



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 27 November 2019

Time: 9.00am

Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Present: R Graham - Chairman
R Barker
W Foley
C Foss
N Kirton
C Lambert
H Ormsby
J van Beek
M Williams

In Attendance: J Palmer – Chief Executive
P Munro – Te Pou Whakarae Māori Partnerships
J Ellerm – Group Manager Corporate Services
I Maxwell – Group Manager Integrated Catchment Management
T Skerman – Group Manager Strategic Planning
E Lambert – Group Manager Regulation
L Hooper –Governance Lead
N Zaman – Compliance Manager
J Blunden – Environmental Officer - Compliance

1. Welcome/ Apologies/ Notices

The Chairman welcomed everyone to the meeting and Pieri Munro led the group in offering a karakia.

2. Conflict of Interest Declarations

Councillor Martin William advised his interest in Item 11, 2018-19 Compliance Annual Report, as solicitor for Pan Pac Ltd in relation to their discharge outfall consenting process.

There were no conflicts of interest declared in relation to the Agenda for the 27 November 2019 Hawke's Bay Regional Council meeting.

3. Confirmation of Minutes of the Regional Council meeting held on 6 November 2019

RC124/19 Resolution

Minutes of the Regional Council meeting held on Wednesday, 6 November 2019, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Williams/van Beek
CARRIED**

4. Call for Minor Items of Business Not on the Agenda

Recommendations

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

Item	Topic	Raised by
1	Ombudsman's investigation into Christchurch City Council	Cr Foss
2	National Policy Statement for Indigenous Biodiversity	Cr Foss
3	This morning's Ngati Kahungunu media release	Cr Williams
4	Chairman's report	Cr Graham

5. Code of Conduct for Elected Representatives

James Palmer introduced the item, requesting that councillors provide amendments to enable adoption of the Code. Several amendments were agreed, in particular in relation to the clause 'undermine Council policy or bring Council into disrepute'.

RC125/19 Resolutions

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 incorporating amendments as agreed.

**Kirton/Barker
Against: Williams
CARRIED**

6. Councillor Remuneration and Allowances

James Palmer introduced the item, including advising that due to the lesser number of positions of additional responsibility the calculations previously provided have been updated to enable councillors to consider the distribution in that light, including whether the differential between the base rate and committee chair rates is acceptable.

RC126/19 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the "Councillor Remuneration and Allowances" staff report.
2. Proposes that the remuneration levels to be paid to elected members under the Local Government Elected Members' Determination 2019 of:
 - 2.1. \$62,000 per annum for a councillor with no additional responsibilities
 - 2.2. \$77,370.75 per annum for each position of additional responsibility following:
 - 2.3.1. Cr Rick Barker Deputy Chairman and Chair, Environment and Integrated Catchments Committee
 - 2.3.2. Cr Neil Kirton Chair, Corporate and Strategic Committee
 - 2.3.3. Cr Martin Williams Chair, Regional Transport Committee and Hearings Committee
 - 2.3.4. Cr Craig Foss Chair, Finance, Audit and Risk Sub-committee.
3. Adopts the HBRC 2019-20 Elected Members' Expenses and Allowances Policy as proposed.

**Kirton/Ormsby
CARRIED**

7. Proposed Schedule of 2020 Council and Committee Meetings

James Palmer introduced the item which, after some queries, was accepted as proposed with the Regional Planning and Māori Committee meeting dates to be confirmed with Tāngata Whenua.

RC127/19 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the "Proposed Schedule of 2020 Council and Committee Meetings" 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 decisions
3. Adopts the 2020 Schedule of Meetings as proposed.

**Foley/Barker
CARRIED**

8. Future Farming Charitable Trust Council Appointment

James Palmer introduced the item, noting the appointment was deferred from the 6 November Council meeting.

The Chair nominated Tom Belford, which was seconded by Cr Rick Barker.

Cr Craig Foss nominated Cr Will Foley, which was seconded by Cr Martin Williams.

Recommendations

That Hawke's Bay Regional Council:

1. Appoints Cr Will Foley as the Council-appointed trustee on the Future Farming Charitable Trust under clause 7.3.1 of the Trust Deed.

**Foss/Williams
LOST**

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 Mr Tom Belford as the Council-appointed trustee on the 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.

**Graham/Barker
CARRIED**

9. Confirmation of the Corporate and Strategic Committee Terms of Reference

James Palmer introduced the item, which proposes the terms of reference as amended to reflect councillors' feedback on 6 November.

Councillor Barker left the meeting at 10.15am

RC128/19 Resolutions

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 agreed amendments, following.
 1. The Corporate and Strategic Committee is 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 the region's Territorial Local Authorities
 - 1.4. Consideration of resourcing implications of strategic initiatives and significant financial matters
 - 1.5. Corporate Services including information and communication technology, fleet and facilities, marketing and communications
 - 1.6. The effectiveness of Council's resource consent, compliance monitoring and enforcement activities
 - 1.7. People and Capability management and Health and Safety and Wellbeing
 - 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.

Members: All Councillors being: Rick Barker, Will Foley, Craig Foss, Rex Graham, Neil Kirton, Charles Lambert, Hinewai Ormsby, Jerf van Beek and Martin Williams
One appointed member of the Māori Committee being _____
One appointed Tangata Whenua member of the Regional Planning Committee being _____

Chair: A Councillor as elected by the Council being Councillor Neil Kirton

Deputy Chair: A Councillor as elected by the Council being Councillor Craig Foss

Meeting Frequency: Quarterly

Staff Executive: Chief Executive
Group Manager Strategic Planning
Group Manager Corporate Services
Group Manager Office of the CE & Chair

**Kirton/Foss
CARRIED**

10. Affixing of Common Seal

The Common Seal of the Council has been affixed to the following documents and signed by the Chairman or Deputy Chairman and Chief Executive or a Group Manager.

		Seal No.	Date
1.1	Leasehold Land Sales 1.1.1 Lot 7 DP 7201 CT 115/185 - Transfer	4365	11 November 2019
1.2	Staff Warrants 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

Councillor Barker re-joined the meeting at 10.17am

RC129/19 Resolutions

That Council:

- 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.
- Confirms the action to affix the Common Seal.

**Barker/Kirton
CARRIED**

11. 2018-19 Compliance Annual Report

Liz Lambert introduced Nick Zaman, Compliance Manager, and Jack Blunden, Environmental Officer - Compliance, who presented an overview of and highlights from the report.

The meeting adjourned at 10.35am and reconvened at 10.45am

Discussions traversed:

- First year using HBRC's new integrated regional information system (IRIS) for reporting
- First year using four point grading system in line with Ministry for the Environment (MfE) best practice guidance and allowing for national consistency and comparison of datasets across the regional sector
- 90% of consents monitoring and 93% of those were fully compliance
- Non compliance was predominantly industrial discharges associated with meat and timber processing, with genuine environmental impacts
- Focus areas 2019-20 are bore security, forestry monitoring (new requirements under NES for Plantation Forestry) and resource consents required by plan change 6 implementation (2019-20 approx 320 and 1920-21 approx another 300)
- 2019-20 HBRC will start national landfill vulnerability project following pilots in Westcoast and Southland
- Where deliberate discharges for public health protection invoke emergency provisions the discharge is not considered 'non compliant'
- Potential to test NCC justification for invoking "emergency" provisions (for direct discharge of wastewater to Ahuriri Estuary) when the circumstance is a known or predictable contingency plan
- Compliance monitoring of Napier City Council stormwater and wastewater discharge consents, including how improvements in compliance with consent conditions is tracked and assessed in IRIS, as well as how required infrastructure asset maintenance and upgrading can be tracked
- Improvements in compliance with consent conditions do not directly translate to improvements in environmental outcomes
- How Council can enable compliance through engagement and collaboration up front with resource consent applicants
- Majority of consent holders are meeting their compliance obligations
- Future reporting for TAs to include, where there's non-compliance, details including budgets and dates for activities to achieve compliance, e.g. stormwater infrastructure improvements to be completed by 1 January 2021 as budgeted for in year 3 of the NCC 2018-28 Long Term Plan
- Compliance and Enforcement Policy guides how Council enforces compliance with resource consent conditions
- future reports to include information on HAIL sites and landfills

Councillor Will Foley left the meeting at 11.30am

RC130/19 Resolution

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

**Kirton/Barker
CARRIED**

12. Significant Activities Update

The item was taken as read, with queries and discussions covering:

- Regional water security programme and river augmentation, with a presentation about the PGF funding to come to next week's workshop for councillors

- Widespread challenges with property at Aramoana recently acquired by Council

RC131/19 **Resolution**

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

van Beek/Ormsby
CARRIED

13. Organisational Performance Report for Q1 2019-20

The item was taken as read, with queries and discussions covering:

- Corporate initiatives to reduce the organisation’s carbon footprint including energy consumption and fuel reductions
- Reporting to track progress against the long term plan goals, objectives and levels of service and well as Climate data
- Risk management and reporting
- Clive River dredging programme and disposal of dredge materials

RC132/19 **Resolution**

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

Barker/van Beek
CARRIED

14. Discussion of Minor Items Not on the Agenda

Item	Topic	Raised by
1.	Chief Ombudsman’s investigation into Christchurch City Council <ul style="list-style-type: none"> • Criticised CCC executive management for withholding information, specifically around poor performance, from council and public reports • No reason to believe anyone at HBC would be withholding information on poor performance, or any other information and CE is comfortable with the transparency 	Cr Foss
2	Chairman’s report <ul style="list-style-type: none"> • Have now pulled together funding for a financial feasibility study into landuse change in Wairoa • Attended NKII AGM on Saturday, which was a great day, and very well attended 	Cr Graham

Pieri Munro introduced Glenn Webber, who will be facilitating this afternoon’s workshop with the Regional Planning Committee, and Paul Beverley, specialist in resource management and treaty settlements, from DIA.

Councillor Rick Barker closed the meeting with a karakia.

Closure:

There being no further business the Chairman declared the meeting closed at 11.55am on Wednesday, 27 November 2019.

Signed as a true and correct record.

DATE:

CHAIRMAN: