



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

- Date:** Wednesday 25 March 2020
- Time:** 11.10am
- Venue:** Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER
- Present:** R Barker (Chair)
W Foley (zoom)
C Foss
R Graham (zoom)
N Kirton
C Lambert
M McIlroy ((Co-chair, Māori committee)(zoom)
H Ormsby
M Paku (Co-chair, Māori committee)
J van Beek
M Williams
- In Attendance:** J Palmer – Chief Executive
P Munro – Te Pou Whakarae Māori Partnerships (zoom)
T Skerman – Group Manager Strategic Planning
I Maxwell – Group Manager Integrated Catchment Management
J Lawrence – Group Manager Office of the CE & Chair
L Hooper – Governance Lead

1. Welcome/Prayer/Apologies/Notices

The Chairman welcomed everyone to the meeting and Cr Charles Lambert offered a karakia to open the meeting.

There were no apologies, with Councillors Rex Graham and Will Foley and Michelle McIlroy attending using audio-visual means.

James Palmer advised that in the circumstances, items 10, 14 and 16 are withdrawn.

2. Conflict of Interest Declarations

There were no conflict of interest declarations.

3. Confirmation of Minutes of the Regional Council Meeting held on 26 February 2020 and the Extraordinary Regional Council Meeting held on 18 March 2020

RC24/20 Minutes of the Regional Council Meeting held on Wednesday, 26 February 2020, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Ormsby/Foss
CARRIED**

RC25/20 Minutes of the Extraordinary Regional Council Meeting held on Wednesday, 18 March 2020, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Ormsby/Foss
CARRIED**

4. Follow-up Items from Previous Regional Council Meetings

James Palmer introduced the item, providing an overview of the status of the items listed.

Cr Charles Lambert welcomed Michelle McIlroy and Mike Paku, Co-chairs of the Māori Committee, to the Council meeting with a mihi, with Mike Paku responding for the pair.

5. Call for Minor Items Not on the Agenda

There were no items raised for discussion.

6. Significant Organisational Activities Through April 2020

James Palmer introduced the item, which was taken as read, with queries and discussions traversing:

- Tb - the lead agency for responding to the outbreak is Ospri. Tb management and testing is being carried out as required as considered an essential service during the Covid-19 lockdown period. The HB Rural Advisory Group is being kept apprised of the situation as part of the coordination and management of the Drought response.

The CEs report traversed:

- HBRC CDEM has been receiving reports and monitoring the Covid-19 situation since January
- HBRC has progressively prepared to have most staff working from home to maintain the ability to continue essential services
- Essential services maintained by staff on rosters include Flood and drainage infrastructure and pump stations, Pollution and Oil Spill response teams,

Harbourmaster and Biosecurity services

- Implications of Covid-19 situation for RMA consents and compliance functions will be discussed with the Minister this afternoon
 - Maintaining readiness to respond to an natural disaster during this time and the HBRC Incident Management Team is on stand-by
 - All local authority staff have roles in providing assistance to Civil Defence and a roster is operating
 - Working with TA colleagues and business organisations responding to the economic situation
 - Have offered staff assistance to MPI in the area of food production compliance, to the DHB for contact tracing and non-clinical aspects of the public health response
 - Acutely aware of economic impacts and providing support services and advice through the Business Hub, Chamber of Commerce and Business HB networks. List of projects across assets and infrastructure put forward to Central Government for potential redeployment of unemployed including roading projects, stop bank and regional parks maintenance and tree planting/clearing – for getting started once the lockdown period finishes
 - Stepping up security and surveillance across the regional parks network and limiting access to rivers
 - Al Morrison has been seconded from the Ministry for Business Innovation, to lead the economic recovery strategy development, Tom Skerman has offered assistance of Strategic Planning staff and discussions will be had with HBRIC to see where Blair O’Keeffe may be able to contribute as well.
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- Consistent with Central Government advice, it is recommended that all meetings of Council be held virtually only and suspend planned committee meetings, and that after the four week lockdown period the schedule of planned meetings be reassessed. Weekly meetings can be live streamed and recordings put onto the website as usual. Any business that was meant to be considered at committee meetings will be dealt with by the Council meetings.
 - Requirement for a quorum to be physically present is unachievable and unsafe in the circumstances however can continue to livestream meetings to ensure the public transparency of decisions being made
 - In order to retain the conduit to Māori Committee and RPC, representatives to be invited to the weekly Council meetings

RC26/20

Resolution

That Hawke’s Bay Regional Council, for the period of the Covid-19 emergency response, to be reviewed on 22 April 2020:

1. Suspends delegations to the Corporate and Strategic and Environment and Integrated Catchments committees and the Finance, Audit and Risk Subcommittee
2. Suspends Standing Order 10.1 requiring that a majority of councillors must be physically present to be counted toward the quorum
3. Meets virtually as a full Council in lieu of the Corporate & Strategic, Environment & Integrated Catchments and Finance, Audit & Risk committees until 22 April 2020, or such time as Covid-19 restrictions are lifted.
4. Subject to amendment upon request by the Chair of Council or a Committee as required to deal with urgent issues arising.

Williams/Kirton

**For: Kirton, van Beek, Lambert, Ormsby, Foss, Williams,
Paku, Barker, Foley, Graham, McIlroy**

Against: none

CARRIED unanimously

7. Cr Rex Graham Notice of Motion: Advice on Zero 2020-21 Rates Increase

Cr Rex Graham introduced his motion and the rationale for it being the current pressures on the community with the drought, Tb outbreak and Covid-19.

Advice to be provided by staff will be focussed on delivery of the Annual Plan programme of work, however will provide a package of measures that might contribute to the economic recovery of the region

RC27/20 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the "*Cr Rex Graham Notice of Motion: Advice on Zero 2020-21 Rates Increase*".
2. Directs the Chief Executive to provide Council with urgent advice on how the Council can deliver the 2020-21 Annual Plan with zero rates increase.

**Graham/Barker
CARRIED**

8. Report and Recommendations from the Māori Committee

Michelle Mcllroy introduced the item as Co-chair of the Māori Committee, providing an overview of discussions held.

RC28/20 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the "Recommendations from the Māori Committee" staff report and commentary provided by the Co-chairs at the meeting.
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 have an interest in the decision.

Appointment of Tangata Whenua Representatives to the Māori Committee

3. Confirms the appointments of:
 - 3.1. Bill Blake and Katarina Kawana representing Wairoa Taiwhenua, and Michelle Mcllroy representing Wairoa Kahungunu Executive, with Teresa Smith as the proxy member.
 - 3.2. Peter Eden, Api Robin and Rose Hiha representing Te Taiwhenua o Te Whanganui-a-Orotū, with the proxy member to be advised.
 - 3.3. Haami Hilton, Marei Apatu and Michael Paku representing Heretaunga Taiwhenua, with the proxy member to be advised.
 - 3.4. Dr Roger Maaka, Zack Makoare and Paora Sciascia representing Tamatea Taiwhenua and Marge Hape as a proxy member.

Election of the Māori Committee Chairperson

4. Confirms the election of Michael Paku and Michelle Mcllroy as Māori Committee Co-Chairpersons.

Nomination of Māori Committee Representatives to Council's Committees

5. Confirms the appointments of:
 - 5.1. Dr Roger Maaka as a member of the Environment and Integrated Catchments Committee

- 5.2. Peter Eden as a member of the Corporate and Strategic Committee
- 5.3. Api Robin as an Advisory Member of the Regional Transport Committee
- 5.4. Dr Roger Maaka and Katarina Kawana as members of the Hearings Committee
- 5.5. Co-chairs, Michael Paku and/or Michelle Mcllroy to the Regional Council with full speaking rights.

Māori Committee Terms of Reference

6. Adopts the Terms of Reference (following) which includes the agreed amendment to include a Ngāti Kahungunu representative on the Committee's membership.

Regional Climate Change Response Programme Development Update

7. Notes the appointment of Dr Roger Maaka and Michelle Mcllroy as members of the climate change working party.

Reports Received

8. Notes that the following reports were provided to the Māori Committee
 - 8.1. Regional Climate Change Response Programme Development Update
 - 8.2. 2017-21 Strategic Plan Refresh
 - 8.3. Taiwhenua Representatives' Verbal Updates
 - 8.4. Verbal Update on Current Issues – HBRC Chair and Chief Executive.

**Mcllroy/Paku
CARRIED**

Māori Committee Terms of Reference

*Adopted by Hawke's Bay Regional
Council resolution 25 March 2020*

1. The Māori Committee comprises those 13 representatives nominated by each of the four Ngāti Kahungunu Taiwhenua / Executive in the Hawke's Bay region.

He Toa Takitini - Strength in Unity

2. This Terms of Reference reflects the intent and expectations of both the Hawke's Bay Regional Council (Regional Council) and appointed members of the Māori Committee.
3. The Hawke's Bay Regional Council Māori Committee has been in existence since the 1990s and has served as a valuable network for the Regional Council. This Terms of Reference has been updated over the many years and this the fifth version, since the establishment of the Regional Council's Māori Committee.
4. It is important to acknowledge those who have contributed to this Committee over the years and particularly to recognise the prominent work of the late Ngarangimataeo Eru Smith and the Chairman of the Council at that time, Harry Romanes. They are remembered for their vision and commitment to:
 - 4.1. ensuring Māori input to various activities of the Council, including active participation in the decision-making process and the development of sustainable relationships with Māori.
5. The calibre of Committee members over the years, has enabled the Regional Council and Tāngata Whenua to engage more effectively on issues that have been both challenging and beneficial.
6. This Charter looks to continue the strengthening the relationship of this Committee with the Regional Council, to ensure that the role of Kaitiakitanga, through marae hapū Iwi mandated entities is enacted for the protection and enhancement of the wellbeing of the Hawke's Bay environment and its people.
7. The Treaty of Waitangi is between the Crown, Iwi, Hapū and Whānau. The

Regional Council is a statutory body with powers and responsibilities delegated to it by the Crown.

8. Councillors of the Hawke's Bay Regional Council are elected by the regional community and are accountable to that whole community, with the primary focus of the Council being environmental stewardship.
9. Hapū have Mana Whenua and Mana Moana (Tino rangatiratanga — self-determination, control over their own affairs) relating to the land or sea, as established in the Treaty, and the Regional Council exercises its functions as established by legislation.
10. The Māori Committee is a standing committee under clause 30(1)9b) of Schedule 7 of the Local Government Act 2002.

Purpose

11. The purpose of the Māori Committee is to:
 - 11.1. Actively participate and contribute in the decision-making processes, policy development and other activities of the Hawke's Bay Regional Council
 - 11.2. Consider ways in which to support the development of Māori capacity to contribute to the decision making process; and
 - 11.3. Provide leadership and relevant information to Council regarding economic, social, environmental and cultural matters regionally that support sustainable resource management and economic growth.
12. To make recommendations to the Council on matters of relevance affecting the tangata whenua of the Region, and to help fulfil the Māori consultative requirements of the Council particularly with regard to the principles of the Treaty of Waitangi, Local Government Act 2002 and the Resource Management Act 1991.

Work programme

13. The Regional Council will engage with the Māori Committee members in the spirit that reflects authentic partnership.
14. Within the first year of the Committee's establishment, a work plan for the Committee will be developed to set out, in general terms, what the Committee aims to achieve over its three-year term.
15. The work programme will be developed to provide an overview of key tasks that require the Māori Committee members input and direction:
 - 15.1. To provide policy advice with respect to the Regional Plan, regarding provisions for the Wāhi Tapu, Wāhi Taonga, Wāhi Tipuna engagement processes and where relevant to Tāngata Whenua, any other amendments to the Plan.
 - 15.2. To provide input to the Long Term Plan and Annual Plan with particular reference to those issues of importance to Māori from the region.
 - 15.3. To provide insight into Māori and other strategic community issues with particular reference to the Long Term Plan, the effectiveness of the Regional Plan and the delivery of the Annual Plan.
 - 15.4. To consider and recommend Māori capacity building initiatives within budget and resource constraints of the Regional Council.
 - 15.5. To assist the Regional Council as appropriate in conducting and maintaining effective, good faith working relationships with the Māori community including advice on governance arrangements.
16. In given situations the Regional Council will communicate to and consult with Hapū/Marae/Tāngata Whenua via the contact(s) established by the Māori Committee.
17. It is vital where contact is made, or is ongoing between the Regional Council and Hapū/Marae/Tāngata Whenua, that the relevant members of the Māori Committee are kept informed of developments.
18. Following is a communication process which reflects the engagement methodology for the Māori Committee and the Regional Council.

Model of Communication



19. The expectation of the membership is that each Taiwhenua / Executive collective will engage with their respective constituents.
20. The Chairperson is to be elected at the first meeting of the Committee of each triennium, from among the appointed Māori members of the Committee. The Chairperson shall be elected for that term of the Committee but is not precluded from a subsequent term as Chairperson if so nominated. Two key roles of the Chairperson will be to:
 - 20.1. preside over meetings of the Committee in accordance with the Hawke's Bay Regional Council Standing Orders
 - 20.2. manage the nominations and appointments by Taiwhenua / Executive to the Māori Committee at the end of each triennium, for re-establishment of the Committee for the next triennium.
21. The Deputy Chairperson is also to be elected at the first meeting of the Committee of each triennium from among the appointed members of the Committee.

Membership

23. The Māori Committee are those 12 representatives nominated by each of the four Ngāti Kahungunu Taiwhenua and Executive in this region.

Members

Thirteen representatives nominated by the Tangata Whenua, appointed at the first meeting of the Māori Committee each triennium; plus one Proxy representative nominated to attend in an appointee's absence; being:

- | | |
|--------------------|--|
| - Bill Blake | Kaumatua (Wairoa) |
| - Katarina Kawana | Wairoa Taiwhenua |
| - Michelle McIlroy | Wairoa Kahungunu Executive |
| - Teresa Smith | Proxy (Wairoa Taiwhenua) |
| - Haami Hilton | Kaumatua (Hastings) |
| - Marei Apatu | Heretaunga Taiwhenua |
| - Michael Paku | Heretaunga Taiwhenua |
| - TBA | Proxy (Heretaunga Taiwhenua) |
| - Dr Roger Maaka | Kaumatua (Central Hawke's Bay) |
| - Zack Makoare | Tamatea Taiwhenua |
| - Paora Sciascia | Tamatea Taiwhenua |
| - Marge Hape | Proxy (Tamatea Taiwhenua) |
| - Peter Eden | Te Taiwhenua o Te Whanganui-a-Orotū (Napier) |
| - Api Robin | Te Taiwhenua o Te Whanganui-a-Orotū (Napier) |
| - Rose Hiha | Te Taiwhenua o Te Whanganui-a-Orotū (Napier) |
| - TBA | Proxy |
| - TBA | Ngāti Kahungunu Iwi Inc |

Up to four elected members of the Council, being Councillors Charles Lambert, Hinewai Ormsby, Rick Barker, and Rex Graham

Meeting Frequency Bi-monthly, but with the Chairperson of the Committee authorised to arrange additional meetings should the need arise

Meeting Procedures

28. The Committee will meet on scheduled dates as agreed with Council for the purpose of discussing relevant agenda business put forward by either the Council or Māori Committee.
29. Such meetings will generally be every second month with the ability for the Māori Committee Chair to call extra meeting(s) if required to deal with specific and/or urgent business.
30. The meetings of the Committee shall be conducted in accordance with HBRC's Standing Orders while incorporating tikanga Māori (Māori custom and practice) as appropriate.
31. The Māori members of the Committee may hold a pre-meeting prior to the meeting proper to network and clarify issues to be raised at the meeting proper.
32. When meeting on marae the Standing Orders will be suspended to allow marae kawa.
33. Each rohe may appoint a proxy representative to attend committee meetings on occasions when the appointed representative from their area is unavailable, but this right is to be used as infrequently as is possible to ensure continuity and familiarity by appointed members.

Quorum

34. As per the Council's Standing Order 10.2:
 - 34.1. A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference.
35. In accordance with SO 10.2 the quorum for the Māori Committee, to be stated in the Terms of Reference, will be a majority of members including at least 1 HBRC councillor.

Delegated Powers

36. In its Advisory role, the Māori Committee is not delegated to exercise Regional Council powers, functions or authorities under the Local Government Act 2002 (LGA), but rather will make recommendations to Council in relation to the matters detailed in the Māori Committee work programme and matters of significance to Māori.
37. The Māori Committee has authority to develop procedures and protocols that assist in its operation, provided that such procedures and protocols meet the statutory requirements of the LGA, the Local Government Official Information and Meetings Act 1987 (LGOIMA) or HBRC's Standing Orders.
38. The Chairperson does not have a casting vote.

Māori Committee Members' Responsibilities

39. Ensure consultation and feedback to Hapū/marae and other Māori organisations.
40. Put forward appropriate agenda items for discussion by the Committee.
41. Ensure that the work of the Māori Committee will align with Hapū marae aspirations, which, in turn, are appropriately promoted for Council consideration when developing the Council Long Term Plan (LT P), ITP review and/or Annual Plan.
42. Liaise with Hapū/Marae/Tāngata Whenua when required to assist direct contact with the Council.
43. Provide the Regional Council with appropriate Tāngata Whenua contacts as and when necessary
44. When requested by Consents staff, provide appropriate Tāngata Whenua contacts for those deemed 'affected' by a notified resource consent application.
45. Promote Tāngata Whenua interests in the Council's decision-making processes.
46. Assist Council to avoid disputes involving Tāngata Whenua issues.
47. Responsibilities of Councillors on the Māori committee
48. Seek an understanding of the issues relevant to the Regional Council that are of

importance to Tāngata Whenua.

49. Represent and reflect the Council's policies, plans and responsibilities to the Māori Committee.
50. Promote an understanding of the concerns and reflect the resolutions of the Māori Committee to Council.
51. Assist with the promotion and support of hapū aspirations, which have been supported by the Māori Committee, when developing the Council's LT P, I-TP review or Annual Plan process. **Policies**

Te Tiriti O Waitangi (Treaty of Waitangi) Policies

52. The Treaty Article relevant to each Policy is shown in brackets.
53. The Hawke's Bay Regional Council acknowledges that:
 - 53.1. Major aspects of the Resource Management Act and Local Government Act place particular responsibilities on the Council regarding its involvement with Māori (Article One)
 - 53.2. It is necessary and valuable to have Māori input into decision-making and policy development, where appropriate (Article One & Two)
54. There are special requirements of Council to consult with Tāngata Whenua over matters of interest to Māori (Article Two).

Resource Consent Process (Articles One and Two)

55. The Council will provide a documented process to enable relevant Tāngata Whenua to have a meaningful input into publically notified or limited notified resource consent applications that affect them as either hapū/marae or iwi.
56. Relevant Māori members of the Māori Committee will at times be asked to provide appropriate Tāngata Whenua contacts in relation to resource consent application(s) and in particular notified consents.
57. The appropriate contacts will be required to represent Tāngata Whenua's views in relation to the proposed activity requiring resource consent and may involve formal submissions either supporting or opposing the application and appearing at consent hearings.
58. The documented process will be reviewed at least every three years with members of the Māori Committee to ensure it is still relevant and effective.

Consultation/ Communication (Article One & Two)

59. The Council and Māori Committee acknowledge the elements of effective consultation as established through the Courts, being:
 - 59.1. That sufficient information is provided to the consulted party, so that they can make informed decisions
 - 59.2. That sufficient time is given for both the participation of the consulted party and the consideration of the advice given
 - 59.3. That genuine consideration of that advice, including an open mind and a willingness to change, is shown; and
60. That consultation must be carried out in good faith by both parties. Consultation Policy for Tāngata Whenua Issues (Article One & Two)

Kanohi ki te kanohi — Pokohiwi ki te pokohiwi Face to face — Shoulder to shoulder

61. In a wide variety of the Council's work there will be a need for effective consultation/communication with Tāngata Whenua.
62. The Council will endeavour to identify those with Mana Whenua (authority for that land) through the appropriate members of the Māori Committee on relevant occasions and in particular for resource consent applications.
63. The Council will endeavour to meet kanohi ki te kanohi (face to face) at an appropriate venue, such as marae.
64. The Council will acknowledge the mana (integrity) of the hui (meeting) by sending senior staff and, where appropriate, Councillors. That is, those who can make the decisions.
65. Where there are ongoing meetings required, Council will ensure that the relevant member of the Māori committee is kept informed about developments and

- involved directly at an early stage if there is a possibility of an impasse.
66. The Council will allow such time as is reasonable for a decision to be made allowing for tikanga Māori (Māori custom and practice) and thereby maximising the chances of a decision where the Council and tāngata whenua will be pokohiwi ki te pokohiwi (shoulder to shoulder) on the issue.
 67. The Council's commitment is, through a process of pokohiwi ki te pokohiwi, to achieve a result where all parties are confident that their voice has been heard and respected and that the outcome has their support. It is accepted, however, that on rare occasions the Council may have to use its statutory powers or to refer issues to the legal system as a measure of last resort.
 68. The Council will, within its statutory responsibilities, exercise its duty to protect Māori taonga (treasures) to the fullest extent practicable. (Article Two & One)
 69. The Council will resource Tāngata Whenua, where appropriate, to ensure adequate consultation at a meaningful level is achieved on relevant issues. (Article Two & Three)
 70. The Council, in making any decision, will ensure that the results of any consultation with Tāngata Whenua are fully considered. (Article Two & Three)

Wāhi Tapu (Article Two)

71. The Council will exercise its responsibility to assist Tangata Whenua to protect and preserve wāhi tapu sites in the coastal marine area, on the beds of lakes and rivers and on Council owned or administered land through the Regional Resource Management Plan..
72. Council acknowledges that only Tangata Whenua can identify wāhi tapu and decide on the importance of any particular wāhi tapu.
73. Council will provide a facility for the registering of Wāhi Tapu, Wāhi Taonga and Wāhi Tipuna sites of significance.
74. Council will take all practical measures to protect the sanctity of wāhi tapu sites within the reasonable bounds of budgetary allocation.
75. Council will respect the wishes of hapū/marae who wish to keep the actual site of a particular wāhi tapu secret by recording a general locality indicator, or by operating a 'silent file' for limited access.
76. Council will give the utmost respect to information given by hapū /marae in confidence.
77. The Council will investigate which powers could be transferred to recognised ngā hapū. (Article Two)
78. The Council will lift the general awareness within Council of the significance of Māori issues.
(Article Three)
79. The Council will provide training, particularly of Officers and Councillors of the Council, in relation to bicultural awareness and issues. (Article Three)
80. The Council will provide relevant training to members of the Māori Committee. (Article Three)

Regional Council's Commitment to the Māori Committee

81. The Regional Council, in acknowledging the necessity and value of Māori involvement in decision-making and policy development, will:
 - 81.1. Appropriately resource the Māori Committee.
 - 81.2. Resource Māori Committee meetings on marae when appropriate and also relevant consultation hui.
 - 81.3. Maintain one position on each of the Regional Council's Committees namely: Environment & Services, Corporate & Strategic and Regional Transport committees for representatives from the Māori Committee.
 - 81.4. Maintain up to two positions on the Hearings Committee for RMA Making Good Decisions qualified representatives from the Māori Committee.
 - 81.5. Where a new Māori Committee has not been established after a local body election, Regional Council will support previous Māori Committee representatives attending, with voting rights, relevant initial Council committee meetings. This will maintain continuity until the Māori Committee

- nominates its new representatives. This will also include the Māori Committee representative(s) on any Hearing Panel that transverses the election process. Maintain one position on other Regional Council committees/working groups to provide Māori input where the focus of the Committee has a direct impact on Māori
- 81.6. Have the Māori Committee Chairperson as a participant at Hawke's Bay Regional Council meetings.
 - 81.7. Councillors and appropriate staff will hold a wānanga (seminar) with kaumātua from throughout the rohe (area) to listen to the issues that are of importance for these iwi leaders at times when it is considered appropriate by either party.
 - 81.8. Maintain a strong working relationship with the Post Settlement Governance Entities (PSGE) and Ngāti Kahungunu Iwi Incorporated.
 - 81.9. As and when relevant, source appropriately experienced Māori to undertake specific work for the Council.
 - 81.10. Ensure the Chair (and through him/her the members) of the Māori Committee is provided with the background information relating to Council's meeting agendas.
82. Be particularly mindful that Tāngata Whenua are not adversely affected in the decision making process when applying Council's policy on significance when the outcome has a clear impact on Tāngata Whenua.

Hawke's Bay Regional Planning Committee Act (2015) ¹

83. The purpose of the Hawke's Bay Regional Planning Committee Act is to:
- 83.1. Improve Tāngata Whenua involvement in the development and review of documents prepared in accordance with the Resource Management Act 1991 ² for the Hawke's Bay region.
84. To that end, the Act establishes the Hawke's Bay Regional Planning Committee (RPC) as a joint committee of the Hawke's Bay Regional Council. ³
85. The function of the RPC is to oversee the development and review of the RMA documents prepared in accordance with the RMA for the RPC region.
86. The construct of the Tāngata Whenua membership to the RPC is formed from the nine Treaty Entities within the Hawke's Bay region.
87. Relationship between the Māori Committee and the RPC Tāngata Whenua members:
- 87.1. Whilst the Local Government Act provides the backdrop for engagement, the fundamental composition of the Māori Committee focuses on Hapū, Iwi and Marae. With the establishment of the RPC Act and the role of the Treaty Partners; the unfolding relationship still sits in the commitment to Whānau, Hapū, Iwi and Marae, to which this Committee has performed competently over the years.
 - 87.2. The Māori Committee members have developed a communication process for engaging with the RPC Tāngata Whenua membership. This is to strengthen the relationship between both respective committees in providing governance, oversight and engagement for the wider Tāngata Whenua of this region.
88. The Māori Committee recognises the steps of evolution that will emerge from this relationship with the RPC and offer their commitment to working together for the benefit and wellbeing of the environment, the Hapū, Iwi and Marae.

Evaluation

89. To provide an evaluation of the effectiveness of the Māori Committee, the Māori

¹ Hawke's Bay Regional Planning Committee Act (2015) <http://legislation.govt.nz/act/public/2015/0065/latest/DLM6059509.html?src=qs>

² Resource Management Act 1991 [http://www.legislation.govt.nz/act/public/1991/0069/latest\(DLM230265.html#DLM230264](http://www.legislation.govt.nz/act/public/1991/0069/latest(DLM230265.html#DLM230264)

³ Part 1- s3 Preliminary provisions – Purpose

Committee may request that an evaluation of its role, functions and performance be arranged by Council. Council may also indicate its intention to evaluate the role, functions and performance of the Māori Committee. Notwithstanding this process, the Māori Committee will provide an opportunity for a discussion of its performance at the last committee meeting each calendar year.

90. The Terms of Reference will be reviewed at least once every three years.

Summary

91. This Terms of Reference is a statement of the agreed principles of participation between the Hawke's Bay Regional Council and the Māori Committee of Council.

92. It sets out the broad parameters under which the parties will interact.

93. The creation of the Māori Committee of Council is an important step in the process of strengthening Tino Rangatiratanga for Māori within the Hawke's Bay.

94. While it is not intended to be a legally binding document, this Charter is entered into by both parties with the utmost good faith.

95. The Terms of Reference is a continuation of the process to enable Tāngata Whenua to have a meaningful voice in local government, and is based on the trust that has been established between the two groups.

The meeting adjourned at 12.34pm and reconvened at 1.00pm

Hamish Saxton, HB Tourism General Manager provided an update on the Tourism Sector response to Covid-19 covering:

- Some stats - normally Tourism contribution to regional economy is March \$64M, April \$56M, May \$42M and June \$42M; currently 70k non-resident visitors in NZ so working with CDEM on related accommodation options and solutions.
- Focus on helping the sector with immediate concerns and keeping communication lines open including with national sources; staff being redeployed as priorities change and initiatives for businesses are implemented
- HB Tourism has 180 members and 200+ businesses have web listings; carrying out a survey across the sector to ascertain the level of support required and provided by Central Government – also talking directly with business owners as needed.

RC29/20 That Hawke's Bay Regional Council receives the verbal update on the Tourism Sector response to Covid-19 from HB Tourism.

**Kirton/Foss
CARRIED**

9. Report and Recommendations from the Corporate and Strategic Committee

Cr Neil Kirton introduced the item, which was taken as read, as Chair of the Committee.

RC30/20 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the "*Report and Recommendations from the Corporate and Strategic Committee*".
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 these items without conferring directly with the community or persons likely to have an interest in them.

Report and Recommendations from the Finance Audit and Risk Sub-committee

3. Adopts the Terms of Reference (attached) as proposed to and confirmed by the 12 February 2020 Finance, Audit and Risk Sub-committee meeting.

HBRC 2020 Local Governance Statement

4. Adopts the HBRC 2020 Local Governance Statement web publication as proposed.

Regional Water Security

5. Agrees that Council will continue to resource a comprehensive work programme focussed on regional water security consistent with completion of the Scoping Study for presentation to the May 2020 Regional Council meeting, of options to be carried through to pre-feasibility.
6. Directs staff to further investigate alternative governance models for the Tukituki Water Security Scheme and the Heretaunga Flow Enhancement Scheme that that will identify and assess a short list of programme governance models for recommendation to Council for adoption at the May 2020 Regional Council meeting.

HBRC Agrichemical Collection Service Funding

7. Funds up to an additional \$15,000 to subsidise the collection costs of the more hazardous high-risk chemicals and then no further funding until the 2020-21 period. Once spent the user will pay for the remaining high-risk chemicals not covered by this subsidy.
8. Requests that staff investigate options to continue Agrichemical collection on a user pays basis for commercial users.

Proposed Wellington Leasehold Property Sale

9. Declines the offer to sell 123-125 Molesworth Street, Wellington based on the current market rental returns and the possible future capital growth of the investment.

Reports Received

10. Notes that the following reports were provided to the Corporate and Strategic Committee
 - 10.1. Investment Strategy Workshop Follow-up including Statement of Investment Policy Objectives Review (*resolved: 1. Supports the proposed actions and timeframes for staff to progress next steps from the Investment Strategy Workshop; and 2. Refers the proposed changes and revisions to the Statement of Investment Objectives to the 25 March 2020 Regional Council meeting.*)
 - 10.2. Strategic Bi-lateral Arrangements (*resolved: Requests that the Hawke's Bay Regional Council Chairman and Chief Executive put forward a proposal to the next available HB Local Government Leaders Forum to establish regular bilateral meetings with the governors of each of the four territorial authorities in the region, with the broad scope of discussion to cover matters linked to the provision of urban infrastructure including resilience and adaptation to climate change, long term asset management planning, long-term water quality and ecological goals, overview and monitoring of performance standards, and agreed public communications.*)
 - 10.3. National Environment Standards for Plantation Forestry Update
 - 10.4. Organisational Performance for Period to 31 December 2019
 - 10.5. Financial Results for the 2019-20 Financial Year, for the Period to 31 December 2019
 - 10.6. Jarden Investment Fund Manager Introduction & Presentation
 - 10.7. HB Tourism Quarterly Update.

**Kirton/Foss
CARRIED**

19. Amended Statement of Proposal for Penalty Rates Remission

Tom Skerman introduced the item, which seeks amendment of the Statement of Proposal and submissions process for the Remission of Penalties on Rates Policy (Fixed Term) for consultation.

RC31/20 **Resolutions**

That Hawke's Bay Regional Council:

1. Adopts the proposed revised Statement of Proposal for Remission of Penalties on Rates Policy (Fixed Term) for consultation that reflects changes to the submission process due to the Covid-19 response situation.
2. Agrees that staff may make further changes to the submission **and associated hearing** processes, as required by the Covid-19 response.
3. ~~Delegates the establishment of a Hearing Panel to hear submissions if required, to the Hearings Committee.~~

Amended by
Council
resolution
1/8/20

**Kirton/Foss
CARRIED**

10. Local Government New Zealand 2020 Conference and Annual General Meeting

Withdrawn

11. Councillor Remuneration

The item was taken as read.

RC32/20 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the "Councillor Remuneration and Allowances" staff report.
2. Confirms that the remuneration levels to be paid to elected members under the Local Government Elected Members' Determination (2019/20) Amendment Determination 2020, for the period to 30 June 2020 will be back-paid to the dates specified in the Determination, of:
 - 2.1. \$62,000 per annum (effective 18 October 2019) for a councillor with no additional responsibilities
 - 2.2. \$77,370.75 per annum (effective 7 November 2019) for each position of additional responsibility following:
 - 2.2.1. Cr Rick Barker Deputy Chairman and Chair, Environment & Integrated Catchments Committee
 - 2.2.2. Cr Neil Kirton Chair, Corporate and Strategic Committee
 - 2.2.3. Cr Martin Williams Chair, Regional Transport Committee and Hearings Committee
 - 2.2.4. Cr Craig Foss Chair, Finance, Audit and Risk Sub-committee.
3. Requests that staff initiate the process of application to the Remuneration Authority for a change to the remuneration of HBRC councillors to include five positions with additional responsibilities, for immediate effect.

**Kirton/Paku
CARRIED**

12. Potential HBRC Name Change

The item was taken as read.

RC33/20 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the "Potential HBRC Name Change" 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 or persons likely to have an interest in the decision.
3. Discards further consideration of a Council name change.

**Williams/Ormsby
CARRIED**

13. 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
1.2	Staff Warrants		
1.2.1	H. Petterson	4387	26 February 2020
	V. Anstis	4391	12 March 2020
	H. Blakeney	4392	12 March 2020
	K. McCollum	4393	12 March 2020
	D. Roughton	4394	12 March 2020
	<i>(Delegations under Resource Management Act 1991; Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908 and Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (Clauses 32(1) and 32B Schedule 7))</i>		
1.22	D. Zarour	4388	5 March 2020
	K. Monteith	4389	5 March 2020
	C. Tovell-Soundy	4390	5 March 2020
	<i>(Delegations under Resource Management Act 1991; Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (Clauses 32(1) and 32B Schedule 7))</i>		

RC34/20 Resolutions

That Hawke's Bay Regional Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community.
2. Confirms the action to affix the Common Seal.

**Foss/van Beek
CARRIED**

17. Delegations to the Chief Executive During the Covid-19 Pandemic

James Palmer introduced the item, which seeks delegations for the Chief Executive to act and make urgent decisions required should the need arise, in the current national state of emergency in response to the Covid-19 pandemic, in circumstances and under the conditions as resolved.

RC35/20

Resolutions

That Hawke's Bay Regional Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion 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. Notes that Council considers it is prudent to authorise the Chief Executive or Group Manager delegate (while the Government's alert levels make meetings of Council impossible) to make urgent decisions in specified situations.
3. Makes delegations to the Chief Executive (or Group Manager delegate), which include appropriate conditions as set out, to make urgent decisions during the COVID-19 pandemic and while the Government's alert levels make meetings of Council impractical as follows.
 - 3.1 With immediate effect and until the Government reduces the alert level status, to enable meetings of the Regional Council to be held as normally:
 - 3.1.1 Delegates to the Chief Executive all of the Council's powers, duties and responsibilities, except for those powers, duties and responsibilities that the Council is not legally able to delegate.
 - 3.1.2 Authorises the Chief Executive to approve expenditure, to approve the foregoing of revenue, or to take any other steps not provided for in the Long Term Plan or Annual Plan, that are necessary for Hawke's Bay Regional Council to maintain public transport services and/or to maintain necessary business continuity within Hawke's Bay Regional Council.
 - 3.2 The exercise of this delegation is subject to the following conditions.
 - 3.2.1 An urgent decision is required to:
 - 3.2.1.1 Enable the discharge of the Council's health and safety duties – this is of particular importance and relevance during the COVID-19 pandemic. Such decisions would include actions to protect employees and contractors;
 - 3.2.1.2 Implement the range of measures (acting under the relevant COVID-19 alert level) directed or issued as guidance by the Government, relevant Ministers, or agencies. This ensures that any decisions are aligned with, and support, the official government position; or
 - 3.2.1.3 Respond to any issues that arise as a result of the prevailing COVID-19 alert level or any other urgent matter.
 - 3.3 Prior to exercising this delegation, the Chief Executive must obtain the endorsement to the proposed decision from ~~two~~ a Chairperson in the following order of precedence.
 - 3.3.1 Council Chair

Amended by
Council
resolution
1/8/20

- 3.3.2 Council Deputy Chair
- 3.3.3 ~~Corporate & Strategic Committee~~ **Finance, Audit & Risk Sub-**
committee Chair
- 3.3.4 Any Committee Chairperson.
- 3.4 The exercise of the delegation and the decision must be reported by the Chief Executive to Councillors as soon as practicable and reported to the first available Council meeting.

**Kirton/van Beek
CARRIED**

18. TANK Notification Delay Options

Tom Skerman introduced the item, outlining the options for delaying notification of Plan Change 9 in the current situation.

RC36/20 Resolution

That Hawke's Bay Regional Council:

1. Receives and considers the "TANK Notification Delay Options" staff report.
2. Delays notification of TANK Plan Change 9 to 2 May 2020, for a submission period of at least 9 weeks and subject to confirmation by Council closer to 2 May.

**Barker/Williams
CARRIED**

Item - 19. Amended Statement of Proposal for Penalty Rates Remission - was considered immediately following item 9.

14. Cranford Foundation withdrawn

15. Heritage Trails withdrawn

16. Discussion of Minor Matters Not on the Agenda

There were no items raised for discussion.

The Chair highlighted the enormity of the situation for the people of the region, the country and the world, and shared the following graphic.



Councillor Charles Lambert offered a karakia to close the meeting.

Closure:

There being no further business the Chairman declared the meeting closed at 2.00pm on Wednesday, 25 March 2020.

Signed as a true and correct record.

DATE:

CHAIRMAN: