have been prepared outlining the enforcement steps taken to mitigate impact to the environment during this time. It was decided that enforcement action was not warranted in this situation mainly because of the actions taken by the consent holder to remedy the leak and mitigate the impacts. The discharge through the leak was non-compliant with the consent which specifies that discharge must occur through the offshore diffuser.

Excluding the leak and subsequent discharge of treated wastewater to the nearshore environment, the consent holder was generally compliant with all of the other requirements of the consent. A new consent was granted by the Environment Court during this reporting period following expiry of the older consent. This new consent allows the discharge until 2052.

*Other Discharges*

- Pan Pac were fully compliant with their consent to discharge silt back into the Esk River for the 2018-2019 period.
- The discharge of stormwater from the site was graded as fully compliant for the 2018-2019 period which is an improvement from the 2017/2018 period when moderate non-compliance was given.
- The discharge of domestic effluent was graded moderately non-compliant for the 2018-2019 period due to a discharge of diluted effluent to land that may have entered water. No enforcement action was undertaken for this discharge.
- The private landfill achieved full compliance for the 2018-2019 period.
- The discharge to air from the pulp mill and lumber yard was graded full compliance for the 2018/2019 period.

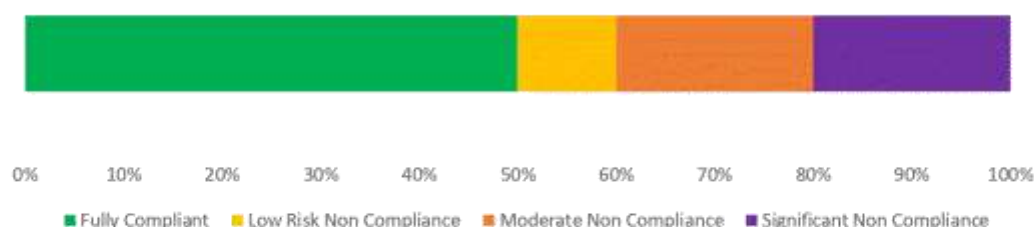
## Territorial and Regional Authority Discharges

Our region has four local councils- Wairoa District, Hastings District, Central Hawke's Bay District and Napier City Councils. These local councils (known as Territorial Authorities or TAs) undertake a wide range of activities that have an impact on the environment, and all hold numerous resource consents for activities including stormwater, municipal effluent discharge and land fill, water takes, and associated activities.

The stormwater and sewage network in all cities and towns are old and under significant stress especially during periods of heavy rainfall. This causes sewage overflows that are both an environmental and health risk. All councils are aware of this and recognise that fixing this is a major priority. The Havelock North water contamination event has raised drinking water security and infrastructure to the top of the priority list, no quick solution is expected in the short to medium term.

### Central Hawke's Bay District Council

#### CHBDC Compliance 2018-2019



The compliance grading presented in the above chart shows that 50% (5) of all monitored consents achieved a grading of full compliance. Only 10% (1) were graded low-risk non-compliant, 20% (2) were graded moderately non-compliant and 20% (2) consents were graded significantly non-compliant.

The significant non-compliance relates to two wastewater treatment plants operated by CHBDC at Waipawa and Waipukurau for effluent discharge quality exceedances during the period. For the Waipawa treatment plant there is currently an enforcement order in place requiring CHBDC to meet the required discharge standards. For the Waipukurau treatment plant HBRC and CHBDC have agreed that effluent quality will be improved as part of the enforcement order on the Waipawa plant. Both are still currently graded significantly non-compliant and the consent holder has engaged wastewater specialists to design a system that treats to the required quality standards.

There were only 10 consents monitored for Central Hawke's Bay District Council in the 2018-2019 period and HBRC monitoring staff have focused resources on the higher-risk and previously non-compliant consents. As a result, it is anticipated that the data presented here displays a skewed representation of consent compliance for CHBDC and the majority of non-monitored consents such as landfills and stormwater consents were likely to be compliant in the 2018-2019 period based on monitoring actions undertaken in the current period.

### Public Water Supply

The Council has completed upgrades to existing bores to comply with their consent conditions. There were some exceedances in rates of take at two bores otherwise they were fully compliant. CHBDC is currently investigating establishing new bores in some areas.

### Stormwater

HBRC and CHBDC have formed a joint stormwater steering group that meets three times a year with regard to the main stormwater consent.

The Council has non-compliances with regards to not undertaking all sampling for the monitoring year as well as not meeting specified timeframes for reports as required by their stormwater consents.

There have been a few staff replacements but with the recent appointments of the 3 Waters Operation Manager and 3 Waters Officer these non-compliances will be addressed.

### Wastewater

CHBDC operates six Wastewater Treatment Plants Otane, Waipawa, Waipukurau, Takapau, Porangahau Town and Te Paerahi (Porangahau Beach). All plants use oxidation ponds as the primary form of wastewater treatment and Waipawa and Waipukurau uses chemical dosing to strip Phosphorus and UV treatment for pathogens. The Te Paerahi treatment pond discharges to a wetland, all other discharges are to adjacent rivers.

The previous compliance issues at Waipawa and Waipukurau continued in this reporting period (ammonia and dissolved reactive phosphorus). CHBDC continued to comply with the enforcement order requiring an investigation and reporting on how the treatment limits could be achieved. CHBDC have developed a proposal to pipe the wastewater from Otane (where an upgrade is required in 2021) to Waipawa for treatment and discharge to rapid infiltration beds. The proposal also includes transferring the Waipukurau discharge to this site in subsequent years.

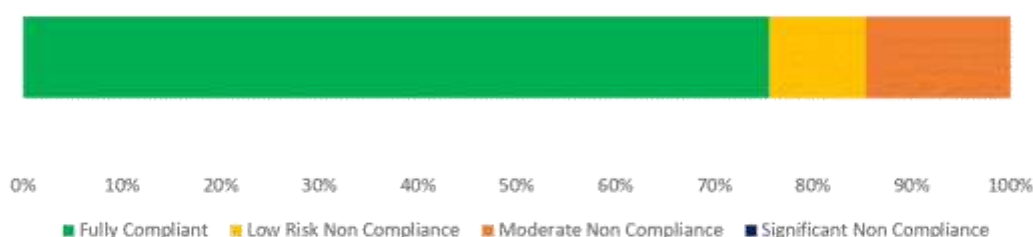
### Landfills

CHBDC monitors seven closed municipal landfills at Ongaonga, Kairākau, Waipawa, Waipukurau, Tamumu, Takapau, and Porangahau. The closed landfill consents have not been fully assessed for the 2018-2019 period, but it is anticipated that they will be graded low-risk non-compliance for the reporting timeline not being met.

CHBDC also operate the Farm Road landfill which is undergoing improvement works to its leachate collection system. This was last assessed in 2014 when significant non-compliance grading was given. A site visit in the 2018-2019 reporting period identified significant non-compliance. The consent holder is undertaken improvement works to achieve compliance. Moderate non-compliance is the anticipated grade for the 2018-2019 period.

## Hastings District Council

### HDC Compliance 2018-2019



The compliance grading presented in the above chart shows that the monitored consents were generally compliant with 76% (31) of all monitored consents achieving a grading of full compliance. Only 10% (4) were graded low-risk non-compliant, 15% (6) were graded moderately non-compliant and no consents were graded significantly non-compliant.

### Public Water Supply

The Council has upgraded all their existing bores in the last few years and currently are replacing some existing bores, and establishing new bores in some areas.



### Stormwater

HBRC and HDC have formed a joint stormwater steering group that meets three times a year with regard to the main stormwater consent.

During heavy rainfall events, substantial stormwater enters the Hastings network causing sump lids to pop and discharges occurring. During these events, the Council has staff at the known hotspots with vacuum trucks on standby if required.

The Council has non-compliance with regards to not undertaking all sampling and submitting reports on time as required by their stormwater consents and HBRC are working with HDC staff to improve compliance in this area.

### Wastewater

HDC operate a municipal and trade waste wastewater treatment plant at 284 Richmond Road in Clive. Consents are held for the discharge to air of odour and the discharge to the coastal environment from an outfall and a near shore (emergency) outfall. During the 2018-2019 period the consent was graded low-risk non-compliance for a minor deviation from the toxicity testing. All other consents were graded full compliance for the period.

### Landfills

Omarunui is part owned and operated by HDC with consents for landfilling, stormwater and air discharge and a consent to irrigate leachate onto the landfill cap. The landfill operator is expected to lodge a consent this period to expand into a new valley. The consents for stormwater, gas and irrigation have been graded fully compliant for the 2018-2019 period.

The consent to landfill covers the historical capped 'Valley A' as well as the current 'Valley D'. All conditions relating to waste management with respect to current landfilling are graded compliant. There are several potentially major issues with regards to the 'Valley A' capped area. Groundwater monitoring in the area has detected trace levels of leachate into the groundwater indicating a potential leak. HDC are undertaking work during 2019-2020 period to replace the leachate pond which is suspected as the potential leak location. Groundwater monitoring will continue following replacement to see if the issue has been resolved before looking at a potential leak from the landfill liner itself.

HDC have four closed municipal landfills that are monitored at Tait Road, Roys Hill, Parkhill and Te Awanga. All consents are graded compliant for the 2018-2019 period



Napier City Council

**NCC Compliance 2018-2019**

The compliance grading presented in the above chart shows that the monitored consents were generally compliant with 73% (16) of all monitored consents achieving a grading of full compliance. Only 9% (2) were graded low-risk non-compliant, 18% (4) were graded moderately non-compliant and no consents were graded significantly non-compliant for the 2018-2019 period.

**Public Water Supply**

NCC has upgraded all their existing bores in the last few years and are currently in the investigation stage into establishing new bores to replace the current ones.

There were a number of occasions when the maximum flow rate was exceeded. Most were minor except for the T6 pump which had 344 recorded days of exceedances. It was made very clear by HBRC compliance staff that these exceedances are not acceptable and they must abide by the allocated flow rates. NCC is in the process of installing a variable speed drive to the T6 pump which will eliminate the exceedances.

**Stormwater**

The HBRC has seen a vast improvement in relation to Napier City Council's management and compliance with their stormwater consent conditions. This improvement correlates with the establishment of the Environmental Solutions Team and the comprehensive effort they have administered since their inception. NCC has carried out extensive investigative work in the Pandora industrial area which includes walking the waterways in this catchment area looking for unlawful discharges and undertaking sampling beyond what is required in their consents.



The Council's sewerage network is vulnerable to stormwater entering the system during heavy rainfall events which lead to sump lids popping and discharges occurring. During these events, the Council has staff at the known hotspots with vacuum trucks on standby if required.

On 6 Sep 2018, the Napier City Council conducted an emergency discharge of untreated wastewater into the Purimu Stream during a significant rainfall event. NCC conducted the discharge to avoid and mitigate a public health emergency due to diluted wastewater entering the streets of Napier and the potential backflows into private properties.

### Wastewater

NCC have a combined trade waste and municipal wastewater treatment plant at Awatoto that is consented for discharge to air and of odour and discharge to sea for treated wastewater. For the 2018-2019 period the discharge to air and water was graded low-risk non-compliance. The non-compliance relates to elevated levels of contaminants such as zinc in the final wastewater which has since been resolved.

The outfall pipeline for the wastewater passes under State Highway 2 and extends 1.7km out to sea. NCC have identified during the compliance period two leaking points at 70m and 700m offshore. The 70m leak has been repaired and the repair for the 700m leak is being tendered for following a review of available options. The consent holder is undertaking additional sampling to monitor potential impacts from the leak, and none have been observed outside a zone of reasonable mixing.

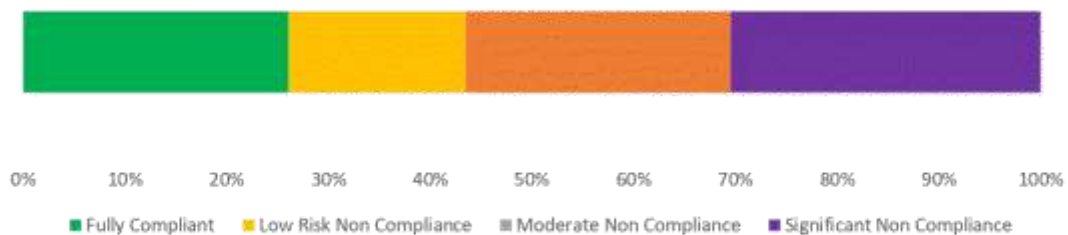
### Landfills

Napier City Council funds and is a part owner of the Omarunui landfill but this is operated by Hastings District Council. Full comments refer page 44.

NCC also monitor seven closed landfills previously used for municipal tipping and earthquake rubble infilling. During the 2018-2019 period full compliance with the consents was achieved.

### Wairoa District Council

#### WDC Compliance 2018-2019



The compliance grading presented in the above chart shows that the majority of monitored consents held by WDC were non-compliant with only 26% (6) of all monitored consents achieving a grading of full compliance. 17% (4) were graded low-risk non-compliant, 26% (6) were graded moderately non-compliant and 30% (7) consents were graded significantly non-compliant.

The significant non-compliance relates to the WDC wastewater treatment plants at Pilot Hill, Wairoa and Opoutama (Blue Bay) as well as the Municipal Landfill in Wairoa.

Since identifying the significant non-compliances outlined above, HBRC has increased the monitoring frequency at these sites and requested additional and immediate works to be undertaken to minimise or remove the environmental risk.

The Fraser Street Landfill has undergone significant changes with OPUS completing and effecting a landfill remediation plan to bring the landfill up to standard. Additionally, WDC has engaged a suitable environmental monitoring company to carry out the required environmental sampling for all waste sites. For the 2019-2020 period the Fraser Street landfill is anticipated to be compliant with most conditions with the exception of a minor leachate spill resulting in a grade of moderate non-compliance.

The treatment plant at Opoutama (Blue Bay) is compliant with the majority of conditions with the exception of the effluent quality prior to discharge. The consent holder is unable to meet the nitrogen and nitrate limits on the consent and is investigating options for improving treatment. No enforcement action has been taken to date for this non-compliance.

The Wairoa waste water treatment plant has been graded significantly non-compliant since 2017 when an emergency overflow pipe was discovered by HBRC to be in regular use, discharging onto the foreshore of the Wairoa River. Since then four abatement notices have been issued and two infringement notices totalling \$2000.

#### **Public Water Supply**

Wairoa public water supply is drawn from the Wairoa River upstream from Frasertown. The water is filtered and then piped into town. The filtered sediment is then discharged back into a stream that discharges into the river downstream from the treatment plant.

#### **Stormwater**

Wairoa District Council (WDC) do not have a current stormwater discharge consent for the Wairoa Township. The only stormwater discharge consent in place is for Mahia Township which has not been assessed this reporting period.

#### **Wastewater**

WDC operate 4 community wastewater treatment systems in Mahia, Opoutama, Tuai and Wairoa. Tuai treatment plant is graded moderately non-compliant while Mahia, Opoutama and Wairoa are graded as significantly non-compliant for the 2018-2019 reporting period.

- The low-risk non-compliance at Tuai is related to follow up sampling not being undertaken following a quality exceedance.
- The Opoutama treatment plant is consistently failing to achieve the required nitrogen levels in the effluent prior to discharge.
- The Mahia treatment plant experienced several issues in management and maintenance resulting in exceeding the desired application rates and potentially discharging untreated effluent to a stream.
- The Wairoa treatment plant continues to be significantly non-compliant through use of the emergency overflow pipe and failure to conduct follow up sampling. The consent holder is under application to replace the outfall pipe, but it is not expected to be granted during the current compliance period.

Two abatement notices are currently in place for the Wairoa treatment plant.

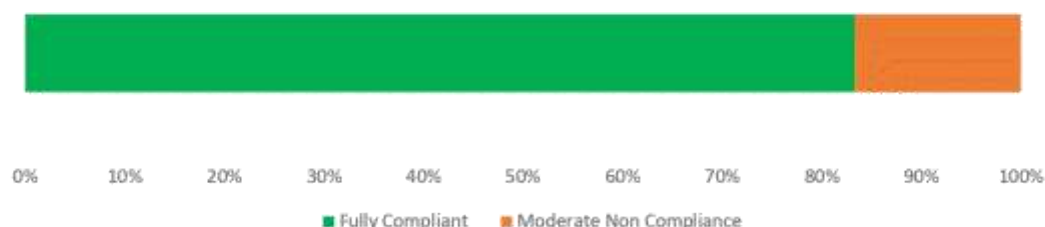
#### **Landfills**

WDC monitor five closed municipal landfills, the smaller landfills at Ruakituri, Frasertown and Raupunga were graded low-risk non-compliance due to the presence of additional waste on the closed landfill. For Mahia and Nuhaka, the landfills were graded as moderately non-compliant as the required groundwater sampling has not been undertaken for the 2018-2019 period.

WDC operate the Fraser Street landfill in Wairoa. For the 2018-2019 reporting period the landfill has been graded significantly non-compliant. This is due to the requirements of the consent largely being overlooked including sampling and reporting and management of the landfill. WDC have engaged a remediation expert and a new contractor and full compliance is expected to be achieved during the current period. An infringement notice for \$1000 was issued for the discharge of leachate to land from the Fraser Street Landfill in 2019.

## Hawke's Bay Regional Council

## HBRC Compliance 2018-2019



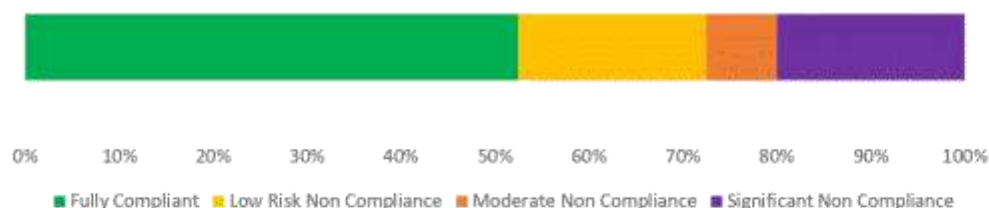
The compliance grading presented in the above chart shows that the majority of monitored consents held by HBRC were compliant with 83% (5) of all monitored consents achieving a grading of full compliance. No consents were graded low-risk non-compliant, 17% (1) were graded moderately non-compliant and no consents were graded significantly non-compliant.

The moderate non-compliance relates to a consent to undertake works in a stream bed, HBRC compliance team did not receive notification of commencement of works or a spill management plan. Works have been completed and this consent is no longer monitored.

The Hawkes Bay Regional Council holds 27 current discharge, water take or diversion resource consents. The HBRC resource consents are primarily for drainage, stormwater and pest control activities. During the 2018-2019 reporting period 22% (6) of the current resource consents were monitored. Compliance monitoring of resource consents held by HBRC is not currently undertaken to an adequate level and will be a focus of the 2019-2020 period. HBRC are also in the process of applying for discharge consents for 16 stormwater pump stations within the region which were previously unconsented.

## Solid Waste Discharges

## Solid Waste Compliance 2018-2019



The compliance grading presented in the above chart shows that the majority of monitored solid waste consents were non-compliant with only 52% (21) of all monitored consents achieving a grading of full compliance. 20% (8) were graded low-risk non-compliant, 8% (3) were graded moderately non-compliant and 20% (8) consents were graded significantly non-compliant.

**Middle Road landfill**

There is a major private landfill at 1199 Middle Road operated by Phoenix Contracting. This landfill accepts demolition and construction waste and other clean fill material. During the 2018-2019 reporting period the landfill underwent a full remediation to bring it up to the consented standard. The landfill is currently assessed as low-risk non-compliance for the period following the extensive remediation onsite.

The consent has been graded a low-risk non-compliance because of some asbestos accidentally arriving at the landfill which was subsequently removed. The consent holder is yet to submit a validation report from the remediation engineers confirming that all works were undertaken as required and the consent will be reassessed once this is received.

This is an improvement from a grading significant non-compliance in 2017-2018 to low-risk non-compliance.

**Item 11****Attachment 1**



## Pollution Response and Enforcement

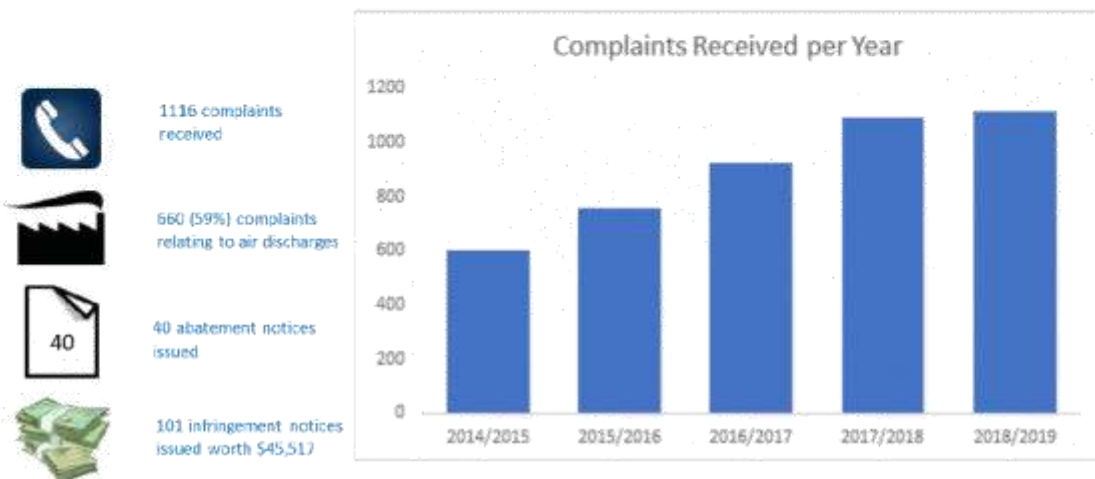
The Regional Council operates a 24 hour, 7 days a week Pollution Hotline for the purpose of receiving calls from members of the public reporting pollution events and other incidents of an environmental nature. During office hours, calls are directed to Environmental Officers who attend 100% of all calls received. Outside of office hours a duty roster is operated where calls are directed to the duty Environmental Officer via a call centre.

A wide range of incidents are reported that will generally be responded to within 12 hours of receipt and dealt with appropriately. The bulk of the Council's enforcement work arises as a result of incidents or complaints reported via the pollution hotline. Often Council will receive notice of incidents occurring even before those involved know themselves.

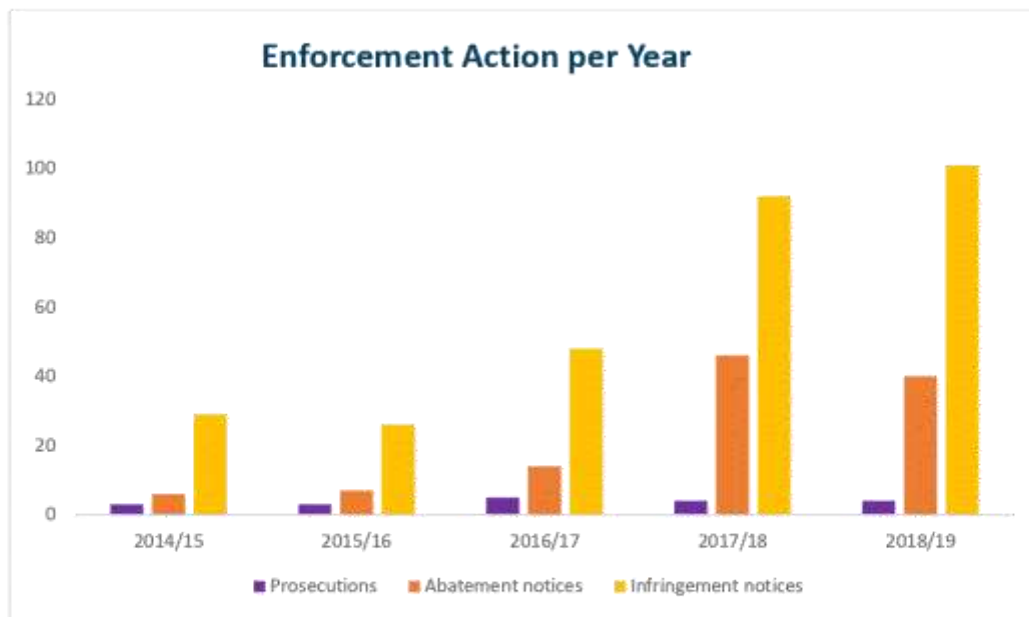
The regulation group contains several trained maritime oil spill responders that not only respond to marine spills but put that expertise towards dealing with other contaminant spills, often in liaison with other Councils and the District Health Board.

Each team vehicle holds equipment and tools to use in the event of most pollution events, supplemented by a Pollution Response van and trailer that holds larger equipment including generators, skimmers, booms and protective equipment.

### What happened in 2018-19?



From 1 July 2018 to 30 June 2019, we received 1,116 requests for service through the pollution hotline service, a 1.9 % increase on the previous year with an increasing trend of 86% increase over the previous 5 years. Most of those incidents related to air discharge complaints.



**Infringement notices** [fines] are issued for serious non-compliance offences that don't warrant prosecuting. The fines are set by the Government and range from \$300 to \$1000 depending on the offence type. Infringement notices issued increased to 101 from 92. The vast majority of infringement notices issued were for outdoor burning. This increase reflects the continued zero tolerance approach to outdoor burning breaches confirmed during the air shed season.

**Abatement notices** are formal instructions. They are a direction to either cease doing something. Take action to address an environmental effect, or to comply with consent conditions. The number of abatement notices issued decreased slightly from 46 in 2017-18 to 40 in 2018-19.

**Prosecutions** are generally reserved for the most serious of offending. This can be for offences where significant environmental effects have resulted, or where repeated, serious offending has occurred. There were 4 prosecutions initiated during the year, the one completed prosecution was successful and resulted in a conviction and an \$11,750 fine for burning prohibited items.





**Colville Prosecution: Nature of offence: Discharge to Air**

**Penalty: \$11,750**

**Orchard fire containing prohibited items (Plastic).**



Following a heavy rainfall event, surface water erosion along the Tukituki river bank exposed a farm tip full of farm plastics that was swept down the upper stretches of the Tukituki River.

The local community got together to organise a clean-up day with Hawke's Bay Regional Council, Forest and Bird and local residents.

## Oil Spill Response

Maritime New Zealand is responsible for managing the New Zealand Oil Spill Response Strategy. Regional Councils are an integral part of the implementation of that strategy. Depending on the severity of a spill, there are three "Tiers" within the response system

- Tier 1 – Industry responsibility
- Tier 2 – Regional Councils and Unitary Authorities involvement
- Tier 3 – Maritime New Zealand and International Partners involvement

Each tier is required to prepare contingency plans and a response capability appropriate to their respective levels of responsibility. This means that at Tier 1 level, the industries involved must have response plans prepared and these are audited by the Regional Council for suitability. Should a spill occur, that industry will have the capability to deal with it in some way and report the matter to the Regulation Group of the Regional Council who will assist as and when necessary. The Council may also take enforcement action.

Tier 2 are larger events where the Regional Council will always be involved. Examples may include a discharge of oil from a fishing boat, or a discharge at sea that risks washing up along the coast. Presently the role of Regional On-Scene Commander for Tier 2 spills sits with two members of the Regional Council, one of those is a member of the Regulation Team. He is also responsible for the day to day running of the project including the maintenance and readiness of a large stock of oil spill containment and recovery gear stored at Napier Port. Other members of the response team are the complete Regulation Team and many others across all parts of Council including the Works Group.



On-Scene Commanders and other high-level planning staff undergo national training with Maritime New Zealand and can be utilised in national emergencies. A number of local training exercises, both desk top and actual are carried out throughout the year.

The photo above shows a rapid deployment boom being used to contain a tallow spill at Napier Port in 2019.

## Contaminated Land

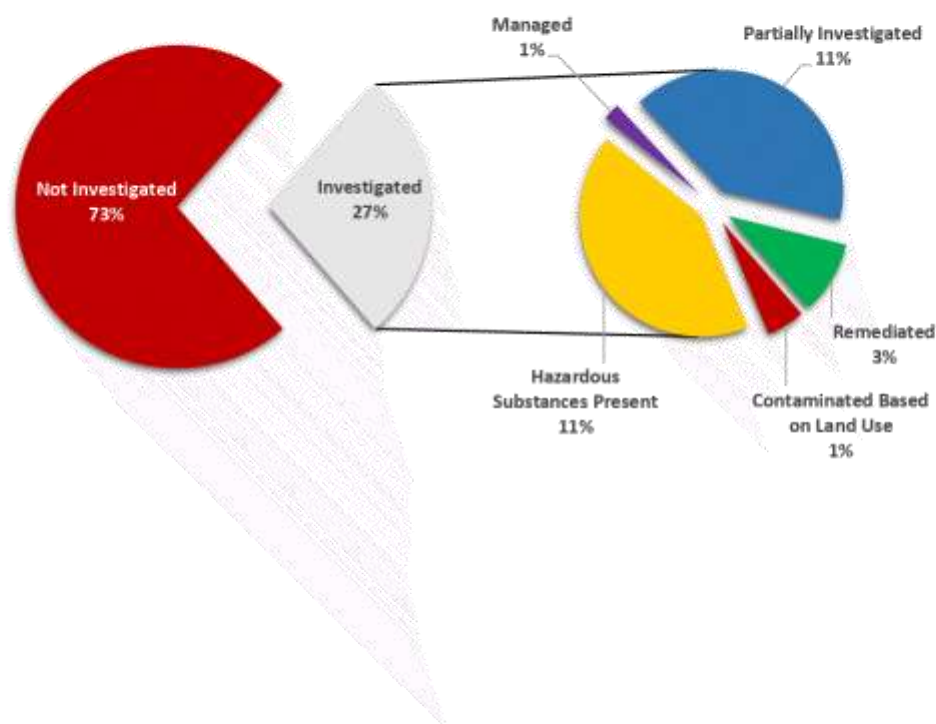
### What do we do?

The Hawke's Bay Regional Council has a function under the Resource Management Act (1991) to investigate land for the purposes of identifying and monitoring contaminated land. As part of this HBRC maintains a Selected Land Use Register (SLUR) of all sites within the region where contamination has or may have occurred based on the current and historical activities taking place on a parcel of land. There are 50 individual activities defined by the Ministry for the Environment as having the potential to cause contamination of land. Land can also be contaminated through migration of contaminants from adjacent sites or from pollution events such as discharges to land.

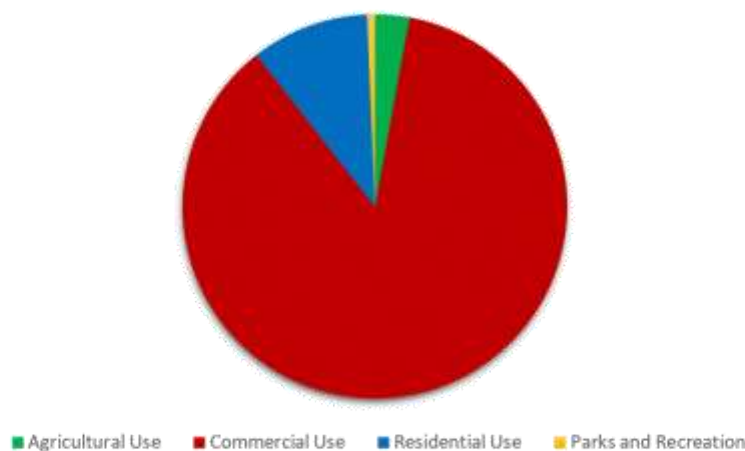
The information held by HBRC on the database includes site investigations, drainage records evidence of activities taking place and any remediation that has occurred onsite. These records are publicly available and are commonly requested by property valuers, property owners or potential buyers and land developers. This information is also shared freely between local authorities for the purposes of implementing and enforcing the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

The database maintained by HBRC currently has over **1894 selected land use records** where contamination may or has occurred. The charts below show the categories and land use for registered sites within the Hawke's Bay.

### Categories of Registered Sites



### Land Use of Registered Sites



In 2018-2019 HBRC received **133 requests for contaminated land information** held on our register. The requests were predominantly from developers and contaminated land specialists making requests as part of their due diligence under the NES:CS.

During the 2018-2019 reporting period, **68 new sites were added to the Selected Land Use Register**. This is normally completed as a response to a contaminated land information request as our current budget does not allow for active identification of new sites.

In addition to managing the database, the contaminated land team manages investigations into contaminated land. During the 2018-2019 reporting period there was significant focus on;

- Potential contamination caused by **PFAS containing firefighting foams** at Napier airport and the Hastings and Napier fire stations. These investigations are currently ongoing and should be completed by 2020.
- Identifying all **closed and operational landfills** within the region and assess their vulnerability to a range of factors including climate change and erosion.
- Assessing the extent of groundwater contamination from **timber treatment sites** and monitoring potentially impacted abstractions.
- Other **hydrocarbon impacted sites** from historical activities are also being investigated.

HBRC employs 0.5 FTE to manage the contaminated land database and undertake contaminated land investigations.

#### What are we planning to do?

The Hawke's Bay Regional Council has responsibilities regarding contaminated land management under the following sections of the Resource Management Act 1991

- Section 30 (1)(ca), to identify and monitor contaminated land.
- Section 35, to gather, monitor and keep records to effectively carry out functions.

HBRC has signed up to national targets for contaminated land which have been set by the Ministry for the Environment, set out in the document: *A generation from now: our long-term goals, 2015*.

- 2020: All potentially contaminated HAIL sites are known and the creation of new HAIL sites is controlled (there are no new 'accidental' sites).
- 2028: All HAIL sites to be listed under the new contaminated land categories for national consistency.



- 2030: All known high risk HAIL sites existing in 2020 have been remediated or have a management plan in place.
- Currently undated: All HAIL parcels and databases to be GIS compatible.

In addition to these mandated targets the contaminated land special interest group for regulators and HBRC contaminated land team are pursuing projects aimed at achieving national data consistency and investigations into emerging contaminants of concern.

**The Disaster waste management planning** project aims to address how we manage waste and contamination during and following a natural disaster. A prime example of this was ECAN following the 2011 and 2015 earthquakes, their incomplete register of HAIL sites at the time mean that managing contaminated sites was difficult and slowed down the recovery process. The disaster waste planning project aims to build resilience in our response to natural hazards for waste management.



**Selected Land Use Register Update** project is currently underway with the older access database transferring to the new IRIS system. This project will validate all 3500 records that we currently hold as well creating a spatial database for mapping of this data. The project commenced in July 2019 and is expected to be completed by July 2020. After completion, contaminated site information will be easily accessible to other parts of the Council and can be used in consent and compliance decision making.

The update also includes the creation of a spatial database to meet our national obligations, this allows quick analysis of data and means that contaminated land information can be used in risk assessments of water takes and other sensitive receptors.

**National HAIL portal and data consistency project** aims to implement agreed information categories and Council records for use in a nationally administered HAIL database. HBRC have already updated all records to the new agreed categories and definitions. Extensive work needs to be undertaken to identify all sites within the Hawke's Bay. This project has already been scoped but the contaminated land department lacks the required budget to implement the program of identification. The target to identify all sites by 2020 was agreed to by HBRC and is a recognised national target.





**Landfill Vulnerability Program** following the Fox River landfill disaster in 2019 is a nationally driven project involving all Regional and Local Councils. Work is being undertaken to identify all closed and operational landfills within our region and assess them for vulnerability to erosion, flooding, coastal inundation and climate change. This is essential work to stop a repeat of the Fox River disaster which had significant environmental and financial costs.

**Implementation of Eco-SGVs** which were published this year are standard for environmental protection with regards to certain contaminants of concern. The agreed Eco-SGVs provide a consistent approach to managing the impact on the environment from land affected by contamination or pollution events. The Eco-SGVs need to be imbedded in our assessment processes and should be included within regional policy documents to allow for better regulation.



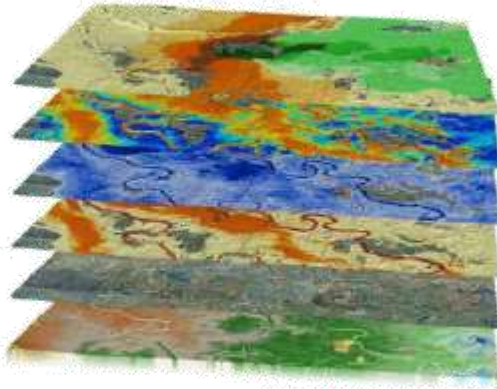
**Establishment of a Regional Contaminated land regulatory working group** within the Hawke's Bay between the Regional and Local Councils, Worksafe New Zealand and the DHB to allow for sharing of contaminated land information and knowledge between regulatory bodies. This will improve communication and reduce the number of incidents where interested parties are left out of the loop.



**Non-firefighting foam sources of PFAS contamination** and other emerging contaminants of concern will be the focus following investigations into airports and fire stations in 2018/2019. Other common sources including manufacturing, landfill and wastewater treatment plants will need to be identified and assessed for risk to the environment and human health.







**Rapid Risk Screening** tool is being developed by Tonkin and Taylor on behalf of the Regional Council's sector group to allow relevant data held by multiple councils to be pulled into a risk assessment tool. This tool combines contaminated land, consent, pollution, land use and environmental data in a spatial resource designed for use by regulators and consultants.

The contaminated land team is **currently under resourced** within the Hawke's Bay Regional Council. There is a growing body of upcoming work that will be unable to be completed with current resourcing levels. Currently 60% of the annual budget is assigned to hazardous waste collections which are anticipated to cost more than 80% of the budget in the 2019-2020 period.

Current staffing levels are at 0.5 FTE for managing all of the projects underway and upcoming. Staff will be reviewing its resourcing requirements to meet our statutory obligations under the RMA for identifying and managing contaminated land as part of the Long-Term Plan Process.

## Hazardous Waste

The Hawke's Bay Regional Council in conjunction with AgRecovery provide a subsidised collection for unused agrichemicals and household hazardous waste. This service is run by the 3R Group in Hastings on behalf of the Regional Council.



During the 2018-2019 reporting period HBRC subsidised either fully or partially approximately **\$60,000 worth of hazardous waste** and agrichemicals that may have otherwise been disposed of inappropriately. The 3R Group reported that approximately **1500L of hazardous chemicals were collected** on behalf of HBRC during the reporting period with more than half of this occurring between March and July 2019.

HBRC is also a **signatory on the Hawke's Bay asbestos liaison protocol** which is a framework for responding to significant asbestos related incidents. This agreement allows all relevant regulatory bodies such as Council, the HBDHB and Worksafe to collaborate and respond effectively to major incidents.



Increasing awareness of the environmental impacts of chemicals is driving more people with the region to dispose of their unwanted chemicals sustainably. We have already seen a **30% increase in collections** during the current reporting period and expect this to increase.

Item 11

Attachment 1



# HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 November 2019

## SUBJECT: SIGNIFICANT ACTIVITIES UPDATE

### Reason for Report

1. The following commentary is provided for Councillors' information, to inform them of the status of significant areas of Council activity.

### Significant Organisational Work Streams

NPS for Freshwater Management		
Project / Activity Description	Status / Milestones Update	Team & Group or Section
<b>Outstanding water bodies plan change (PC7)</b>	1. Publicly notified on 31 August 2019. Submissions close on 28 February 2020.	Strategic Planning <b>Policy Team</b>
<b>TANK plan change (PC9)</b>	2. RPC meeting scheduled for 11 December 2019 to consider decision about notification pathway and subsequent submission process. 3. Drinking Water Source Protection Zones mapped and methodologies set by Hastings District and Napier City councils 4. "Supporting Water Quality Information for the Development of Limits and Targets by the TANK Group: Rivers and Streams" report input to plan change is awaiting sign off for publication	Strategic Planning <b>Policy Team</b>  <b>Drinking Water Joint Working Group</b> (HBRC Regulation Group) Integrated Catchment Management <b>Water quality and ecology</b>
<b>Tukituki Plan Change Implementation</b>	5. Issues raised in hui about farm consents relate to consents being required now (before farm plans have been able to be fully implemented), the requirement for farms below their LUC limit to require consent in DIN exceeding sub catchments, and the potential for some farms to be granted consent with an N leaching allocation below their LUC allocation (pushback against the concept of 'grandfathering'). 6. Developing an ecosystem health framework for the consents team to take into consideration when processing farm consents. 7. Landholders/applicants have been asked to lodge applications before the end of 2019, and are just beginning to be lodged. Application forms and supporting information is available online. 8. Managed aquifer recharge pre-feasibility project has stalled, awaiting approval from council post-election. Staff resources will be reallocated to other projects.	Integrated Catchment Management <b>Environmental Science</b>       Regulation <b>Resource Consents</b>   Integrated Catchment Management <b>Hydrology/ Hydrogeology</b>
	9. Procedural guidelines prepared in conjunction with primary sector groups have been published.	Regulation <b>Policy Implementation</b>
<b>Mohaka Plan Change</b>	10. Plan under preparation. Preliminary project re-design is underway with Ngāti Pāhauwera, iwi and Māori Trusts. 11. Progress made in the preparation of a relationship agreement with Ngāti Pāhauwera.	Strategic Planning <b>Policy Team</b>

Item 12

<b>Protection and enhancement sites</b> (previously hotspots)		
Project / Activity Description	Status / Milestones Update	Group /Team or Section
<b>Marine</b> <i>Subtidal Habitat Investigations</i>	12. Multibeam surveys of the Clive Hard and subtidal Cape Kidnappers area were completed last month and GIS reporting is due before Christmas. 13. Support is continuing for fencing and planting in the lower Pōrangahau catchment. 14. Key Ecological Areas for the coastal marine area report due November. This assesses national information against ecological significance criteria to assist identifying areas for management or restoration.	<b>Marine and Coast</b>
<b>Te Whanganui-ā-Orotu (Ahuriri Estuary)</b>	15. A consultant engineer has been engaged to assess the risk of stream bank erosion and stream bed degradation of Wharerangi Stream and recommend engineering solutions.	Integrated Catchment Management  <b>Project Manager Environmental Hotspots</b>  <b>Environmental Science</b>
<b>Lake Tūtira (Te Waiū o Tūtira, the Milk of Tūtira), HBRC partnership with Maungaharuru-Tangitū Trust, 2018-2022</b>	16. Kahakanui Stream Bridge geotech investigation complete and detailed design underway. 17. Tutira Sediment Plan completed and distributed to stakeholders for comment ahead of commencing procurement phase. 18. Based on feedback from governance group, the plan is to run the air curtain continuously this season to assess its performance. 19. Environmental Effects Assessment for Southern Outlet is now expected by end of November. 20. It is anticipated that the Cultural Health Monitoring Tool will be ready for the first round of monitoring in February/March 2020.	Asset Management <b>Regional Projects</b> Integrated Catchment Management <b>Environmental Science</b>  <b>Project Manager Environmental Hotspots</b>
<b>Whakakī Lake (Sunshine, wetlands and bees will revitalize the taonga of Whakakī)</b>	21. Lake level is sitting below RL 11.8m. 22. Mesocosm has been struggling with high lake levels, and we are still experimenting with different approaches to remove the very fine algal particles that are not being removed by the cartridge filter. 23. Sediment cores taken from the lake are being analysed to help compile a vegetation and sedimentation history of the lake. 24. The independent review of Rahui channel weir is being undertaken by Murray Palmer, who should produce report by end of November. This weir will hold back water in the lake following an opening event, and hence reduce the risk of low lake levels over summer, making spring openings less controversial. High lake levels during the warmer months are beneficial for lake ecology but cause problems for low lying farms. 25. A Whakaki stakeholder meeting to establish a governance group and to update all parties on the project is occurring 3 December.	Integrated Catchment Management <b>Environmental Science</b>

<b>Catchments</b>		
<b>Project / Activity Description</b>	<b>Status / Milestones Update</b>	<b>Group /Team or Section</b>
<b>Southern Catchment</b>	26. Land acquisition - 44 ha of eroding coastal hill side at Aramoana, with the aim of creating an erosion control project to reduce sediment loss into the Te Angiangi Marine Reserve – is complete and staff are looking to have the property fenced as soon as fencing contractors and the appropriate resources are available.	Integrated Catchment Management <b>Catchment Management</b>
	27. Client Services is progressing the procurement process for next year's Riparian Planting Programme (RPP); supported with advice from the Catchment Management team.	
	28. Providing proposal to CHBDC to reducing flooding on Porangahau Road, including Flaxmill Bridge.	Asset Management <b>Engineering</b>
<i>Public Transport</i>	29. Two minor changes on Route 12 between Napier and Hastings commencing 2 December will contribute to a faster journey time.	Strategic Planning <b>Public Transport</b>
<i>CHBDC Wastewater discharge consents</i>	30. Report on future actions to address CHBDC municipal wastewater discharges was provided to the Environment Court on 11 September, having been agreed to by both CHBDC and HBRC. There has been no response from the Environment Court to date.	Regulation <b>Consents Compliance</b>
	31. If accepted by the Environment Court the actions proposed will require further resource consents for new and amended discharges.	
<b>Central Catchment</b>	32. Work to plan an increase to poplar and willow supply is underway with potential expansion sites and options being investigated.	Integrated Catchment Management <b>Catchment Management</b>
	33. A contractor is developing a nursery expansion and development plan which will link with work being done across North Island councils, investigating options for expanding capacity of soil conservation nursery production. These projects will inform development of a business case for the preferred option.	
	34. Work is underway to contact landowners within selected stream stretches of the Karamu for targeted approaches to encourage riparian work.	
	35. Level of service, Heretaunga Plains Rivers hydrodynamic modelling – model for Tutaekuri being constructed prior to modelling 100yr, 200yr and 500yr flood scenarios. Separate modelling runs for these events incorporating climate change.	Asset Management <b>Regional Projects</b>
	36. Rating schemes review – engaging external resources to undertake stocktake of scheme rating.	Asset Management <b>Regional Assets</b>
	37. Clive Dredging – Preference for land based disposal. Working through land issues and Iwi consultation.	Asset Management <b>Regional Projects</b>
<i>Gravel Management</i>	38. Proposed Maraekakaho River Access Road detailed design and procurement underway.	Asset Management <b>Regional Projects</b>
	39. Global consent for gravel conditions amended following submissions. Meeting with all submitters to move forward without hearing.	Asset Management <b>Regional Projects</b>

<b>Catchments</b>		
<b>Project / Activity Description</b>	<b>Status / Milestones Update</b>	<b>Group /Team or Section</b>
<i>Heretaunga Plains water take renewals</i>	40. Takes from the Heretaunga Plains unconfined aquifer (approx. 200 lodged) expired 31 May 2018 and are being exercised under s124. These are being processed as a group, as requested by applicants. Report on the individual and combined stream depletion effects now received. Draft report being prepared for discussion with parties.	Regulation <b>Consents</b>
<i>Heretaunga Plains Urban Development Strategy &amp; NPS for Urban Development Capacity</i>	41. Future HPUDS Implementation Working Group meeting schedule for next triennium is being coordinated by Hastings District Council. 42. Quarterly reporting on urban development metrics as required by the NPS for Urban Development Capacity is ongoing. Reports published at <a href="http://www.hpuds.co.nz/resources">www.hpuds.co.nz/resources</a> . Latest completed publication is a Housing and Business Capacity Assessment Report as required by the NPS-UDC.	Strategic Planning <b>Policy &amp; Planning</b>
<i>HB Transport Study</i>	43. Google study of travel time data is complete, and NZTA will appoint a consultant for traffic model update.	Strategic Planning <b>Transport Planning</b>
<i>Public Transport emissions reduction</i>	44. Staff are developing proposals to mitigate carbon emissions.	Strategic Planning <b>Public Transport</b>
<i>Bayview/Whirinaki track</i>	45. Preliminary alignment and land matters under investigation.	Asset Management <b>Regional Projects</b>
<i>NZCT Priority Project Ahuriri Underpass Flooding Safety Issues</i>	46. Working with NZTA around solutions – seawall plan is being finalised by OPUS for Southern End. Detour for Northern End using Watchman Rd while feasibility study takes place. Confirming how this is to be funded and timeline for building.	Asset Management <b>Open Spaces</b>
<b>Northern Catchment</b>	47. Interviews for 2 additional staff in Northern HB are occurring on Wednesday 27 <sup>th</sup> . There has been significant interest in the Gisborne based position but only 1 applicant for the Wairoa one. 48. Significant work is going in to preparing for the Tuia 250 official closing event at Mahia Peninsula. A welcome pōwhiri and community market day is being held on the 15 <sup>th</sup> of December, with the official closing on 17 December at Tuahuru Marae. 49. Staff are preparing a case study for the Wairoa district to take to the Environment & Integrated Catchments Committee early in the New Year. This case study will consider our current, medium and longer term approach to the way HBRC delivers in services and projects in the district and how that can be improved alongside the views of the wider community.	Integrated Catchment Management <b>Catchment Management</b>
<i>Predator Free Hawke's Bay</i>	50. Aotearoa Foundation visit to Hawkes Bay to review projects they have funded. 51. Contractor starting bait station set up in Whakatipu Mahia project. 52. Community Trust is set up to provide the community greater leadership over the Whakatipu mahia project.	Integrated Catchment Management <b>Catchment Services</b>
	53. Nuhaka River Road – WDC looking at new options. HBRC assisting WDC as required.	Asset Management <b>Regional Projects</b>



Catchments		
Project / Activity Description	Status / Milestones Update	Group /Team or Section
<i>WDC Wastewater discharge consent</i>	54. Wairoa District Council wastewater discharge replacement consent application was notified on 10 August with the submission period closing on 13 September. 22 submissions were received by the closing date. A prehearing meeting was held on 17 October and a further prehearing is scheduled for 22 November.	Regulation <b>Consents</b>

Open Spaces		
Project / Activity Description	Status / Milestones Update	Group /Team or Section
<b>Te Mata Park</b>	55. HBRC Works Group staff delivering 4 days a week service to the Trust, up from 3 days a week.	Asset Management <b>Works Group</b>
	56. <b>NZCT Priority Project Waimarama Road Safety Project</b> Working with HDC, final plan is ready to go, to complete safer off-road section between existing off-road sections parallel to road, for all trail users. HDC to complete remediation work on Craggy, complete iwi consultation. One final easement is with lawyers and final negotiations regarding alignment with Te Mata Estate are progressing. Just waiting on HDC, they are project managing this.	Asset Management <b>Open Spaces</b>
Hawea Historical Park / Karamu Stream Diversion	57. Draft park management plan prepared and under review. Management committee formed with monthly meetings underway. Successful planting day held on 31 August 2019. Design of car park and track to summit of the mound complete by 30 November 2019.  58. Trust Deed lodged with Māori Land Court – hearing held on December 5 2018. Decision from court remains outstanding.	Asset Management <b>Open Spaces</b>  Asset Management <b>Regional Assets</b>
Waitangi Regional Park	59. Earthworks for future marquee area with access track and overflow car park is underway.	Asset Management <b>Regional Projects</b>

Biosecurity / Biodiversity		
Project / Activity Description	Status / Milestones Update	Group /Team or Section
Biodiversity priority ecosystems	60. The Biodiversity team are currently working to protect 16 Ecosystem Prioritisation sites, including sand dunes, braided rivers, wetlands and mature indigenous forest	Integrated Catchment Management <b>Biodiversity</b>
Biodiversity Hawke's Bay	61. Working with Biodiversity Hawke's Bay Foundation and Guardians in promoting Biodiversity in Hawke's Bay and funding biodiversity projects.	Integrated Catchment Management <b>Biodiversity</b>
Waipunga Frost flat	62. Re-survey of Waipunga frost flats (very rare ecosystem)	Integrated Catchment Management <b>Land Science</b>

<b>Biosecurity / Biodiversity</b>		
<b>Project / Activity Description</b>	<b>Status / Milestones Update</b>	<b>Group /Team or Section</b>
Plant pests	63. The Pest Plant Team will be finishing the Chilean needle grass control season and starting the Saffron thistle and Phragmites control season.	Integrated Catchment Management <b>Pest Management</b>
Animal pests	64. Contractor process on options for potential regional possum eradication and predator suppression closes	Integrated Catchment Management <b>Pest Management</b>
Whitebait	65. Large shoals of whitebait have been observed at the outflow of the newly constructed Waikahu wetland.	Integrated Catchment Management <b>Water Quality &amp; Ecology</b>
Riparian Shade	66. A new riparian planting brochure is expected to be circulating before end of November, and will provide guidance around riparian designs that incorporates stream shading needs.	Integrated Catchment Management <b>Water Quality &amp; Ecology</b>
Drainage	67. Eel management review and new COP finalised with interagency taskforce working group.	Asset Management <b>Schemes</b>

### Significant Team and Section Work Streams

<b>Environmental Science</b>		
<b>Project / Activity Description</b>	<b>Status / Milestones Update</b>	<b>Group /Team or Section</b>
LiDAR	68. Preferred LiDAR provider selected. Contracting process about to begin	Integrated Catchment Management <b>Land Science</b>
Sediment monitoring	69. Ten ISCO automatic sediment samplers being ordered and site set up to begin as part of the ECS monitoring. Eventually having 25 samplers region wide to detect long term changes in sediment loads	Integrated Catchment Management <b>Land Science</b>
S-Map	70. Final and complete version of S-map completing entire region. Available online to the public from 1 September. Discussions with Comms team to publicly announce	Integrated Catchment Management <b>Land Science</b>
Riparian	71. Roll out of Riparian monitoring programme continues in Tukituki Catchment.	Integrated Catchment Management <b>Land Science</b>
Wetlands	72. Selection of permanent wetland monitoring sites completed (14 sites). 73. Completion of regional wetland inventory (GIS map layer made available).	Integrated Catchment Management <b>Land Science</b>
Monitoring well review	74. Our monitoring well network is going through an internal review to ensure plan implementation and State of the Environment continue to be monitored effectively	Integrated Catchment Management <b>Hydrology/ Hydrogeology</b>
Marine and Coast activity review	75. The Marine and Coast team have engaged an external consultant to review the programme against stakeholder needs and to look at resourcing going forward.	Integrated Catchment Management <b>Marine and Coast</b>
Marine and Coast SOE reports	76. The State of the Hawke's Bay Coastal Environment and Recreational Water Quality reports are completed and out for external peer review.	Integrated Catchment Management <b>Marine and Coast</b>

<b>Environmental Science</b>		
<b>Project / Activity Description</b>	<b>Status / Milestones Update</b>	<b>Group /Team or Section</b>
3D Aquifer Mapping	77. Media release and communication campaign for airborne aquifer surveys commences 21 November. This is to ensure that communities are informed of the value the project will deliver to the region, along with addressing anticipated concerns. The surveys are scheduled to commence middle of January 2020.	Integrated Catchment Management <b>Hydrology/ Hydrogeology</b>
Putere Lakes	78. Community sampling has begun at Putere Lakes, following guidance from council staff. A floating platform will be installed in two lakes to assist locals to collect water samples themselves.	Integrated Catchment Management <b>Freshwater and Ecology</b>
Ecosystem Health	79. Sampling will begin in December this year, weather pending, to increase ease of collecting all samples before the end of April. This new programme collects a more holistic suite of variables to better categorise overall ecosystem health, and is consistent with the new requirements of the proposed essential freshwater package.	Integrated Catchment Management <b>Freshwater and Ecology</b>
Faecal source tracking in the Karamu	80. Analysing samples with high faecal counts from the Karamu Streams to help identify the source of faecal contamination	Integrated Catchment Management <b>Freshwater and Ecology</b>
Phormidium sampling	81. A new communication and reporting approach is being developed for phormidium this bathing season to make it easier for the public to make well informed decisions around risk.	Integrated Catchment Management <b>Freshwater and Ecology</b>

<b>Regulation</b>		
<b>Project / Activity Description</b>	<b>Status / Milestones Update</b>	<b>Group /Team or Section</b>
<b>Large/ significant application Processes</b>	<p>82. <b>Te Mata Mushrooms</b> HBRC - HDC joint hearing was held on 31 July – 2 August. Hearing has been adjourned to allow the applicant to come back with a details of what can be done on site to fully enclose the activity as soon as possible. The hearing was reconvened on 11 October. Since this planners have caucused on draft conditions. The applicants' right of reply is pending and the decision should be finalised by December.</p> <p>83. The applications lodged with HBRC &amp; CHBDC for mushroom composting and production on a Mt Herbert Road Waipukurau site are on hold awaiting provision of more information.</p>	<b>Consents</b>

Regulation		
Project / Activity Description	Status / Milestones Update	Group /Team or Section
<b>Major consents on hold</b>	<p>84. HBRC gravel extraction Ngaruroro, Tukituki, Waipawa and Tutaekuri. Applicant consulting with submitters.</p> <p>85. Landcorp and NCC consents for discharging stormwater and drainage water into the Ahuriri Estuary.</p> <p>86. Ruataniwha Tranche 2.</p> <p>87. Michael Glazebrook Trust. Water storage and Augmentation Scheme proposal. To take water from the Ngaruroro River at times of high flow to fill dams with the purpose of augmenting the Ngaruroro River and the Karamu Stream Catchment.</p> <p>88. Tukituki, WDC and unconfined aquifer consents are discussed earlier.</p>	<b>Consents</b>

Strategic Planning		
Project / Activity Description	Status / Milestones Update	Group /Team or Section
<b>Ngaruroro River &amp; Clive River Water Conservation Order (WCO) application</b>	<p>89. The Special Tribunal Recommendation Report released was on 30 August 2019. Submission made to Environment Court generally supportive of draft Order for the upper Ngaruroro River, but seeking amendments to clarify and enhance implement-ability of the WCO.</p> <p>90. Several other parties also filed separate submissions to the Environment Court. The Environment Court is yet to announce schedule of next steps in the submission proceedings.</p>	<b>Strategic Planning Policy Team</b>
<b>Climate Change Action</b>	<p>91. Joint business event with 3R, in conjunction with city and district councils 25 November. The event will explore what business needs to do to transition Hawke's Bay to a low emissions economy. <a href="#">[weblink]</a></p> <p>92. Liaison with Government officials on setting up of the first National Climate Change Risk Assessment due by mid 2020.</p> <p>93. Reviewing Government's consultation document '<i>Reforming the Emissions Trading Scheme: Rule for auctioning.</i>' Deadline for submissions is 5pm 19 December 2019. <a href="#">[weblink]</a></p> <p>94. Reviewing the <i>Climate Change Response (Emissions Trading Reform) Amendment Bill 2019</i>. Submissions to Environment Select Committee close 17 January 2020.</p>	<b>Strategic Planning Policy Team</b>

Strategic Planning		
Project / Activity Description	Status / Milestones Update	Group /Team or Section
<b>Statutory Advocacy (upcoming national direction from Central Government)</b>	95. Before end of 2019, expecting Government to release: <ul style="list-style-type: none"> <li>a discussion document for a proposed National Policy Statement on Indigenous Biodiversity.</li> <li>A Bill, likely to be called the Crown Entity (water Services) Establishment Bill is likely to be included in the Government's legislative programme. That Bill would features the Government's previously announced reform of the 'three-waters' including creation of a standalone, dedicated drinking water regulator.</li> <li>Further proposals on waste products.</li> </ul>	<b>Strategic Planning Policy Team</b>
<b>LGA Corporate Planning and Organisation Performance</b>	96. Annual Plan 2020/21 –budget strawman and proposed consultation topics due to Council in February 2020 for approval. 97. Review of Organisation Performance Report underway with new format and content to be presented to next C&S Committee.	<b>Strategic Planning Strategy &amp; Projects Team</b>

### Decision Making Process

- Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

### Recommendation

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

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**Attachment/s**

There are no attachments for this report.



# HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 November 2019

## Subject: ORGANISATIONAL PERFORMANCE REPORT FOR Q1 2019-20

Item 13

### Reason for Report

1. This report provides an update on operational activities and non-financial performance for the period 1 July – 31 October 2019. Financial information will be circulated at a later date. Its purpose is to provide Councillors with the information it needs to understand the situation-specific factors affecting performance.
2. It is also intended to provide the Chief Executive, Executive team and staff with the information needed to align council's work programmes across different groups and teams and to foster a greater focus on performance and accountability.
3. The report aims to be both comprehensive (across all council's functions) and easily digestible. It includes a mix of key performance indicators (KPIs) and qualitative information on work underway or completed.

### Background

4. This is the third organisational performance report to Council since the creation of the Organisational Performance team. Reports are typically provided quarterly to the Corporate and Strategic Committee. This ensures the information is recent and therefore still relevant to Council's decision-making.
5. The attached report largely repeats the format of the previous two reports which matches our organisation structure i.e. it provides a summary of work by Group/Team. Minor improvements have been made to the presentation of information with a greater focus on timeseries to show trends overtime. It also includes a summary of the information from the 2018-19 Annual Report on strategic plan outcomes and level of services measures to provide context for the new Council on what objectives Council must report against to the public.
6. The content includes:
  - 6.1. Executive Summary
  - 6.2. Part 1: Financial Information
  - 6.3. Part 2: Strategic Plan Outcomes
  - 6.4. Part 3: Long Term Plan Level of Service Measures
  - 6.5. Part 4: Group Information
7. Historically organisational performance reporting has been relatively backwards looking. In the last triennium a specific focus on lifting 'organisational intelligence' was initiated by the Chief Executive. Although the first versions of this report were a marked improvement and were favourably received by Councillors, this Report continues to be a work in progress and in the spirit of continuous improvement a review is planned to ensure the format and content is fit for purpose. In particular, it is intended to:
  - 7.1 improve the line of sight from work undertaken on the ground up to the Strategic Plan objectives by creating linkages between strategic and operational performance reporting, and
  - 7.2 reduce the staff time dedicated to internal reporting by increasing automation and reducing duplication.A Reporting Analyst is currently being recruited to fill a vacancy in this space.
- 8 Input from councillors on its re-design and/or feedback on the current format and content of the Organisation Report would be appreciated.

## Decision Making Process

- 9 Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

## Recommendation

That the Council receives and notes the “*Organisational Performance Report for Q1 2019-20*” staff report.

### Authored by:

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**GROUP MANAGER STRATEGIC**  
**PLANNING**

**James Palmer**  
**CHIEF EXECUTIVE**

## Attachment/s

- [1](#) Quarterly Organisational Report 1 July to 31 October 2019



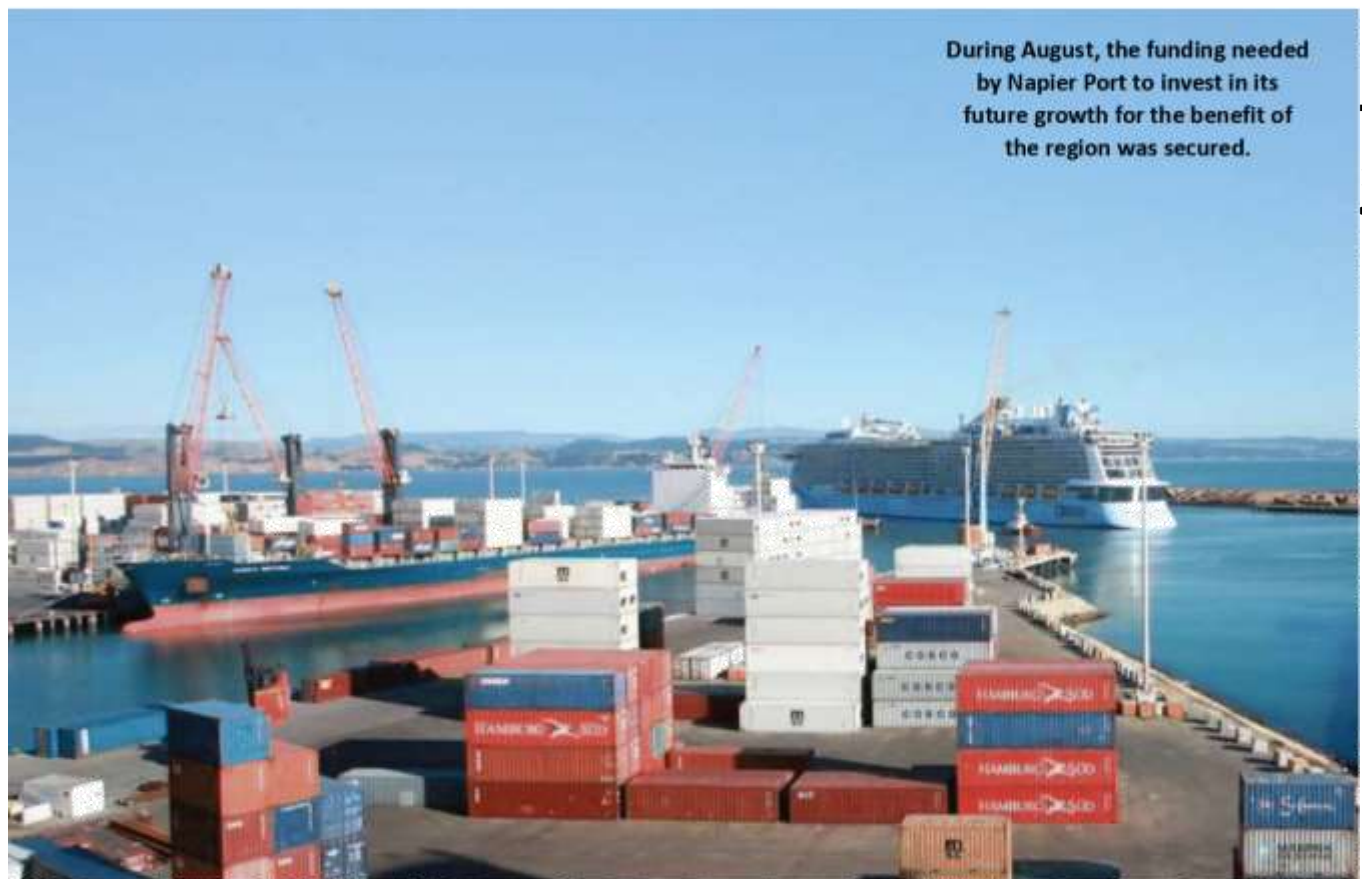
Item 13

# HAWKE'S BAY REGIONAL COUNCIL

## Organisational Performance Report

For Corporate and Strategic Committee

1 July to 31 October 2019



During August, the funding needed by Napier Port to invest in its future growth for the benefit of the region was secured.

Attachment 1

Prepared on 20 November 2019

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Item 13

Attachment 1

## Executive Summary

This Organisation Performance Report provides a snapshot of the programme of activities and corporate support that underpins the organisation. Its purpose is to provide Councillors with the information it needs to understand the situation-specific factors affecting performance.

It is also intended to provide the Chief Executive, Executive team and staff with the information needed to align council's work programmes across different groups and teams and to foster a greater focus on performance and accountability.

This report covers non-financial information and is for the period of 1 July to 31 October 2019. The report covers:

- Strategic Plan Outcomes
- Long Term Plan Level of Service Measures
- Group Information - commentary by Group on work completed or underway
  - Corporate Services
  - Office of the Chief Executive and Chair (OCEC)
  - Maori Partnerships
  - Strategic Planning
  - Integrated Catchment Management (ICM)
  - Asset Management
  - Regulation
  - Civil Defence Emergency Management (CDEM)

### Highlights

- Successful Napier Port IPO listing on the NZX.
- During the June-September quarter, staff from the Planning team have been liaising with Government officials on setting up the first National Climate Change Risk Assessment (NCCRA). That liaison will be ongoing into 2020 as the Government's NCCRA gets fully underway.
- In parallel to this, members of the Planning and Communications teams have been scoping out various sized options (and funding implications) for a revamped programme of work for Hawke's Bay Regional Council (HBRC or Regional Council) to address climate change. Those options will be initially considered by the incoming Councillors (and consequently will be reported on in the next Organisational Performance Quarterly Report). Most of the options will require alignment with the 2020-21 Annual Plan and 2021-2031 Long Term Planning processes.
- The Outstanding Water Bodies (OWB) plan change (PC7) was publicly notified on Saturday 31 August with an extended submission period of 6 months, closing on the 28 February 2020.
- On 30 August 2019, the Special Tribunal released their recommendations report regarding a Water Conservation Order (WCO) for the Ngaruroro and Clive Rivers.
- A joint transport study to evaluate traffic patterns in Hawke's Bay, predict future demand and programme any necessary future improvements to the transport network and services is underway.
- Ecosystem Prioritisation programme - currently working to protect 16 Ecosystem Prioritisation sites this financial year.
- Signed landowners across more than 80% land area on Mahia Peninsula to the RPMP (Regional Pest Management Plan) for Possum Eradication and Predator Suppression areas
- Erosion Control Scheme (ECS) – For the first quarter of this financial year 29 applications for funding have been received. These have a total value of \$935,716, of which \$675,337 will be funded by Council's Erosion Control Grant Fund (@ 75%), over the next three planting seasons.



- The Waitangi Waikahu wetland has begun filling and a formal blessing is scheduled for 5.30am on the 23<sup>rd</sup> November 2019.
- Regional Project Highlights – Heretaunga Flood Control Levels of Service, Clive Dredging, Maraekakaho Road river access, Tutira no.1 bridge, Tutira no.2 bridge.
- New weedboat commissioned to replace retired vessel. Our weedboats are proudly developed in house through the Works Depot workshop.
- Exercise Ruaumoko was run in mid-October 2019 over 4 days. This exercise was based on an earthquake scenario and involved all Hawke's Bay councils and the emergency services. The exercise tested the new coordination centre in Hastings which was able to effectively support the response.

#### *Lowlights*

- The 2018-19 Annual Report received a qualified audit opinion. The basis for the qualified audit opinion was due to the group financial statements including the financial statements of the company's subsidiary, Port of Napier Limited, for the year ended 31 March 2019 rather than for the year ended 30 June 2019. The exceptional circumstances this year of Napier Port Holdings Limited listing on the New Zealand Stock Exchange between the Hawke's Bay Regional Investment (HBRIC) Limited balance date and adoption of the Annual Report led to the Regional Council not disclosing or adjusting for significant events to 30 June 2019. Consequently, Audit NZ considered that it had not been able to obtain sufficient evidence to determine whether the group financial statements are fairly presented in all material respects.
- To date the Tutaekuri Ahuriri Ngaruroro Karamu (TANK) plan has not been notified.

#### *Areas not reported on in this report but will be included in the next report (or circulated separately) are:*

- Corporate Services – Finances and ICT
- Regulation – Compliance, Harbourmaster

## PART 1: STRATEGIC PLAN OUTCOMES

The Regional Council's *Strategic Plan 2017-2021* established 23 time-bound strategic goals. These demonstrate a desire by the Council to shift from reporting activity or outputs, to managing for and reporting on outcomes – the things that matter to our community. Typically we (HBRC) do not have full control over achieving these outcomes, but we have a clear statutory role to achieve them. Where possible, targets align with national targets or an existing Hawke's Bay Strategy or Plan.

The outcomes are grouped by the four focus areas from the Strategic Plan – Water, Land, Biodiversity and Infrastructure/Services. The four areas are interconnected and mutually reinforcing so success in one area cannot be at the expense of another. For example, the work we are doing on farms to keep soil on the land directly contributes to water quality.

The 2018-19 Annual Report was the first time these outcomes were reported against. The summary results for 2018-19 are listed below. The status against the target was described as **Completed**, **On track**, **Under way**, or **Off Track**.

Only one aspect of one of the 23 Strategic Plan outcomes is completed as the targets are long term for example "By 2050 ..." however they remain high priority and require sustained interventions by council to achieve. Work is underway to develop time series (where relevant) to enable trend reporting (i.e. improving, worsening or no change).

More information including what is being done to contribute to the outcomes is in the full Annual Report (pp13-21). Available here:

<https://www.hbrc.govt.nz/assets/Document-Library/Reports/Annual-Reports/Annual-Report-2018-2019/HBRC-2018-19-Annual-Report-FINAL.pdf>

WATER Water quality, safety and certainty		LAND Smart and sustainable land use	
Community Outcome Target	Status	Community Outcome Target	Status
By 2025, plans for catchments where life-supporting capacity is compromised are in place and actively implemented.	Underway	By 2025, stock is excluded from all year-round flowing streams and rivers and at least 30% are fenced and planted to filter contaminants.	On track
By 2025, Tangata Whenua values for all catchments are identified and embedded in the Regional Resource Management Plan.	Underway	By 2025, land use suitability information is available to all commercial land owners to inform smarter land use.	Underway
By 2030, all aquifers, lakes and rivers will have community-agreed quantity and quality limits in force.	Underway	By 2030, all commercial farms, orchards and vineyards operate under a Farm Environment Management Plan or an independently audited industry best-practice framework.	On track (for Tairāhiki)
By 2030, cultural monitoring tools are in use in all catchments.	Underway	By 2030, all farms in priority sub-catchments will have phosphorus management plans being implemented, with at least 50% of highly erodible land treated with soil conservation plantings.	On track (for Tairāhiki)
By 2030, all popular Hawke's Bay swimming sites will be swimmable 80% of the time, and 90% of the time by 2040 (source: NPS -FM updated Aug 2017).	On track	By 2050, all highly erodible land will be under tree cover.	Underway
By 2050, there will be an improving trend in the life-supporting capacity of all of the region's degraded rivers and major streams.	Underway	By 2030, there will be 20% less contaminants from urban and rural environments into receiving water bodies.	Underway
		By 2050, there will be 50% less contaminant from urban and rural environments into receiving water bodies.	Underway





## PART 2: LONG TERM PLAN LEVEL OF SERVICE MEASURES

Under the Local Government Act 2002 the Regional Council is required to present its financial and non-financial information in groups of activities for ease of understanding. In the 2018-28 Long Term Plan, the Regional Council aggregated its activities into seven groups of activities as per the table below.

The right hand column provides a summary of the non-financial performance results for 2018-19. Comprehensive performance reporting on the 60 level of service measures targets is included in the full Annual Report (Part 2: Groups of Activities). <https://www.hbrc.govt.nz/assets/Document-Library/Reports/Annual-Reports/Annual-Report-2018-2019/HBRC-2018-19-Annual-Report-FINAL.pdf>

The 60 level of service measures and the targets for 2019-20 (or year 3 of the Long Term Plan) were set in the 2018-28 Long Term Plan. Performance against these targets will be reported on twice yearly. Provisional results will be reported to the Corporate and Strategic Committee at the 6 month mark and full year results will be presented in the 2019-20 Annual Report which must be adopted no later than four months after year end.

Groups of Activities	Non-financial Performance Result for 2018-19
<b>Governance &amp; Partnerships</b>	<p>We measured six aspects of performance for this Group of Activities.</p> <p>● Achieved      ● Partially achieved ● Not achieved      ● Not measured</p>
<b>Strategic Planning</b>	<p>We measured five aspects of performance for this Group of Activities.</p> <p>● Achieved      ● Partially achieved ● Not achieved      ● Not measured</p>
<b>Integrated Catchment Management</b>	<p>We measured eighteen aspects of performance for this Group of Activities.</p> <p>● Achieved      ● Partially achieved ● Not achieved      ● Not measured</p>
<b>Asset Management</b>	<p>We measured eight aspects of performance for this Group of Activities.</p> <p>● Achieved      ● Partially achieved ● Not achieved      ● Not measured</p>

<h2>Consents &amp; Compliance</h2>	<p>We measured eight aspects of performance for this Group of Activities.</p> <p> <span>●</span> Achieved      <span>●</span> Partially achieved  <span>●</span> Not achieved      <span>●</span> Not measured         </p>
<h2>Emergency Management</h2>	<p>We measured nine aspects of performance for this Group of Activities.</p> <p> <span>●</span> Achieved      <span>●</span> Partially achieved  <span>●</span> Not achieved      <span>●</span> Not measured         </p>
<h2>Transport</h2>	<p>We measured six aspects of performance for this Group of Activities.</p> <p> <span>●</span> Achieved      <span>●</span> Partially achieved  <span>●</span> Not achieved      <span>●</span> Not measured         </p>



## PART 3: GROUP INFORMATION

### Corporate Services

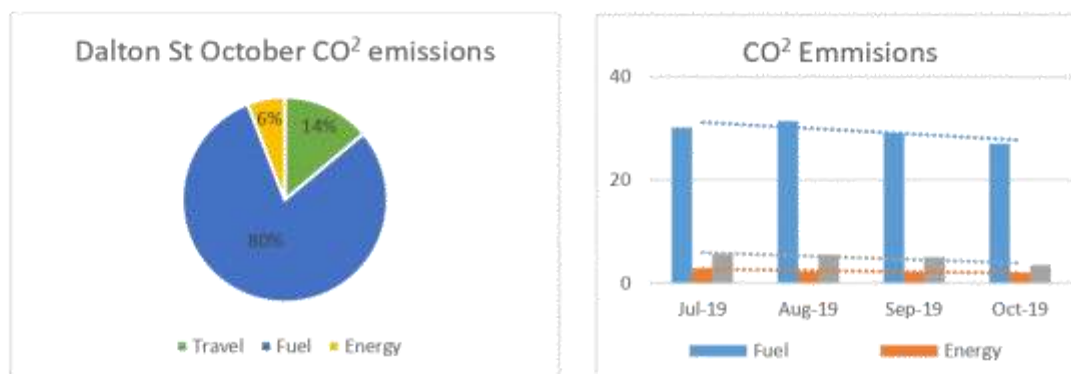
#### Napier Port IPO

In June 2019, the Regional Council instructed Napier Port to proceed with a 45% initial public offer (IPO) of shares in the Port, paving the way to deliver the funds needed to help the Port to grow. On 20 August 2019, access to capital was confirmed through an IPO listing on NZX.

The HBRC invested over two-and-a-half years in this process - much of this time spent thoroughly investigating all viable options to deliver the results the Council needed on behalf of the Hawke's Bay community. The process focused on establishing the most appropriate capital structure for the Regional Council, particularly with Napier Port needing a new wharf investment, at a cost of up to \$190 million.

#### Facilities and Fleet

##### Corporate Sustainability



\*Please note that energy use is for Dalton Street offices only

Energy, travel and fuel usage are showing reductions on all accounts in October. Fuel comprises 80 percent of the Council's CO<sup>2</sup> emissions so remains the focus area for corporate sustainability efforts. Additional Hybrid vehicles and EVs are due to arrive in the fleet over the following months with 3 hybrids on back order, due to arrive January 2020 to replace petrol AWD SUV alternatives. In coordination with our EV First policy, plans are in motion to replace our Chairman's vehicle and a corporate pool vehicle with two additional electric vehicles.

New video conferencing facilities are getting installed at present, as well as a better structured travel booking system to assist in driving our travel emissions down further. Energy emission reductions are consistently tracking down well through better monitoring and management of maintenance

#### Vehicles

Vehicle Fleet	January 2019	October 2019
Total Fleet Numbers	68	71
Plug in Hybrid Electric Vehicle	4	5
Hybrid Vehicle	2	2

Month	Petrol(litres)	Diesel (litres)	Monthly Spend	CO <sup>2</sup> Emissions (Tonnes)
July	2,175	9,130	\$14,156	30.12
August	2,577	9,248	\$15,089	31.42
September	2,570	8,307	\$14,723	29.1
October	2,348	7,846	\$13,998	27.05
Total				

#### Air travel

Month	Total travel distance (Km's)	CO <sup>2</sup> emissions (tonnes)	Approx. Cost to offset
Jul-19	40,771	5.6	\$120.00
Aug-19	39,759	5.5	\$119.33
Sept-19	37,738	5.04	\$108.00
Oct-19	25,253	3.5	\$76.00

\*Please note that these figures are total figures, not per staff member

#### Energy Use

Electricity usage kWh/mth

	2018	2019	Variance
July	25,011	24,206	-3.2%
August	26,009	23,038	-11.4%
September	23,458	21,957	-6.4%
October	25,937	21,189	-18.3%

Gas Use kWh/mth

	2018	2019	Variance
July	28,293	25,215	-10.9%
August	24,836	8,890	-64.2%
September	19,476	12,935	-33.6%
October	15,349	9,953	-35.2%

Carbon emissions (electricity and Gas) – measured in tonnes of CO<sup>2</sup>

	2018	2019	Variance
July	3.452	2.88	-16.5%
August	3.59	2.25	-37.3%
September	3.23	2.14	-33.7%
October	3.57	2.07	-42.2%

#### Marketing and Communications (MarComms)

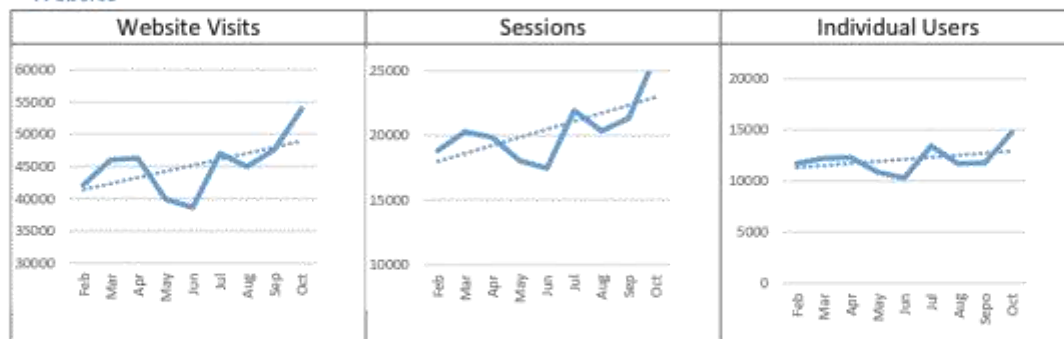
The MarComms team wrapped up the Local Elections campaign in October. The team supported the A&P Show 'Nature Shed' exhibit, plus the Right Royal Debate event (24 Oct) attended by Prime Minister Jacinda Ardern.

A new two-monthly region-wide newsletter 'Our Place' was distributed in papers across the region. Consultation continues on Outstanding Water Bodies until end-February 2020.

The team planned for November's 30 Year Regional Council celebrations, Summary Annual Report delivery and Climate Change event (25 Nov).

Website page views for October were 53,924. The most popular site pages were River Levels and Election results.

#### Website



The monthly page views for other popular Regional Council-managed sites were:

- goBay 37,735
- HBTrails 5,561

Top Pages in October	Views
River Levels	5,606
Election Results	5,606
Nominations and Candidates	2,269
Rainfall	2,225
Job Vacancies	1,563
Rates	1,425
My Property	938
Maps and GIS	865
Councillors	727
How to pay rates	662

#### Facebook

	Posts	Likes	Total Reach
February	44	5,192	127,983
March	53	5,316	198,267
April	55	5,396	172,008
May	70	5,536	244,500
June	57	5,536	129,812
July	42	5,738	98,000
August	58	5,968	114,702
September	78	5,865	182,948
October	53	5,990	132,511
Top Facebook Posts			Reach
Time-lapse video of hail storm			10,619
Surface Flooding update			9,470
Regional Councillors sworn in			8,117

### Customer Feedback

The customer feedback reported on here is feedback received via the Regional Council's website only. Customers select whether their feedback is a comment, compliment or a complaint.

All feedback received via this system is required to be responded to within 4 business days.

Feedback received in the period of this report were:

- 26 in July
- 16 in August
- 30 in September
- 20 in October

64% of items (59 out of 92) were responded to within the required timeframe. The key categories of feedback were Pest Control/Biosecurity (15), Property/Rates (11) and General Enquiry (11).



A customer feedback register is at Appendix 2.

### Sustainable Homes

We are achieving for Hawke's Bay people:

- More homes that are warmer and drier to help improve health
- Increased energy efficiency and reduced dependence on networked supply
- 85% of renewable energy use for the region increases to 100%
- Better water quality by getting rid of contaminating leachate from septic tanks that need replacing
- Continued improvement of air quality to meet World Health Organisation (WHO) standards
- Improved ability for people to cope through a civil defence emergency with homes equipped with stored water and solar energy

Financial assistance is provided in the form of a voluntary targeted rate repayment scheme on the property. The take up for the scheme has exceeded expectations, a slow start was expected, however, a successful communication plan attracted high interest and while \$13m. was allocated to the budget over ten years, the first quarter activity has exceeded the average \$1.3m per year.

Apart from the Heatsmart targeted rate subsidy, the scheme is fully cost recoverable on a user pay basis.

Report July – October 2019 Sustainable Homes VTR	Applications	\$
Double Glazing	18	221,304
Water Storage - Non potable supply	3	28,695
Septic tanks -	2	14,565
Insulation – previously included in Heatsmart programme	102	213,240
Solar PV - Photovoltaic	28	302,608
Solar HW – Hot water	7	31,086
Ventilation	77	250,637
Clean Heat 4% - Outside the airsheds	105	373,730
Note: Clean heat interest rate subsidised by 50%, funded by a targeted rate in the Airsheds	50	172,825
Clean Heat 2%	171	103,970
Clean Heat Grants		
Total	563	\$1,712,660

*S36 – separate report going to Council with outcomes of a review and recommendations for improvement (as part of the LTP)*

#### *Farm Environmental Management Plans*

##### *FEMP summary*

Farms 790, low intensity farms 217 and 8 In-Progress farms roll up to 1015 FEMPs total.

10 new FEMPs received in October.

Regulation follow up has resulted in the reduction of the “no farm plan” list down to 14 properties in the Tukituki catchment.

*Data QA* first 400 farms contact details, >200 farms now completed.

Verification now underway for Iris migration.

*Audit pilot project* work includes edits to the desktop template, digital version, finalising the process with assistance from approved providers. Audit templates are working well. Three farm plan audits were completed and subsequent process amendments made (iterative approach). FEMP auditing manual (draft is 90% complete) at the completion of the pilot project, the manual will undergo an invited sign off process with internal and external stakeholders. The draft includes regional and Tukituki auditing processes. Auditing digital workflow has been completed with Nintex for field data capture and powerBi dashboard utilisation for final reporting. FEMP auditing and regulation integration continues; data migration/data design, process building.

#### *Stakeholder engagement*

Tukituki Catchment plan – (PC6) Procedural guidelines finalised and ready for circulation.

One of two public farm plan workshops completed.

Presentations given include the regional rural bankers and valuers and the rural professional group.

Communication this month with external stakeholders has included DairyNZ, Ravensdown, Ballance agri-chemicals, MPI, B&L NZ, Fonterra, MfE and NZIPIM.

*Procurement – reports to Finance Audit and Risk Committee:*

The contracts hub has been archived and the new procurement hub went live on July 1 2019, following the adoption of a revised procurement policy and operational manual in June 2019.

Information is available to all managers and contract owners, by group. All contracts valued at greater than \$50k, or assessed as high risk, are monitored and reported to the Finance Audit and Risk Committee. Risk is assessed as residual after mitigation, based on likelihood, impacts and financial exposure.

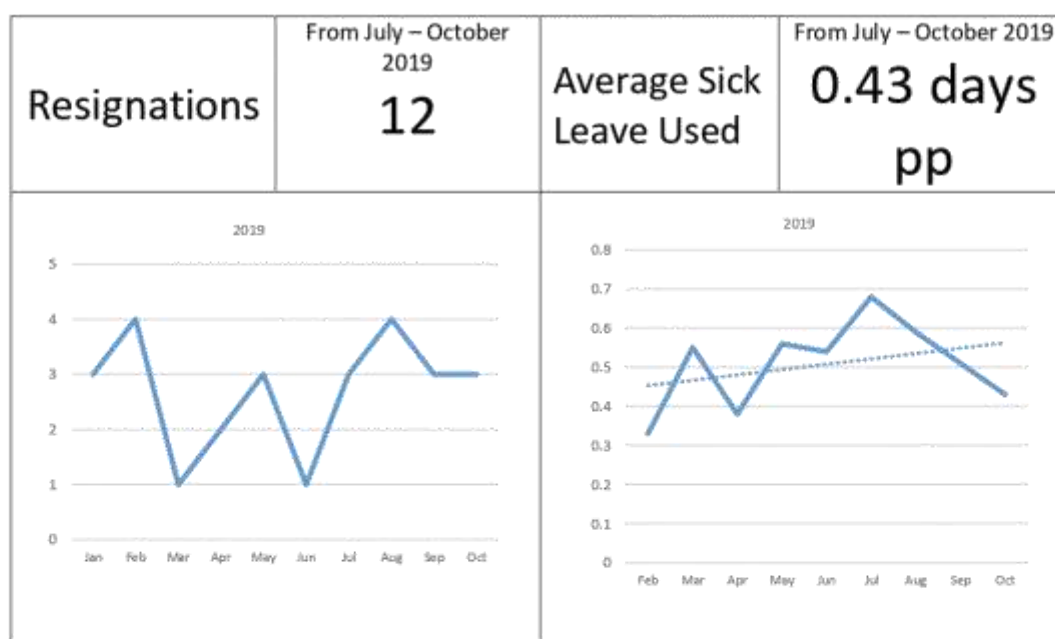
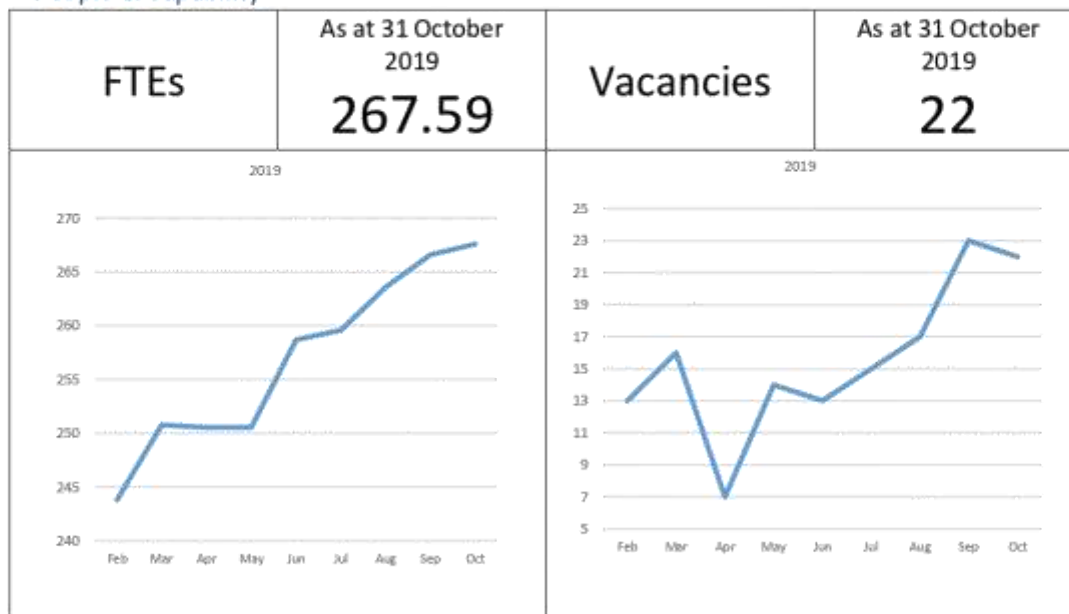
92 contracts have been registered between 1 July and 31 October 2019. 21 will be evaluated on expiry (within the next three months) to verify suitability for future use, confirming delivery on time, on budget and on specification.

We also now assess performance in meeting Health and Safety requirements, sharing HBRC's environmental vision and overall professionalism.

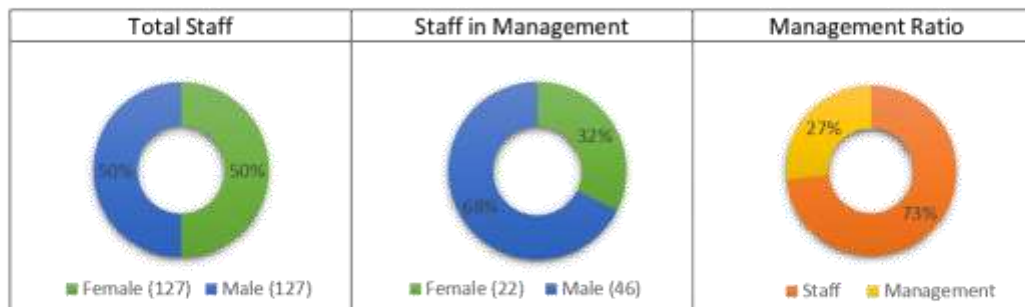


## Office of the Chief Executive and Chair (OCEC)

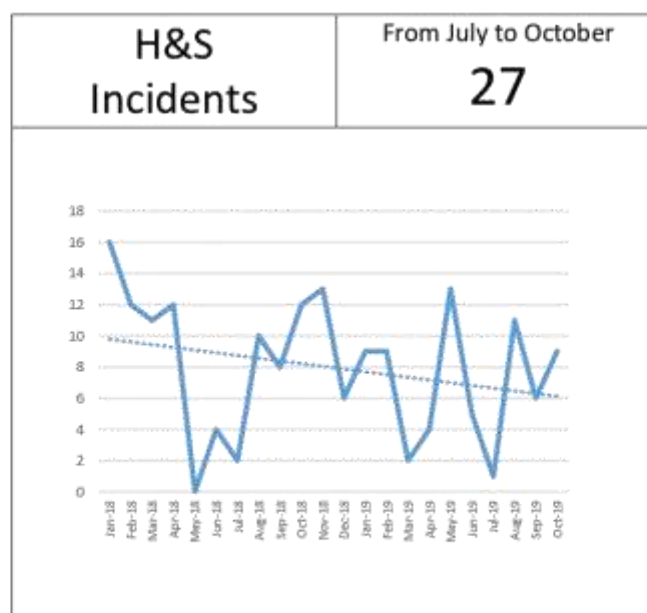
## People &amp; Capability



The following graphs show the current ratio of male and female staff. This information is not openly collected so these figures are purely based on observations.



### Health & Safety (H&S)



Of the 27 incidents during the period of this report we had 12 incidents of property damage, 10 accidents with no time off work, two accidents requiring time off work, one near miss and one interaction incident.

### Media

We received 128 media queries in the four months to the end of October 2019

- 32 in July
- 33 in August
- 32 in September
- 31 in October

The bulk of the enquiries for this period were from local journalists, however we did get a query from the Wall Street Journal about water bottling, Consumer Magazine about the proposed targeted rate for Coastal Hazards and Flight NZ Magazine around work on the Waitangi Estuary.

The topics that attracted the most interest and consumed the most time in this period were:

18

- HBRC testing of potential contamination from firefighting foam
- Te Mata Mushrooms Resource Consent Hearing.
- Lowes Pit in Hastings
- The TANK Plan Change
- Govt's Essential Freshwater announcement.
- Election of our new council
- The lost rook bait in Wairoa
- GoBay's decision to ban alcohol advertising on bus backs.

### Risk

- The six monthly report on risk assessment and management was presented to the Finance, Audit and Risk Sub-Committee (FARS) on 21 August 2019. Feedback from last FARS meeting resulted in further work on the issues of the risks of harm to the environment, Civil Defence, and staff retention and welfare. Risk of harm to environment is a new risk for consideration when undertaking flood scheme operations in particular, with Chris Dolley the risk owner.
- Further work on Civil Defence risk will be included as part of the risk management review process later in the financial year. Several mitigation initiatives have been implemented for staff wellbeing and staff retention risks, including the implementation of the organisational development review and programme, Learning and Development Strategy and Action Plan, and the full remuneration review just completed.
- Risks trending upwards include the Implementation of the National Policy for Freshwater Management. Central Government is expected to impose a new deadline of 2025 for all freshwater plans to be operative and the Strategic Planning Group will continue to monitor this closely.
- The Human Health impacts from contamination of drinking water risk is trending downwards as a result of the review of National Environment Standards for drinking water and the identification of source protection zones in Plan Change 9.
- A newly created risk and assurance role in OCEC will lead responsibility for the risk management portfolio including development of the Regional Council's assurance framework within which will now sit the internal audit programme, previously with the Finance Section. Suggestions were made that consideration should be given to the human health risks associated with swimming and recreational activities in contaminated water and with regard to landfills not listed on the Hazardous Activity and Industry List (HAIL) register. This will be incorporated into the risk register once the new staff resource is on board.
- The Business Continuity Plan has been updated and was tested in the recent Hawke's Bay Civil Defence exercise in October.

### Economic Development

- At the end of August responsibility for this portfolio has shifted from the Group Manager, Strategic Planning over to the Group Manager, OCEC to provide some space for the former to focus on the development of the climate change work programme.
- Agreement provided to Hastings District Council (HDC) to continue HBRC's annual funding of \$10,000 towards "Great Things Grow Here".
- Small amount of co-funding towards the development of the Request for Proposal (RFP) (managed through HDC) for the establishment of the head office for NZ Institute of Skills and Technology in Hawke's Bay. Presently this is sitting with the Ministry of Education Procurement Team.
- HBRC actively involved with refresh of the action plan and the individual pillars of activity for the Matariki Regional Development Strategy for economic and inclusive growth, managed through Business Hawke's Bay.

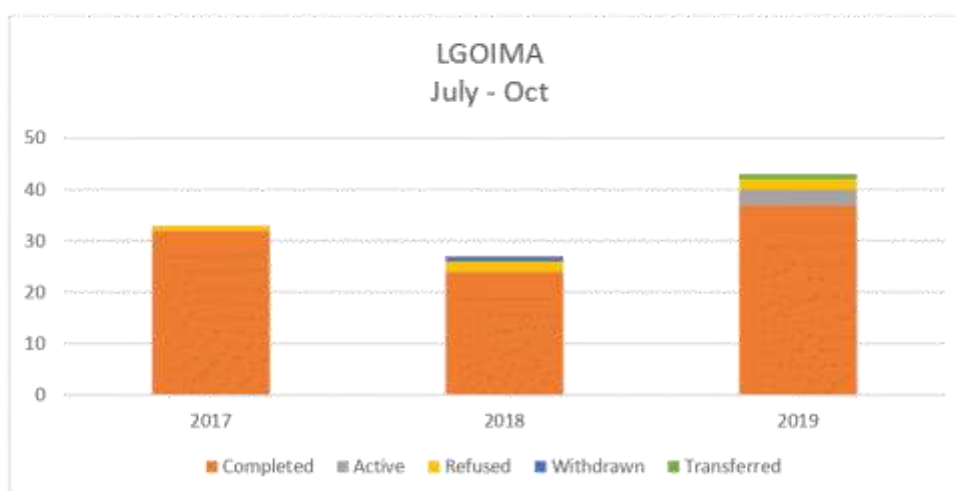
- Development work continues on the Provincial Growth Fund (PGF) applications for the Wairoa Horticulture Project and the Kahutia Prison Nursery Project.
- Funding agreement between Tourism Hawke's Bay and HBRC about to be signed now that their KPIs have been finalised. From here Tourism Hawke's Bay will develop the Visitor Strategy and Destination Management Plan which will come back to the Regional Council in due course.
- Of note, the Productivity Commission Funding and Financing Draft Report has recommended that Councils have a new funding mechanism to cope with the specific cost pressures associated with the growth of tourism.
- HDC has secured \$12m funding from PGF towards the development of the Food Innovation Hub. This funding is dependent on gathering the additional \$6m from other partners and HDC keen for HBRC to co-fund some of this.

#### Governance

- This period included the preparation for triennial election with the Governance Lead acting as Electoral Officer for HBRC.
- Pre-election report, candidates' handbook and elected members' handbook all produced. Website updated.
- Establishment of new governance structure for this triennium and orientation programme for new council.
- Implementation of Stellar software to enable online only approach to council meetings and workshops

#### Local Government Official Information Management Act (LGOIMA) Summary

In the period of this report we had 43 LGOIMA requests to respond to, of which three remain active, two were refused and one transferred.



A LGOIMA log is as Appendix 1.

## Māori Partnerships

Māori Partnerships have been busy enhancing HBRC's engagement with Tāngata Whenua working with the Asset Management Group to communicate the Clive River dredging proposal. In this regard, Marae and Hapū feedback was facilitated through the Heretaunga Taiwhenua. Active participation with the Hawea Historical Park Management Committee ensures we are present to support and advise this committee as it progresses the Co-Managed Regional Park. The vision for Bay View cycle way extension was shared with Petane Marae, Maungaharuru Tangitū and Mana Ahuriri. Māori Partnerships contributed to the development of the Code of Practice in collaboration with the works groups, Napier City Council, HDC, Department of Conservation (DOC), Ngāti Kahungunu Iwi Incorporated (NKII) and local Kaitiaki.

The environmental service company Mahaanui Kurataiao, owned by local Ngai Tahu runanga presented to HBRC Environment & Services (E&S) Committee, Tāngata Whenua and councils and shared key Resource Management Act (RMA) functions, services and experience as insight potential to an environmental management service that could be operating across Te Matau a Māui. Te Wiki o Te Reo Māori was celebrated by HBRC with a traditional hangi prepared and enjoyed by staff.

The team earnestly work to support the Strategic Planning Group in providing advice on the Mohaka Plan Change, which is being developed with focus on co-design and co-management frameworks. Opportunities to communicate the OWB plan with Marae and Hapū was progressed. HBRC lead a collaborative hui at Rongomaraeroa marae – Pōrangahau with Central Hawkes' Bay District Council (CHBDC), and Te Papa Atawhai DOC in response to RMA and cultural issues raised during the OWB meeting in Pōrangahau. Māori Partnership explored Mana Whaka Hono a Rohe with HDC and NCC as Ngāti Paarau hapū initiated this Ministry for the Environment (MfE) process. All gained understanding around the intricacies of this process. Bilateral meetings with both Ngāti Pāhauwera and Mana Ahuriri as well as Tripartite hui with Tātau Tātau o Te Wairoa and Te Wairoa District Council have also occurred.

Māori Partnerships met with New Zealand Transport Association to provide advice regarding the Waikare Roadway Alignment communication plan. Engagement with Tutira and Whakakī landowners was required to progress water quality improvements being lead by the ICM teams. Māori Partnerships supported Mataweka Marae in Waipukurau and Waihirere Marae in Wairoa by attending planting days with HBRC staff from our Northern and Southern ICM teams.

Attending Ngāti Kahungunu Te Reo Symposium, Whakamana i te Pae Huaki Pōuri and Ngā Pou Mataara Hou wānanga ensure Māori Partnerships are abreast of what is currently on the Ngāti Kahungunu horizon. While the Te Wai Maori freshwater conference focused on the impact of climate change on Taonga species and provides a national cultural context. We have successfully held Waiata sessions, Mihi Whakatau and Pōwhiri, each event supported and celebrated by our staff. We are currently focused on filling the Senior Māori Advisor role.



## Strategic Planning

### Regional Water Security Programme

- Framing programme of PGF funded freshwater projects within the wider HBRC freshwater portfolio to establish coherent messaging for public interface.
- 3D Aquifer Mapping phase 1 pre-survey planning and preparation underway. The project team and steering group established and in full operation. PGF – HBRC Funding Agreement executed along with contracts with key service providers (including GNS, ProjectHaus and SkyTEM Australia). Communications plan developed and shared with project partners (including GNS and the Provincial Development Unit (PDU)). Public notification campaign commences 21 November with prior engagement organised with HBRC staff, Councillors and local iwi. SkyTEM are mobilising in country from 14 January 2020 and plan to start survey flying on 20 January.
- Regional Water Assessment planning and scoping has commenced with early engagement with the Territorial Local Authorities (TLA's) to understand their priorities and leverage any connections with related work. A phased delivery approach with a strong evidence based platform preceding analysis is proposed and has been well supported to date by TLA's. The PGF-HBRC Funding Agreement has been executed.
- A presentation to Councillors in early September provided valuable feedback and insights on progressing the Tukituki and Heretaunga water security projects. A decision was made to delay seeking authority from Councillors to progress investigations until after the local body elections providing full opportunity for new Councillors to consider and assess the proposals before a pathway was set. The project is looking to brief the new Councillors on the 21 November and following this session undertake deeper level of engagement with HDC and CHBDC and key community stakeholders. The process will seek to reaffirm the objectives of the projects and the alternate pathways to be investigated in the next stage of work. The project has been working closely with the Provincial Development Unit (PDU) to confirm a satisfactory funding approach that is acceptable to both parties.

### Climate Change

In June 2019, the Regional Council joined other councils around the country in declaring a climate emergency. The declaration was confirmed at the Regional Council meeting on 26<sup>th</sup> June 2019 along with a number of other actions which included:

- providing an annual progress report in relation to existing work and additional future programmes relating to climate change
- including climate change as a primary factor for consideration in its decision making processes
- committing to developing a comprehensive programme of work in response to climate change, including regional leadership for climate change awareness and action
- requesting staff develop a programme of community engagement on climate change mitigation and adaption
- directing the Chief Executive to further reduce the Regional Council's greenhouse gas emissions and report annually on progress
- advocating MfE to include greenhouse gas emissions in the consenting process under the RMA.

The declaration of a 'climate emergency' recognises "global warming to be an urgent and pervasive threat to human and ecological wellbeing."

The predicted impacts of climate change on Hawke's Bay include a rise in temperature, fewer frosts, more frequent and more severe droughts with greater fire risk, increased rainfall and flooding



intensity, drier winter and spring, and rising sea levels resulting in worsening erosion and flooding along the coast.

Planning staff have been involved in planning for a business event on 25th November 2019. The event, part of a wider initiative called Climate Action HB, will explore what business needs to do to transition Hawke's Bay to a low emissions economy. The Regional Council and 3R Group, with the support of Napier, Hastings, Central HB and Wairoa Councils, have teamed up to hold this business event bringing attention to the impact of accelerated climate change.

In July, the Regional Council made a submission on the Climate Change (Zero Carbon) Amendment Bill 2019. HBRC supported development of the Zero Carbon Bill as an important step for Government re-engaging with communities and directing actions across multiple agencies on climate change mitigation and adaptation. It is vital that Government provides leadership on adaptation as well as mitigation actions. The Regional Council's submission noted that it is highly likely that further regulatory reform will be necessary to enable local government and their communities to be suitably prepared for a changing climate future, and that this should be clearly signalled as early as possible. In the submission, the Regional Council also asked for the RMA to be amended so regard can be had to greenhouse gas emissions in consent decision-making.

In August, the Regional Council made a submission on the 'Action on Agricultural Emissions Discussion Document' released by MfE. The Council's submission focussed on those aspects of the proposals which overlap with HBRC's regulatory functions. Also in August, a submission to the Productivity Commission highlighted the challenging of councils and communities facing the costs of adapting our built environments to mitigate risks and hazards associated with climate change. Examples were given in that submission of a number of significant projects that the Regional Council has been active in that tackle climate change and how to fund associated costs.

During the June-September quarter, staff from the Planning Section have been liaising with Government officials on setting up the first National Climate Change Risk Assessment (NCCRA). That liaison will be ongoing into 2020 as the Government's NCCRA gets fully underway.

In parallel to all of this, members of the Planning and Communications teams have been scoping out various sized options (and funding implications) for a revamped programme of work for HBRC to address climate change. Those options will be initially considered by the incoming Council (and consequently will be reported on in the next Organisational Performance Quarterly Report). Most of the options will require alignment with the 2020-21 Annual Plan and 2021-2031 Long Term Planning processes.

### Policy and Planning

In the last Triennium a regular update of the Resource Management Policy Projects and status of local resource management related proposals upon which the Regional Council has an opportunity to make comments or lodge a submission (referred to as Statutory Advocacy) was provided to each Regional Planning Committee (RPC) meeting. The previous Organisational Performance Report provided a snapshot of these reports for the period 1 February - 30 April 2019. The following snapshot provides an overview of the period from 1 July - 31 October 2019.

During that period the particular areas of focus for the Policy and Planning team were:

#### TANK

The months of July-October were a busy period for TANK. The TANK plan change was a regular feature and point of discussion at the RPC meetings. Following the deferral of decision making in May it was agreed that a workshop was required to discuss a number of outstanding issues for both the

**Councillors and Tāngata Whenua Representatives** This workshop was held on 2 July (prior to the RPC meeting). At this workshop the Tāngata Whenua Representatives highlighted that there were four fundamental issues that they considered needed to be worked through further, these were the Heretaunga Plains groundwater allocation limit; the stream flow maintenance scheme; alignment of the TANK plan with the OWB plan change and an understanding of Part 2 of the RMA. A sub-group made up of RPC members, NKII and Te Taiwhenua o Heretaunga (TToH) representatives and staff was set up to consider and make recommendations on the issues identified. The sub-group met twice (25 July and 1 August) and reported findings to the RPC meeting on 14 August. The RPC meeting on 14 August did not proceed due to lack of quorum and a further sub-group meeting was held on 22 August. The findings of the sub-group were then reported to the RPC on 18 September, this was supported by amendments to the TANK plan (v9.3) and the s32 report. The RPC agreed to the amendments to the TANK Plan for notification at that meeting, however the notification pathway for the TANK remains undetermined. Staff recommended the Streamlined Planning Process to the RPC at their meeting on 25 September but this motion was lost. An alternative motion was put forward to adopt the traditional Schedule 1 notification process but this motion was also lost. To date the TANK plan has not been notified.

#### *Mohaka Plan Change*

This plan change is under preparation. Preliminary project re-design is underway with Ngāti Pāhauwera, iwi and Māori Trusts. Progress has been made in the preparation of a relationship agreement between HBRC and Ngāti Pāhauwera, with the intention that this will be utilised by other iwi within the Mohaka catchment (either becoming signatory to this agreement or holding independent agreements). This will also provide the foundation for the co-design of the plan development process. Next steps leading up to Christmas are for staff to meet with the Post Treaty Settlement Governance Entity's (PSGE's) within the catchment and socialise the co-design concept with them.

#### *Outstanding Water Bodies (OWB)*

The OWB plan change (PC7) was publicly notified on Saturday 31 August with an extended submission period of 6 months, closing on 28 February 2020. This extended submission period was agreed to enable sufficient time for iwi to provide further information/evidence in support of those identified water bodies where it had been concluded that there were gaps in the information particularly around the cultural and spiritual values. Four iwi authorities have been contacted directly in respect of the HBRC funding which has been agreed to support this information gathering exercise. To date Ngāti Hineuru have accepted the offer, however staff continue to liaise with iwi on this matter.

#### *National Direction*

This has been an incredibly busy period for the Planning and Policy Section with significant input into Central Government reform.

HBRC staff were heavily involved in the development of the Regional Sector (LGNZ) submission to the Central Government's reform agenda, in particular Essential Freshwater reform Action for Healthy Waterways, as well as preparing a joint submission (HBRC, HDC and NCC), not to repeat the LGNZ submission but to elaborate on those parts of the proposal that had specific and direct impacts for the Hawkes Bay region (submissions closed 31 October). In addition to this the Resource Management Amendment Bill was open for submissions. HBRC provided comments to this on 7 November.

In July HBRC submitted on the Zero Carbon Amendment Bill. This received special mention from NZ First MP Jenny Marcroft positively highlighted elements of HBRC's submission out of over 10,200

submissions received on the Zero Carbon Bill. The Zero Carbon Bill passed its final reading on 7 November.

Submissions were also made jointly with HDC, NCC and CHBDC on the National Policy Statement for Urban Development (NPS-UD) and National Policy Statement Highly Productive Land (NPS-HPL) both submitted 10 October.

Submissions were lodged on the Action for Agricultural Emissions and Local Government Funding and Finance reports in August.

All of the HBRC's submissions can be found on the submissions page on the council website <https://www.hbrc.govt.nz/our-council/about-council/hbrc-submissions/>

We anticipate that there will be another influx of reform requiring review over the next 6 month period, including the Emissions Trading Scheme Reform Bill, Climate-related financial disclosures proposal, Crown Entity (Water Services) Establishment Bill, NES Air Quality, NPS Indigenous Biodiversity and NES Outdoor Tyre Storage.

#### *Ngaruroro and Clive Rivers Water Conservation Order (WCO)*

On 30 August 2019, the Special Tribunal released their recommendations report regarding a WCO for the Ngaruroro and Clive Rivers. The Tribunal found that *no* WCO should be made over the rivers below Whanawhana (i.e. the lower river) and that a WCO should be made over the upper in respect of habitat and fishery for rainbow trout, angling amenity and recreation, white water kayaking and rafting amenity and recreation, and the wild, scenic and natural characteristics.

The Regional Council submitted on this report regarding the implementation of the proposed Order. Several other parties have also submitted on the report therefore consideration of the Tribunal's Report will progress to the Environment Court.

#### *Regional Coastal Environmental Plan*

A draft report for the regional coastal environmental plan effectiveness review has been prepared. This is to be completed by the end of the year.

### Transport

#### *Regional Transport Planning*

Data gathering and an update of the Heretaunga Plains traffic model are underway and form the first phase of a joint transport study to evaluate traffic patterns in Hawke's Bay, predict future demand and programme any necessary future improvements to the transport network and services. The Regional Transport Committee is overseeing the project with technical support from the Transport Technical Advisory Group. The study will update and expand the findings of the Heretaunga Plains Transport Study, on which recent major projects, including the Whakatu Arterial Link (between SH2 and Pakowhai Rd) and the Pakowhai Rd-Expressway-Links Rd roundabout, are based. The study will form the basis of the next Regional Land Transport Plan, which must be in place by April 2021.

#### *Public Transport*

Bus patronage during this period showed a 4% decline compared with the same period last year. Services between Napier and Hastings have been affected by late running of services due to roadworks and increased congestion, particularly in and around Hastings. Two route changes that are designed to reduce delay and eliminate dead running will commence on 2 December.



A range of proposals to reduce carbon emissions through increased bus patronage was presented to the council in September. Feedback was positive and further development of the preferred option is underway and will be presented to the council again shortly. This option would see a flat fare structure, significantly reduced fares and targeted service increases to encourage greater use of the bus service.

The Regional Public Transport Plan was adopted by the Regional Council in June and work is underway on a number of the actions identified in the Plan, including the design of an airport service and the assessment of transport needs in Central Hawke's Bay and Wairoa.

	YTD	Monthly Average	Full Year 2018/19	Monthly Average 2018/19
Bus Passengers	216,465	54,099	666,127	53,775
Total Mobility Trips	35,439	8859	96,921	8,076

#### *Road Safety*

Probations road safety education days have continued during this period, along with a range of other activities in conjunction with key partners such as Police. Staff have also commenced a new programme at HB Prisons Youth Unit working on road safety issues with young offenders.

#### **Strategy & Projects**

##### *LGA Corporate Planning and Organisational Performance*

Work was undertaken on the following corporate documents:

- Annual Plan 2019-20 - adopted on 26 June 2019 with a no consultation approach (a first for our Council).
- Pre-Election Report 2019 – project information provided for document published in August 2019.
- Annual Report 2018-19 and Summary Annual Report – non-financial performance measures including inaugural reporting on the 23 strategic outcome goals provided for full document adopted on 16 October.
- Annual Plan 2020/21 – project team established, staff budgeting underway with a budget strawman for 2020/21 to be provided to Council in February 2020
- 2021-31 Long Term Plan - planning underway.

During this period the Strategy and Projects team expanded to incorporate Organisational Performance. This will allow for better integration of objective setting and performance reporting. Organisational Performance reports with key indicators for corporate activities (e.g. staff numbers, sick days, travel, energy use etc.) and a summary of work by section are provided to the Executive monthly and the Corporate and Strategic Committee quarterly. The team will be recruiting for a Reporting Analyst in the near future.

##### *Project Management Office (PMO)*

An evaluation of the six-month pilot was completed with the findings presented to the Executive Team in July. The pilot involved 19 projects which were a mix of size, type, phase and function to road test the customised tools, templates, training and reporting to ensure the methodology was fit for purpose before deploying it to the rest of the organisation.

Overall, the pilot was considered a success and based on the experience of other councils, a lot was achieved in a short timeframe including:

- Set up and ongoing improvements to PMO Hub and customised project sites.
- Creation of templates and guides for consistent project documentation including Project Brief and one-page Status Reports.
- Status Reports to the Executive, Corporate & Strategic Committee and feeding into the Organisational Performance Report.
- Four “Project Management Essentials” one-day training courses delivered to 47 HBRC staff.
- Mentoring services across the organisation.
- Becoming a permanent part of induction for all new staff.
- Presentations to all teams within Council to increase awareness.
- PMO staff also delivered projects.

The focus for the PMO going forward will be to build project management capability across the organisation for greatest impact on ongoing project success.

The HBRC Project Management Framework continues to be rolled out through induction of new staff, training and support. Due to feedback from previous sessions and from the pilot, we have brought the Essentials one day training workshops in house and have redesigned to suit. The first session was successfully delivered in October 2019 with further scheduled in the new year. A programme for project sponsors is currently being developed – again to be designed and delivered in house.

#### *Strategic Projects*

In August 2019 the Organisational Learning and Development Implementation Plan was drafted and presented to Exec as follow up to the Organisational Learning and Development Strategy and presentation at Leadership Forum in May 2019. This outlined work streams, purpose, key deliverables and target audiences.

The Future Farming Charitable Trust was established in August 2019 after successful appointments of the 9 Trust members including a Council representative – Tom Belford as interim and Will Foley nominated from November onwards. This permanent entity will report twice yearly to the Council as part of the Trust Deed agreement. A public launch will be announced soon.

An update on the Hawke’s Bay Tourism funding review project was presented to the Council in September along with Hawke’s Bay Tourism’s first quarter report and proposed Key Performance Indicators for adoption. The project has been transferred to OCEC as part of the Economic Development portfolio.

### **Integrated Catchment Management (ICM)**

#### **Environmental Science**

Along with regular business and other technical investigations, the Science section has been deeply focussed on completing a comprehensive suite of draft technical reports for the 5-year State of the Environment (SoE) reporting. Draft reports are now completed and being peer reviewed. Following revision and approval processes, the finalised reports are scheduled to be published before end of this calendar year. A summary of initial findings was published in August and is available here:

<https://www.hbrc.govt.nz/assets/Document-Library/Reports/SOE-5-Year-report/HBRC-State-of-our-environment-Summary-report-2014-18.pdf> .

The 2015 Regional Council Science Strategy is being refreshed, to capture changes in the organisation (particularly the Strategic Plan) and external drivers (e.g. proposed Essential Freshwater package). The refreshed Science Strategy is scheduled to be completed early in 2020 and will be followed by development of a ten-year Science Plan.

Performance Measure	Actual Performance
A 5-yearly State of the Environment Monitoring Report is produced along with annual scorecards and monthly updates. Results are made available primarily through digital media.	SoE update reports have been published monthly. 5-year technical reports have been drafted, with publication expected end of 2019. A summary report was published in August 2019.
The Science team develops and implements an annual work programme in line with plan change requirements	The Science Section continues to support the TANK plan change, along with development of procedural guidelines and other requirements for Plan Change 6 (Tukituki) implementation

### Environmental Information

#### WQ & E Team:

- 92 SOE River sites visited as well as 16 SOE estuary sites. Monthly Lake monitoring at Lake Opouahi, Tutira, Orakai and Waikopiro carried out along with continuous monitoring at Lake Tutira and Waikopiro.
- Mangaonuku sub catchment characterisation Water quality and flow data collected for Implementation and Policy support.
- Continuous monitoring sondes at Tukituki at red Bridge and Papanui at Middle road continued for National Policy Statement for Freshwater Management (NPSFM).
- Estuary ecology continuous monitoring of salinity (5 sites) and dissolved oxygen (2 sites) in Ahuriri continued.
- Intertidal reef monitoring for Coastal Ecology completed at Kairakau, Hardinge Rd and Mahia.

#### Data Management and Innovation Team:

- Data discovery underway to catalogue ICM governed datasets. 120 datasets added to data inventory.
- Data Governance group established.
- Planning and design of KiECO (ecological data base) underway. Integrated Regional Information System (IRIS) Phase 2 – migration of Water Information services data from Daisy (Consents database) to IRIS underway.
- Continued work on the implementation of National Environmental Monitoring Standards (NEMS) for Rivers, Lakes, Groundwater, Coastal and Recreational water quality.
- 25 data and information requests completed.

#### Hydrology and Groundwater Teams:

- 121 flow gaugings carried out over a great range of flows.
- 285 Water level, Rainfall or Climate sites were inspected and maintained throughout this period. All groundwater wells were dipped and those that required were sampled for quality.
- Lachlan Cosgrove was welcomed to the Hydrology team as a replacement for Phil Hall.

### Catchment Services

#### Biosecurity/Biodiversity

Ecosystem Prioritisation programme - currently working to protect 16 Ecosystem Prioritisation sites this financial year. These sites comprise of sand dunes, braided rivers, wetlands and mature indigenous forest;

Policy - working with NCC and Taupō District Council in reviewing their Draft Significant Natural Areas Reports. These reports outline areas of high biodiversity value that will have rules associated with them to help protect them long-term;

Biodiversity Hawke's Bay – working closely with both the Foundation and Guardian Management Committee in promoting biodiversity in Hawke's Bay and funding biodiversity projects;



Supported the National Young Farmer of the Year championship in Hawke's Bay with a pest animal and pest plant module;

Marine Pest programme – working with stakeholders in keeping invasive marine pests out of Hawke's Bay (awareness and enforcement). A marine pest identification workshop was run in partnership with National Institute of Water and Atmospheric Research (NIWA) and Ministry for Primary Industries (MPI). A contract has also been awarded to undertake marine pest surveys and respond to incursions;

#### *Biosecurity Plant Pests*

- East Taupo Lands Trust met with in regard to the release of Heather beetles in the Upper Ripia catchment. Maungaharuru Tangitu Trust met with to discuss release of Japanese honeysuckle white admiral butterfly at Tutira.
- 605 Regional Pest Management Plan (RPMP) Pest plant properties visited
- 26 High risk properties visited
- Privet removed from 44 properties
- Apple of Sodom, White edged nightshade and Darwin's barberry control programmes completed
- Chilean needle grass property owners all contacted and management plans agreed on.

#### *Biosecurity Animal Pests*

The following contracts have been awarded:

Contractors	Contracts
CC Pest Control Ltd	DOC Possum Maintenance Contract
	Te Mata Park maintenance assistance
	Ruahine Extension maintenance assistance
	Pakowhai Semi Urban Contract
Rural Pest Services Ltd	Rabbit Advisory Contract
	Urban Possums
	Rabbit Night counts
	Ruahine maintenance assistance
	Wairoa Urban Contract
Baytrap Ltd	Kereru maintenance assistance
Bay Pest Eradication Ltd	Erepeti maintenance assistance
	Erepeti scenic reserve
P and L Lister	Maungaharuru Goat Coordinated Management Area (CMA)
	Mahia Goat CMA

#### *Predator Free Hawke's Bay*

Whakatipu Mahia

- Signed landowners across more than 80% land area on Mahia Peninsula to the RPMP for Possum Eradication and Predator Suppression areas
- Intensive work on the peninsula continues for possum eradication and predator suppression expanding on the existing bait station network with supplementary trapping
- Wireless trap network is being installed. This particular tool is a significant game changer for both cost savings and operational efficiency
- Research contract with Manaaki Whenua finalised for this financial year

## Cape to City

- Maintenance checks of existing predator suppression trap network continue
- Annual biodiversity monitoring by Manaaki Whenua – Landcare Research underway in November
- Development of the Ōtatara Outdoor Learning Centre in collaboration with Air NZ Environment Trust, Ngāti Pārau, EIT and DOC continues to flourish with a number of community already accessing the site as an outdoor learning opportunity and inspiration for education across the curriculum using the environment as a context for learning

## Poutiri Ao ō Tāne

- Maintenance checks of existing predator suppression trap network continue
- Hikoi Tutuki commencing again in November to support and engage hapū members to reconnect with their whenua and the projects' kaupapa
- 5 additional kaka translocated to boost population of approx. 26 from previous translocations
- Adult petrels are returning to their burrows after a series of translocations across 4 years beginning in 2012. This was the most inland translocation ever undertaken where petrel chicks "imprint" with their burrows before fledging out to sea for around 5 years before returning. Maungaharuru used to rubble with the sound of the manu.

## Catchment Management

Projects	Target	Results YTD
Erosion Control Scheme (ECS)		<p>Catchment staff are engaging with landowners across the regions highly erodible land and establishing erosion control plans. Erosion Control Plans (ECPs) identify erosion mitigation activities that the landowner and staff agree for implementation over the next 3 years.</p> <p>For the first quarter of this financial year 29 applications for funding have been received for implementing either year 1 of a new ECP, or year two of an existing ECP.</p> <p>These have a total value of \$935,716, of which \$675,337 will be funded by Council's Erosion Control Grant Fund (@ 75%), over the next three planting seasons.</p> <p>*These numbers only include the landowner discussions that have progressed to Erosion Control Plans being completed and an application for funding approved.</p>
Protection and Enhancement Project – Lake Whatuma	Come to an agreement with the Lake owners about the long term opportunities to protect and enhance Lake Whatuma – better water quality and biodiversity in the lake and its surrounds.	This quarter has seen staff continuing discussions with the owners of Lake Whatuma about future Lake ownership.
Aramoana (McHardy) potential land acquisition 44ha of coastal land.	To purchase the 44ha of eroding coastal hill side and create a collaborative erosion control project to reduce sediment loss	The land acquisition process is complete and looking to have fenced off the property to exclude stock, as soon as fencing contractors and resources are available.

	into the Te Angiangi Marine Reserve.	
Protection and Enhancement Project - Lake Whakaki Freshwater Improvement Fund \$3.2 Million project Co-funded through MfE.	Revitalise the taonga of Whakaki Lake, so tuna are fit for consumption and people can access the lake and swim safely	A mesocosm to gauge impacts of water quality improvement on the lake aquatic vegetation has been constructed. The construction of the weir and recirculating wetland are on hold, while a Cultural Impact Assessment has been completed and Patangata Bridge repaired.
Protection and Enhancement Project – Te Waiū o Tūtira		Papakiri Stream Bridge and gauging structure installed. An external contractor has prepared a resource consent application for installation of the sediment traps. The air curtain in Lake Waikōpiro has been running relatively well, except for some power surge issues (involving 2 unplanned outages). We have been able to correct the faults quickly because of the new telemetered warning system which signals staff when the air curtain is not working. Environmental Effects Assessment for Southern Outlet is now expected by end of November. Farm plans continued to be completed within the Tūtira catchment. These farm plans then feed into the Farmer Subsidy Scheme being used to implement on ground works such as fencing, planting etc.
Protection and Enhancement Project – Ahuriri		Over the last three months five new properties have been visited in the catchment with erosion control programmes being developed for each. Most will involve retirement and native planting. Involvement with 1Billion Trees assistance is expected with all native plantings on these properties. A consultant engineer has been engaged to assess the risk of stream bank erosion and stream bed degradation of Wharerangi Stream and recommend engineering solutions.
Whakaki Catchment Pilot Project	To investigate and consider the wider social, cultural and economic benefits associated with environmental management works while increasing the protection of erodible land in the Whakaki Catchment	\$100K project Co-funded with MBIE & MPI. Approximately 6,500 ha of the wider catchments landholders now have a farm plan. Work is progressing directly with landholders to support their uptake of the financial support available. The last of deliverable for the project is to produce an economic assessment of the options being considered by the group.
Hill Country Erosion Fund	To boost the amount of funding available for erosion control throughout Hawkes Bay to the existing Erosion Control Scheme.	5.2 Million project co-funded with MPI. The current staff recruitment for Wairoa has been funded through the hill country fund. A Project Manager is now in place. The purchase of monitoring and recruitment of staff to support the monitoring of in-stream sediment loads is

		underway. Events are being planned to increase staff capability to offer soil erosion advice and engage with Tāngata Whenua
Wider Mahia Vision Project	To take an integrated approach to the work currently occurring at Mahia to maximise benefits, outcomes and community participation	There are currently 50ha of wetland projects being worked on with support from DoC and the HBRC Ecosystem prioritisation fund. 1,225 ha of gully retirement using the HBRC ECS, Te Uru Rakau 1 Billion Trees Fund and MfE Freshwater Improvement Fund, 38 ha of assisted revegetation and 5 ha of riparian margin are also currently in various stages of project implementation. The Whakatipu Mahia project is moving to a community Trust to manage the project and good progress is being made with extending the benefits of the project to the wider community. Whangawehi Catchment Group were recent finalists in the International River Prize Award and are currently working on funding for the development of a walkway along the Whangawehi River.

<i>Water Information Services Projects</i>	<i>Targets</i>	<i>Results YTD</i>
Irrigation Efficiency	Calibrate the IrriCalc model to Hawke's Bay Conditions	Establish areas of model calibration and develop contract with Aqualinc. Working alongside policy, industry representatives and Aqualinc to establish methodology for allocating water consents for mixed cropping.
	Promote irrigation efficiency	Building on the learnings of the Irrigation Check Up Programme - Developing a series of advertisements for the industry groups to use re fixing leaks.
	General water management – assisting with policy development	Reported on the NPSFM proposal to require telemetry for water takes, to assist with the LGNZ submission and presentation.
Water User Groups	Regular meetings and contact with the three local water user groups and other relevant industry groups (HortSector).	Assistance offered to the Tukituki surface take water user group. Organised the AGM for the Ngaruroro Irrigation Society. Held the last HortSector & HBRC group meeting for 2019 (3 of 3). Assisted in the development of catchment groups as a result of changes in policy for the Tukituki catchment in preparation for managing irrigation as a mechanism to improve nutrient management.



## Asset Management

### Regional Assets

Recruitment has been a core activity over the last quarter as we continue to recruit for both new positions and replacement ones. A number of new staff have been added to our team.

We have a new Design Engineer David Okros, who will join us in December. David will focus on implementation of a flood protection asset performance tool being implemented nationally by regional councils. This is being used to assess the performance of all assets in our scheme areas. David will also work on design work for both capital projects and smaller scale projects, working closely with regional projects.

We have recruited Mark Brinsdon for our new Ranger role. Mark has spent much of his career with the New Zealand Police and will bring invaluable experience to this new role within our schemes team.

Luke Davis has joined us as our new Officer Schemes, having recently graduated from Victoria University of Wellington. Luke grew up in Hawkes Bay and has a real passion for water management and the environment. We are excited to see what fresh ideas he will bring to the role.

Rob Waldron joined us a dedicated Flood Modeller. Rob will focus on delivery of complex hydraulic models for the Heretaunga flood control levels of service review. We are delighted to have Rob, as he is a talented hydrologist and has an in-depth local knowledge of our catchments response to floods having served as a flood duty officer for a number of years.

Rod Dickson has moved over to the Open Spaces team from our Biodiversity team. Rod has excellent regional parks experience from time spent in a similar role in Auckland and his passion and knowledge for biodiversity will clearly add to the skill set within our team.

Our search for an Asset Management Lead continues and recruiting for this specialist role continues to be challenging despite an extensive search at home and overseas.

The work highlights for this quarter are;

- The Waitangi Waikahu wetland has begun filling and a formal blessing is scheduled for 5.30am on the 23<sup>rd</sup> November 2019.
- Design work for the coastal strategy has been submitted for peer review by Tonkin and Taylor, with the exception of Pandora which is being executed by the Engineering Team as a separate design package.
- The Engineering Team is assessing options for protection of assets in close proximity to the Ferry Hotel, on the left bank of the Wairoa River, on behalf of Wairoa District Council (WDC).
- Standard Operating Procedure for management of eels during maintenance works on drains compiled, reviewed by stakeholders and iwi and trailed in the field
- Erosion mitigation works are being executed at various Marae in the Wairoa district following an erosion assessment conducted by the Regional Assets team as part of the Cultural Impact Assessment HBRC conducted.
- Waugh Infrastructure have been engaged to undertake a review of our Asset Management Plans in preparation for the next LTP
- Waugh Infrastructure have been engaged to undertake a gap analysis of our Asset Management Framework
- Opoho Pump Station in Wairoa has been tagged out of service due to safety concerns. A plan is being developed for the future of this scheme with scheme ratepayers.

- The Engineering Team has been asked to provide specialist consultancy expertise by Gisborne District Council (GDC) for Flood Hazard Mapping. Works are currently being scoped and additional resource may be required in future to deliver this.
- Engineering team continues to provide specialist modelling consultancy work for the Waipoa Scheme for GDC.
- A report covering the 15 October rain event which effected the Twyford area has been compiled and a debrief was conducted with our event operations staff. This highlights the magnitude of the event, our response and highlighted lessons learned and where we might improve in future.

### Regional Projects

We welcomed David Keracher who joined the team in July and his focus is mainly on the delivery of the Level of Services and other major projects.

This team is a newly established so the first quarter from July to October we have been working on setting up a Project Management Framework for delivery of minor and major projects aligned with the PMO office, creating an annual plan and a 5 year plan for the major capital works. This has increased the visibility of major projects to all staff.

Below is a selection of project highlights:

Heretaunga Flood Control Level of Services:

- Modelling in progress with aim to have Tutaekuri model completed by January with Danish Hydrologic Institute (DHI) peer review.
- Consultation and engagement plan with Maori Partnerships and HBRC communications ongoing.

Clive Dredging:

- Consultation and option investigation completed. Option for land discharge has been supported by iwi and the Regional Council. However the dredging will have to be postponed due to land purchase process and investigation work to find suitable land.
- Survey and Environmental impact assessment completed.

Marakakaho Road river access:

- Preliminary Design completed and the Design in process of procurement.

Tutira no.1 bridge-

- Completed

Tutira no.2 bridge

- Proceed with the detail design.

### Works Group

#### Planned Works

Turnover for the period is up on last year due to river planting and edge protection works along with a solid start on beach raking in the Ngararoro and Upper Tuki Tuki schemes. The mowing program has increased significantly this year with additional rounds in the Napier area driven by a higher level of finish and the cessation of grazing on the left bank of the Ngararoro



*Unplanned Works*

A good start to the uncommitted work having reached 98% of forecast after only the first quarter. This has included tube worm removal from the Ahuriri Estuary and forest thinning for Tangoio forest

*External Works*

External works is at 33% of the annual forecast at the end of the first quarter. Key projects include Clive subdivision drainage work, Te Mata caretaking, mowing for HDC, mowing and spraying for NCC and weedboating for Greater Wellington Regional Council.

*Highlights*

New weedboat commissioned to replace retired vessel. Our weedboats are proudly developed in house through the workshop

**Regulation****Policy Implementation**

- Procedural Guidelines completed involving internal, across team collaboration, on the development of the procedural guidelines and 2 workshops with primary industry representatives.
- Ongoing communication and engagement with Tukituki catchment stakeholders including:
  - Meetings and presentations with exceeding subcatchments, the Rural support trust, Rural Bankers and valuers, Tukipo catchment group presentations, rural professional representatives
  - Letters to all farms identified through the Farm Environmental Management Plan (FEMP) summaries as requiring resource consents,
  - Tukituki web pages overhauled and refreshed with up to date information, including dashboard.
  - Resource consent application forms and Guidance notes for Tukituki Land use consents completed.
  - A quick guide called "Tukituki Catchment Plan – Do I need a resource consent?" produced and made available at meetings, on line and circulated in CHB Mail (6500 copies).
  - Frequently asked questions document produced to assist landowners in the Tukituki Catchment
  - 2 billboards have gone up in Central Hawkes Bay regarding stock exclusion
  - Information circulated to rural real estate agents regarding the new land use regulations in the Tukituki catchment and the new requirements when buying and selling property regarding FEMP's and Land use resource consents.
  - Various newspaper/radio and social media notices/advertising
  - Continued stakeholder engagement with agricultural industry bodies; regional and national representatives
- MERI – Monitoring, Evaluation, Reporting and Improvement Cycle - an external consultant to undertake a 'baseline setting' social impact evaluation of the Tukituki Catchment Plan has been engaged.
- Forestry –produced a forestry liability guidance document for landowners and working on an accompanying quick guide for forestry landowners.
- Data system design and engineer IRIS integration of farm planning and auditing/consent condition monitoring results.
- Farm plan auditing pilot project 50% completed.
- Accreditation of Industry farm plan templates started.

### Consents

The 305 consents we currently have in process or pending include:

- Tranche 2 (Ruatanuiwha) water takes, still on hold while applicants complete modelling of effects. One application withdrawn. Other applicants have moved to take up this available water. Applicants have been asked to include their farm environment plans and nutrient budgets in conjunction with their Tranche 2 water take applications.
- HBRC gravel consents were notified in February. There were submissions but no submissions in opposition. The applicant is meeting with submitters to resolve any issues that were raised by submitters with the aim of settling these without the need for a hearing.
- Te Mata Mushrooms Brookvale hearing was held on 31 July – 2 August. The hearing was adjourned and reconvened on 11<sup>th</sup> October. Decision pending.
- Te Mata Mushrooms Mt Herbert Rd Waipukurau applications lodged and in process. On hold while further information is provided.
- Silver Fern Takapau meat processing plant discharge permit replacement application lodged and subject to a further information request. Further information on irrigation improvements due in new year.
- Unconfined aquifer (Gimblett gravels, Raupare areas) consents lodged and being processed as a group.
- Wairoa wastewater discharge permit replacement application was notified on 10 August. 22 submissions were lodged. A prehearing meeting was held on 17 October and a second prehearing meeting is to be held on 22 November. If this does not resolve issues a hearing will need to be scheduled. A hearings panel has been proposed but has not yet been appointed.
- NCC new water permit applications lodged (to relocate and group their existing takes).
- Ravensdown air discharge consents due for replacement. Pre application discussions have commenced.
- Tukituki land use consents required as of 1 June 2020. Procedural guidelines contributed to. 3 sub-catchment meetings have been convened by HBRC and a fourth convened by the Tukipo community has been attended by HBRC staff. The Tukipo catchment has been proactive in establishing an Incorporated Society that includes land and water care as part of its function.

Performance Measure	YTD
Consents in process	305
Applications Received	151
Consents Issued	219
Consents processed within Timeframe	100%
Cost recovery to date	58%

## CDEM

Performance Measure	Actual Performance
Response Management	<p>HBRC's emergency response capability has been maintained for the year. 51 new staff received induction training and team training sessions run. The HBRC Incident Room was maintained for the provision of a Council response to emergencies when the need arises, including maintenance of pre-established Standard Operating Procedures.</p> <p>Duty Management Service was maintained effectively, with 348 calls logged and managed in a professional manner for the year. 109 warnings/alerts were received and managed appropriately for the year.</p> <p>The recommendations from Kestrel Group on the HBRC Business Continuance Plan were implemented and the plan updated in July 2019.</p>
Reduction - Hazard Risk Assessment and Mitigation	<p>Following 10-year Hazard Research Plan, 2 projects commissioned including regional mapping of earthquake induced landslide probabilities for 500/1000/2500 shaking intensities to be completed early next year. Also pilot study on Napier Hill using an earthquake-induced landslide (EIL) hazard model is under way.</p> <p>East Coast Life At the Boundary (ECLAB) driving Hikurangi Response Planning, and supporting several science projects including MBIE Hikurangi/ Seismogenesis Hikurangi Integrated Research Experiment (SHIRE) research and Natural Hazard Research Platform (NHRP) Agent Based Modelling of populations in tsunami event. Promoted Tsunami Hikoi and Shakeout drills. Commenced evaluation of draft risk assessment to commence review of Group Plan in 2019/20. Supported Napier tsunami resilience workshops.</p>
Readiness & Response	Exercise Ruaumoko was run in mid-October 19 over 4 days. This exercise was based on an earthquake scenario and involved all Hawke's Bay councils and the emergency services. The exercise tested the new coordination centre in Hastings which was able to effectively support the response. A post exercise report with a corrective actions plan is being developed at the moment.
Recovery & Coordination	Work program in this area on track.
Local Emergency Management	Work program in this area on track.

## Appendix 1

## LGOIMA Log – July – October 2019

Requests Received	Response Due	Date Responded	Request Status
CHB water usage	1/07/2019	26/06/2019	Completed
Property at 504 Puketapu Road	10/07/2019	11/06/2019	Completed
Nitrogen and phosphorous data from FEMPs	11/07/2019	12/06/2019	Completed
Stakeholder Strategies Ltd	12/07/2019	13/06/2019	Completed
Diversity	17/07/2019	18/06/2019	Completed
Water bottling plants	18/07/2019	10/07/2019	Completed
Awatoto water bottling plants	19/07/2019	21/06/2019	Completed
Municipal wastewater discharge consents	24/07/2019	25/06/2019	Completed
Resource consents for combustion discharges	29/07/2019	2/07/2019	Completed
Napier Port insurance	30/07/2019	1/08/2019	Refused
Kiwi deaths-missing at Cape Kidnappers	9/08/19	5/08/19	Completed
Water restrictions	6/08/19	17/07/19	Completed
Operation of unconsented Pump	14/08/19	17/07/19	Completed
Operation of unconsented Pump	14/08/19	18/07/19	Completed
Councillor 2016 triennium meeting attendance records	20/08/19	1/08/19	Completed
Dairy effluent discharges	20/08/19	22/07/19	Completed
Rubbish dumping	20/08/19	24/07/19	Completed
Copies of LGOIMA requests as published	29/08/19	1/08/19	Completed
Copies of OIR-19-039 and -040 LGOIMA responses	30/08/19	1/08/19	Completed
The Government's Essential Freshwater package	30/08/19	2/08/19	Refused
Rocket Lab resource consents	21/08/19	1/08/19	Completed
Regional Gravel allocation	28/08/19	21/08/19	Completed
Contaminated sites - dumps vulnerable to climate change impacts	6/09/19	21/08/19	Completed
Consents DP100389W and DP050453L	17/09/19	5/09/19	Completed
Consents cost recovery	17/09/19	4/09/19	Completed
Heretaunga Plains water use and consented volumes	6/09/19	20/08/19	Completed

Actions taken to address climate change emergency	20/09/19	22/08/19	Completed
Property compliance information	24/09/19	27/08/19	Completed
Government funding and grants to HBRC	16/09/19	28/08/19	Completed
River temperature and rhyabsim files	13/09/19	28/08/19	Completed
NCC Ahuriri master plan	18/09/19	29/08/19	Completed
Lake Whakaki resource consents	4/10/19	5/09/19	Completed
RPC RMA Part 2 legal advice	25/09/19	24/09/19	Completed
Consents to discharge to water	3/10/19	11/09/19	Completed
CHB wastewater discharge sampling results	7/10/19	17/09/19	Completed
Rocket Lab launch Complex 1	17/10/19	24/09/19	Completed
DP100389W stormwater discharge	18/10/19	26/09/19	Transferred
Complaints against council employees	22/10/19	30/09/19	Completed
Council wastewater discharge enforcement actions	22/10/19	23/09/19 (acknowledged)	Active
Key planning provisions for arable farmers	25/10/19	27/09/19 (acknowledged)	Active
Building energy performance	25/10/19	27/09/19 (acknowledged)	Active
Papanui water test results	29/10/19	30/09/19	Completed
Staff communications re RMA part 2 advice to RPC	29/10/19	17/10/19	Completed

Item 13

Attachment 1



## Appendix 2

## Customer Feedback Register – July - October 2019

Categories	Type of Feedback	Due Date	Feedback Action Date	Please provide information on your feedback below:
<b>Corporate Services – Jess Ellerm</b>				
Consultation	Comment	6/07/2019	1/07/2019	Where I can pre-register for the Napier Ports IPO
Consultation	Comment	7/07/2019	2/07/2019	Port of Napier IPO all the Kaimata Road residential addresses listed in the pre-registration drop down box are notated Hastings District Council. They should be Napier District Council.
General Query	Comment	9/07/2019	5/07/2019	Would a student be able to borrow the school river testing kit please that has the conductivity measuring tool and the clarity tube please?
General Query	Comment	13/07/2019	9/07/2019	Correct postal address
General Query	Comment	7/08/2019	12/09/2019	Couldn't find an email address for remittance advices.
General Query	Comment	13/08/2019	8/08/2019	Help for local school basketballers
General Query	Comment	18/08/2019	13/08/2019	Commercial pricing to councils on all our gear and equipment
General Query	Comment	17/09/2019	16/09/2019	Looking to find any information relating to (Treaton) Russell Price Surveyor. I would also be interested if you have the Archaeological records of the dig on the property by Bruce Mcfadgen in 1973 - 1978.
General Query	Comment	21/09/2019	2/10/2019	Does HBRC have a preferred / recommended / discounted providers for emergency water storage at home
General Query	Comment	7/10/2019	2/10/2019	Assisting with educational programmes around Sustainability that I am undertaking for Term 4 at Hereworth School for the Year 7 boys. Aged 11/12 years old.
HeatSmart	Comment	14/07/2019	9/07/2019	What does "non-compliant fire place" mean
HeatSmart	Comment	14/07/2019	2/09/2019	When will my heatsmart subsidy be paid off?
HeatSmart	Comment	15/07/2019	10/07/2019	Can we install a ventilation system and put in insulation using heatsmart at the same using the same loan or is it either or?
HeatSmart	Comment	2/08/2019	2/09/2019	I am inquiring about what help is available to me to have e.g. DVS or HRV system installed under your grant scheme
HeatSmart	Comment	11/08/2019	2/09/2019	I am looking for information on the heatsmart programme.
HeatSmart	Comment	14/09/2019	9/09/2019	How do I go about claiming costs for double glazing my windows
HeatSmart	Comment	18/09/2019	2/10/2019	I have a property size of 2 acres. Can I install a new Fire (night burning with damper)? It mentions 2ha on your website but, I am not located in any air shed/zones. Does this still apply outside the air zones?
Property/ Rates	Comment	20/07/2019	15/07/2019	Change of contact details
Property/ Rates	Comment	29/07/2019	25/07/2019	Company name change
Property/ Rates	Comment	20/08/2019	16/08/2019	Notify you of a change of ownership after purchase of property.
Property/ Rates	Comment	15/09/2019	12/09/2019	Rates that are attached to property.
Property/ Rates	Comment	21/09/2019	16/09/2019	Two properties which are in reality one property, can we pay our rates with just one transfer.
Property/ Rates	Comment	21/09/2019	16/09/2019	Change of address
Property/ Rates	Comment	30/09/2019	25/09/2019	Electronic rates bills and any other documents from HBRC emailed to me
Property/ Rates	Comment	7/10/2019	2/10/2019	Change of address

Property/ Rates	Comment	12/10/2019	8/10/2019	Change of address
Property/ Rates	Comment	21/10/2019	16/10/2019	Rates notice not received
Property/ Rates	Comment	23/10/2019	22/10/2019	Change of address
Water	Comment	11/09/2019	9/09/2019	From Kindy teacher - Am I able to meet with someone to talk about the water supply to residents, the waste water and sewerage systems. I would also like to know more about the history of the Tutaekuri River.
<b>OCEC – Jo Lawrence</b>				
Careers	Comment	8/09/2019	3/09/2019	Expression of interest for any summer intern vacancies
Careers	Comment	2/10/2019	27/09/2019	CV and a cover letter for any career positions at the Hawke's Bay Regional Council that are available
Elections	Comment	10/09/2019	8/09/2019	Can you please advise how I vote in the local body elections if I am out of the country at the time?
General Query	Comment	7/09/2019	2/09/2019	Falcon Lld recently achieved Site Wise Green Card status. Attached is a copy for your records
Other	Comment	19/08/2019	15/08/2019	I was just wondering if you guys offer any summer internships for undergrads?
<b>Regulation – Liz Lambert</b>				
Consents/ Rules	Comment	22/07/2019	17/07/2019	Giving up a groundwater take consent used for vineyard frost fighting.
Consents/ Rules	Comment	29/07/2019	24/07/2019	Obtain a copy of consent applications made for a property
Consents/ Rules	Comment	22/09/2019	17/09/2019	Resource Consent for rearing egg laying poultry
Consents/ Rules	Comment	28/09/2019		Can you explain what area we are if we run a block on 1691 Korokipo Road?
Consents/ Rules	Comment	7/10/2019	2/10/2019	Need new application to replace this consent. Website page clear as mud. Please send Forms A and B and map to above email address.
Consents/ Rules	Comment	8/10/2019	4/10/2019	Could I please receive the consent decision and conditions for water permit WPA030775T.
<b>ICM – Iain Maxwell</b>				
Air Quality/ Dust	Comment	8/07/2019	4/07/2019	Complain about the air pollution of Hastings from burning firewood during the night
Environment/ Climate	Comment	9/09/2019	9/09/2019	We would like to request any HAIL information held by regional council pertaining to the property at 354 Dartmoor Rd, Puketapu, Napier - Lot 1 DP 24878
Environment/ Climate	Comment	23/09/2019	20/09/2019	Does the Hawke's Bay Regional Council, provide any kind of support to local land owners, fencing off water ways.
Environment/ Climate	Comment	6/10/2019	2/10/2019	I think it was very bad planning to be hacking down trees along the river verges at this time of the year, it's called SPRING and birds are nesting in them.
General Query	Comment	14/07/2019	11/07/2019	Availability of lidar information for a property
Land Mgmt & Forestry	Comment	7/07/2019	11/07/2019	I want to get in contact with someone who has been involved in the planting of natives along waterways for my project
Land Mgmt & Forestry	Comment	17/08/2019	16/08/2019	Available - Stakes / other use of 20 x 20 mm x 4 m, or cut to length radiata pine, dressed. Not sure if it is treated, but looks like the new clear treatment. The Menzshed Hastings has a large amount of this, close to 1000m
Land Mgmt & Forestry	Comment	2/09/2019	3/09/2019	I would like to receive email notification list for tenders you put out, or alternatively have a contact person for supply opportunities for timber and hardware etc.
Land Mgmt & Forestry	Comment	19/10/2019		I believe I have Old Man's Beard

Pest Control/ Biosecurity	Comment	6/07/2019	1/07/2019	Status of Myoporum insulare/Tasmanian Ngaio/boobialla in Hawkes Bay?
Pest Control/ Biosecurity	Comment	15/07/2019	12/07/2019	Moth plant growing in a hedge. The seed pods are clearly visible. Bay View
Pest Control/ Biosecurity	Comment	20/07/2019	15/07/2019	Rats, rats and more rats.
Pest Control/ Biosecurity	Comment	21/07/2019	21/07/2019	Wasp problem on our property in bayview
Pest Control/ Biosecurity	Comment	12/08/2019	8/08/2019	Rabbits and possums in Otane
Pest Control/ Biosecurity	Comment	27/08/2019	26/08/2019	Wooly nightshade growing on my property.
Pest Control/ Biosecurity	Comment	2/09/2019	4/09/2019	Who has responsibility for the rabbit control at Waipatiki.
Pest Control/ Biosecurity	Comment	21/09/2019	18/09/2019	Privet Trees on Bluff Hill Napier.
Pest Control/ Biosecurity	Comment	21/09/2019		Pests on the river trail from Guppy Road to Awatoto.
Pest Control/ Biosecurity	Comment	28/09/2019	23/09/2019	Can you supply me with a trap that I can set and monitor for a stoat.
Pest Control/ Biosecurity	Comment	6/10/2019	9/10/2019	Where can I go possum hunting in Hawke's bay region using an air rifle.
Pest Control/ Biosecurity	Comment	12/10/2019	9/10/2019	Possible chilean needle grass growing on TukiTuki trail
Pest Control/ Biosecurity	Comment	27/10/2019	24/10/2019	Privet tree growing on the outskirts of the property.
Pest Control/ Biosecurity	Comment	29/10/2019	29/10/2019	Privet hedge starting to flower on rental property.
Pest Control/ Biosecurity	Comment	29/10/2019	29/10/2019	Noxious weed - privet tree in neighbouring yard
Water	Comment	27/08/2019	15/10/2019	Arsenic levels in Breckenridge, Poraiti Hill and Pukahu.
Water	Comment	21/09/2019	2/10/2019	Questions relating to water contamination
Water	Comment	24/09/2019	2/10/2019	What fungicides, pesticides, herbicides, chemical toxins are found in our water?????
<b>Asset Management – Chris Dolley</b>				
Flood Control & Drain Network	Comment	14/07/2019		We now intend to plant that strip this spring so access to HBRC from within our property will not be possible. You will need to make alternative arrangements
Flood Control & Drain Network	Comment	27/07/2019		Excessive plant growth in stream causing blockage and other associated issues
Flood Control & Drain Network	Comment	17/09/2019	12/09/2019	What is the most reliable and valued coastal defence for protecting the local communities , what has the district council done to preserve and protect the houses affected by coastal erosion and has the coastal erosion made homawana a less desirable place to live
Flood Control & Drain Network	Comment	25/09/2019		Trespass Notice to the Council
Flood Control & Drain Network	Comment	5/11/2019		Tree trunk is required to be removed urgently to reduce lateral pressure on the bridge struts.
General Query	Comment	16/07/2019	2/09/2019	I would like to query the shingle extraction from Ngarororo River off Twyford Road. How long is this going to go on for? And can you talk to your contractors regarding their speed and driving practices.
General Query	Comment	11/08/2019		Show them our fast and quick-drying asphalt repair product.



General Query	Comment	24/08/2019	19/08/2019	Can I have permission to collect some sticks as small firewood?
General Query	Comment	22/10/2019		What are the requirements (if any) for crossing private farm land?
Other	Comment	9/10/2019		People are walking up/down the steep bank at the Guppy Road end. We could really use some steps down there and also a hand rail.
Parks/ Trails/ Open Spaces	Comment	7/07/2019	30/08/2019	Next planning on having a tree planting event. We want to take part in a social action to help develop the environment.
Parks/ Trails/ Open Spaces	Comment	23/07/2019	6/09/2019	Hi Could the Regional Council please consider installing a drinking fountain / dog wash at Pakowhai Country Dog Park.
Parks/ Trails/ Open Spaces	Comment	19/08/2019	15/08/2019	The Guppy Road, Taradale gate access was open to the Tutaekuri River. Is the gate closure still in place?
Parks/ Trails/ Open Spaces	Comment	8/09/2019	6/09/2019	The creek between Kennedy road and Meeanee road on the eastern side has a large plastic tarp or cover stuck in it.
Parks/ Trails/ Open Spaces	Comment	11/09/2019	6/09/2019	TRELLINOE PARK is for sale. It is a national treasure and in my opinion should become a HB regional park.
Parks/ Trails/ Open Spaces	Comment	17/09/2019	2/10/2019	Is there any reason why the grass with the stakes around it can't be cleaned up? They tell me it's been like it for 6 plus years.
Parks/ Trails/ Open Spaces	Comment	8/10/2019	3/10/2019	It would be awesome to have some signage in the park along the stream about the important role that freshwater mussels play in our waterways and how they are a native species in decline so the best thing was to appreciate them and leave them be.
Parks/ Trails/ Open Spaces	Comment	13/10/2019		A tree has come down and is lying across the walking path.
Parks/ Trails/ Open Spaces	Comment	4/11/2019		Is it possible to get a key to access the rivers with padlocks?
Water	Comment	10/07/2019	10/07/2019	Dispersal of rubbish on the banks of the TukiTuki River
<b>Strategic Planning – Tom Skerman</b>				
Transport/Total Mobility	Comment	24/07/2019	19/07/19	Advertising on bus shelters
Transport/Total Mobility	Comment	21/08/2019	19/08/2019	Existing bus stop not available - there will be a temporary bus stop set up in the carparks nearby.
Transport/Total Mobility	Comment	8/09/2019	3/09/2019	The public bus stop will be relocated temporarily back along the road approximately 10m using existing carpark spaces.
Transport/Total Mobility	Comment	14/09/2019	9/09/2019	Please advise as to the policy for those using walkers and disabled using the buses.
Transport/Total Mobility	Comment	2/10/2019	27/09/2019	Thanks for providing us with a Smart Card which will enable us to travel to their new High School and back again several times.





# HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 November 2019

**Subject: DISCUSSION OF MINOR ITEMS NOT ON THE AGENDA**

## Reason for Report

1. This document has been prepared to assist Councillors note the Minor Items of Business Not on the Agenda to be discussed as determined earlier in Agenda Item 5.

Item	Topic	Raised by
1.		
2.		
3.		
4.		
5.		

**Item 14**