



Unconfirmed

MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 24 March 2021

Time: 11.00am

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
M McIlroy (Māori Committee Co-Chair)
H Ormsby
M Paku (Māori Committee Co-Chair)
A Tapine (RPC Tangata Whenua Rep)
J van Beek
M Williams

In Attendance: J Palmer – Chief Executive
J Ellerm – Group Manager Corporate Services
I Maxwell – Group Manager Integrated Catchment Management
K Brunton – Group Manager Policy & Regulation
L Hooper – Team Leader Governance
D Cull – Strategy & Governance Manager
B Smith – Chief Financial Officer
D Broadley – Marketing & Communications Manager

1. Welcome/Karakia/Apologies/Notices

The Chair welcomed everyone and Cr Charles Lambert led the group in offering a karakia to open the meeting.

Condolences were extended to the Eden and Aranui whanau on the sudden passing of Annie Aranui on Friday.

2. Conflict of Interest Declarations

There were no conflicts of interest declared.

3. Confirmation of Minutes of the Regional Council Meeting held on 24 February 2021

RC18/21 Resolution

Minutes of the Regional Council meeting held on Wednesday, 24 February 2021, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Barker/Ormsby
CARRIED**

4. Follow-ups from Previous Regional Council Meetings

James Palmer spoke to the item, which was taken as read, noting that the PGA arena expansion plans no longer plan to use the river berm land for a parking lot.

RC19/21 Resolution

That Hawke's Bay Regional Council receives and notes the "Follow-up Items from Previous Regional Council Meetings".

**Ormsby/Barker
CARRIED**

5. Significant Organisational Activities Looking Forward through April 2021

The item was taken as read with queries and discussion covering:

- Info in relation to the selection of the riparian sites for high resolution photos for the riparian monitoring programme to be recirculated
- Ballance farm environment awards field day to be held 30 March. HBRC co-sponsor with Gisborne District Council, of the East Coast Farming for the Future Award which recognises profitable, advanced, environmentally sustainable farming. It focuses on land use and innovation in land management, soil conservation, provision for climate change and engagement with local government authorities.
- Tutira campground – unsafe levels of arsenic detected so tanking in water from a potable source for drinking water supply (50,000 litres per year) with signs advising non-potable
- Chris Dolley and James Palmer reiterated that all waahi tapu and sites of cultural significance in relation to the forest harvest and replanting plans at Tūtira and Tangoio have been confirmed and mapped in consultation with Maungaharuru-Tangitu Trust and local mana whenua
- Myrtle rust – affects Rata, Pohutakawa, Manuka – response is led by MPI in partnership with DoC and HBRC staff advise those bodies if they learn of HB incursions
- Modelling of Tūtaekurī and Ngaruroro rivers complete with no significant issues to report on with regards to containing a 1 in 500-year event and will be reported in a full update to the next EICC meeting. Climate change effects will be assessed at a later date, allowing for additional data to minimise the risk of over design.
- Query as to when next Benthic survey required by NCC wastewater discharge

consent is due

- Respondents to letters reminding of requirements for landuse consents have advised that applications being prepared on their behalf or are just initiating working on their applications
- Recent installation of a toilet in Wairoa below the oxidation ponds, at the Rangihawa freedom camping area and query whether it has been consented
- S42a report is the Officers' report in response to submissions received.

RC20/21

Resolution

That the Hawke's Bay Regional Council receives and notes the *Significant Organisational Activities Looking Forward through April 2021* staff report.

**Barker/van Beek
CARRIED**

6. Call For Minor Items Not on the Agenda

Recommendation

That Hawke's Bay Regional Council accepts the following "Minor Items Not on the Agenda" for discussion as Item 13.

Topic	Raised by
Marine and Coastal Area (Takutai Moana) Act Inquiry (MACA hearings)	A Tapine
Burning issue	Cr van Beek
Onepaka stream	M McIlroy
Mangataniwha reserve	M McIlroy

The Chair recognised John Huggins for his long term involvement in the community and holding elected representatives to account with the presentation of a certificate of appreciation.

7. Adoption of the Policies and Supporting Information for the 2021-31 Long Term Plan Consultation Document

James Palmer introduced the item, the result of nine months of significant work by staff and councillors, involving a comprehensive review of all activities and budgets with enormous additional investment required in the areas of freshwater management, biosecurity and climate change. Queries and discussions covered:

- Putting forward significant investment increases, approximately 20% in year 1, particularly around climate change mitigation and adaptation activities
- Corporate Plan underpins the LTP with provision of organisational infrastructure and resources to support the activities of the Council
- Councillors support rates increase as necessary for Council to carry out the work required to address legacy issues and take action to improve environmental outcomes, particularly in freshwater quality, erosion control and climate change
- Long list of directions from Central Government requiring Council activities which are not discretionary.

RC21/21

Resolutions

That the Hawke's Bay Regional Council:

1. Receives and considers the "Adoption of the Policies and Supporting Information for the 2021-31 Long Term Plan Consultation Document" staff report.
2. Adopts the Statement of Proposal and Draft Significance and Engagement Policy for consultation under the provisions of section 82 of the Local Government Act 2002
3. Adopts the Statement of Proposal and Draft Revenue and Financing Policy for

consultation under the provisions of section 82 of the Local Government Act 2002.

4. Adopts the following as supporting information for the Consultation Document for the 2021-31 Long Term Plan as required by section 93G of the Local Government Act 2002 including minor amendments agreed today or requested by Audit NZ, being:
 - 4.1. Community outcomes for the 2021-31 Long Term Plan
 - 4.2. Groups of Activities Section for the 2021-31 Long Term Plan
 - 4.3. Statement on Council Controlled Organisations for the 2021-31 Long Term Plan
 - 4.4. Statement on Fostering Contributions to Decision-making by Māori for the 2021-31 Long Term Plan
 - 4.5. Financial Strategy 2021-31
 - 4.6. 30 Year Infrastructure Strategy
 - 4.7. Executive Summaries for Heretaunga Plains Flood Control Scheme, Upper Tukituki Flood Control Scheme and Small Schemes Asset Management Plans
 - 4.8. Financial Statements 2021-31
 - 4.9. Significant Forecasting Assumptions 2021-31
 - 4.10. Fees and Charges Schedule 2021-22
 - 4.11. Policies on Rates Remission and Postponement
 - 4.12. 2021-2024 Our Corporate Plan.

**Kirton/Foss
CARRIED**

15. Chief Executive's Performance and Remuneration Review

RC22/21 Resolution

1. That Council excludes the public from this section of the meeting, being Agenda Item **Error! No document variable supplied. Error! No document variable supplied.** with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Chief Executive's Performance and Remuneration Review	s7(2)(f)(ii) The withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment. s7(2)(a) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect the privacy of natural persons.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

2. That Lawrence Yule remains in attendance for this item as subject matter expert.

**van Beek/Foley
CARRIED**

The meeting went into public excluded session at 12.05pm and out of public excluded session at 1.00pm

The meeting adjourned at 1.00pm and reconvened at 1.30pm

8. Time to Act - Kia Rite! 2021-31 Long Term Plan Consultation Document for Adoption

Jessica Ellerm introduced the item, with discussions highlighting:

- Received unmodified Audit last night
- Hot Review by Audit NZ requested minor changes which have been incorporated including 'emphasis of matter' recognising the significant step change in the capital programme (consistent across local government) and disclosing uncertainty over delivery of the capital programme and adding information about Climate Emergency declaration
- Desiree Cull outlined the additional information required by Audit in relation to the broader impacts of climate change. It was suggested to add "more frequent higher intensity weather events"
- Further changes to the CD include to Clive River Dredging, added borrowing limits to the debt graph, and debt is expressed as a dollar value and percentage of net revenue.

RC23/21 **Resolutions**

That the Hawke's Bay Regional Council:

1. Receives and considers the "*Time to Act - Kia Rite! 2021-31 Long Term Plan Consultation Document for Adoption*" staff report.
2. Adopts "*Time to Act – Kia Rite! 2021 -2031*", the Consultation Document for the 2021-2031 Long Term Plan and Summary document, subject to any changes required by Audit NZ and the insertion of the audit opinion.
3. Agrees that the Chief Executive will have final approval of any further minor editorial amendments in the Consultation Document and Summary document prior to it being made available for public consultation.

**Barker/Foss
CARRIED**

9. Report and Recommendations from 3 March 2021 Corporate and Strategic Meeting

The item was taken as read.

RC24/21 **Resolutions**

The Corporate and Strategic Committee recommends that Hawke's Bay Regional Council:

1. Receives and considers the "*Report and Recommendations from the 3 March 2021 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.

Recovery Fund Projects

3. Approves funding (\$400,000) for the following projects from the Council's \$1M Hawke's Bay Regional Recovery Fund
 - 3.1. Tukipo Constructed Wetland - \$100,000 (leveraged with Fonterra funding)
 - 3.2. Ecosystem Prioritisation program acceleration \$300,000 (leveraged with Jobs for Nature Private Land Biodiversity Fund funding).

HBRIC Ltd Draft 2021-22 Statement of Intent

4. Further considers the HBRIC Ltd 2021-22 draft Statement of Intent (Sol) and undertakes to provide any additional feedback on the Draft Sol to HBRIC Ltd by 1 May 2021 (LGA Sch8 cl3) to enable delivery of the completed Statement of Intent to Council on or before 30 June 2021 for adoption.

Wellington Leasehold Property Offer

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

Reports Received

6. Notes that the following reports were provided to the Corporate and Strategic Committee
 - 6.1. Report from the 17 February 2021 Finance, Audit and Risk Sub-committee
 - 6.2. Organisational Performance Report for Period 1 October to 31 December 2020
 - 6.3. Financial Report for Period 1 October to 31 December 2020
 - 6.4. HBRIC Ltd Quarterly Update for Period 1 October to 31 December 2020 (Public Excluded).

**Kirton/Barker
CARRIED**

10. Report and Recommendations from 10 March 2021 Regional Planning Committee Meeting

Rex Graham introduced the item, highlighting the appointment of tangata whenua representatives to Council's committees.

RC25/21 Resolutions

The Regional Planning Committee recommends that Hawke's Bay Regional Council:

1. Receives and notes the "*Report and Recommendations from the 10 March 2021 Regional Planning 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.

Regional Planning Committee Tangata Whenua Representation on Council's Committees

3. Formally confirms the appointment of the Regional Planning Committee Tāngata Whenua Representatives on the following Council Committees:
 - 3.1. Peter Paku as a member of the Environment and Integrated Catchments Committee
 - 3.2. Apiata Tapine as a member of the Corporate and Strategic Committee
 - 3.3. Mike Mohi as a member of the Hearings Committee in addition to Tania Huata as previously appointed
 - 3.4. Apiata Tapine as a representative on the Hawke's Bay Regional Council, with speaking rights only.

Kotahi Project Principles

4. Adopts **Option C** (following) as the Kotahi Project Principles to ensure a common

understanding of how the Kotahi Plan will be progressed providing a foundation/code of practice for both staff and decision-makers.

Option C Kotahi Project Principles
Communication <ul style="list-style-type: none"> • Timely • Consistent information • Fit for purpose • Tailored to the audience
Relationship Management <ul style="list-style-type: none"> • Partnership • Active involvement • Respect of values • Recognition of differences • Retention of identity • Tangata whenua led components • Recognition of mana whenua status
Outcome/results focused <ul style="list-style-type: none"> • Decision making on key matters • Realistic expectations (timeframes and resources) • Agile
Operational Awareness <ul style="list-style-type: none"> • Priorities • Progress focused • Work programme • Resourcing for both HBRC and tangata whenua • Matauranga Māori • Policy direction & change • Limitations & constraints
Core competencies of Māori engagement <ul style="list-style-type: none"> • Commitment to build capacity and capability • Understanding of values, interests and priorities • Knowledge of Treaty of Waitangi

Reports Received

5. Notes that the following reports for information were provided to the Regional Planning Committee:
 - 5.1. Resource Management Reform Announcements by Government
 - 5.2. Resource Management Policy Projects March 2021 Update
 - 5.3. March 2021 Statutory Advocacy Update
 - 5.4. Long Term Plan 2021-31 Development Update item was discussed in Public Excluded session.

Graham/Barker
CARRIED

11. Affixing of the Common Seal

		Seal No.	Date
1.1	Leasehold Land Sales		
1.1.1	Lot 7 DP 11626 CT C2/601 - Agreement for Sale and Purchase	4441	11 March 2021
1.1.2	Lot 195 DP 6598 CT C2/390 - Agreement for Sale and Purchase	4442	11 March 2021

1.2	Staff Warrants 1.2.1		
	1.2.2 A. Magdic P Karanjai <i>(Delegations under Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174))</i>	4440 4443	4 March 2021 17 March 2021

RC26/21 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. Confirms the action to affix the Common Seal.

**Barker/Lambert
CARRIED**

14. Statement of Proposal for Consultation for Adoption - New Council Controlled Trading Organisation (CCTO)

Jessica Ellerm introduced the item, a procedural matter, for consultation to establish two CCTOs, not the actual investment itself.

RC27/21 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the "Statement of Proposal for Consultation for Adoption - New Council Controlled Trading Organisation (CCTO)" staff report.
2. Agrees that the decision to adopt the Statement of Proposal for consultation is in accordance with the provisions of the Local Government Act 2002 and that Council can make this decision without conferring with the community or persons likely to have an interest in the decision.
3. Adopts the Statement of Proposal as proposed.
4. Agrees the proposed Submissions and Decisions process timeframes proposed.

**Barker/Foss
CARRIED**

12. Councillor's Reports from March 2021 Meetings of Outside Bodies

Councillor Rick Barker advised HBRIC board members went on a fact finding tour to assist development of a Strategic Plan for the organisation. Went to Hamilton to meet with Waikato Tainui's development arm. Renewed leadership and structures now making decisions and doing things in the best interests of the tribe and for the environment in line with their long term vision. Also met with Quayside – investment CCO of Bay of Plenty Regional Council ably led by Rob McLeod. In Ōpōtiki met with Whakatōhea Māori Trust in relation to their mussel farm development.

Councillor Will Foley attended the Future Farming Trust meeting recently and advised

the Trust is looking to tap into sources of partnership funding and has hired a Project Manager to assist with making applications and then providing oversight of successful projects.

13. Discussion of Minor Items Not on the Agenda

Topic	Raised by
Marine and Coastal Area (Takutai Moana) Act Inquiry MACA hearings are in their last week and looking forward to hearing about the outcomes of those	A Tapine
Burning issue – now is the time to front foot issues around orchardists burning prunings as has seen piles of wood waiting to be burned	Cr van Beek
Ohinepaka stream (well known spawning stream) – runs into Wairoa River and has noticed what appears to be a feedlot on Awamate Stream with stock standing in the waterway. Would like to contact landowner to propose planting project to get the riparian margin fenced and planted.	M McIlroy
Mangataniwha Forest reserve and work of Simon Hall (Mangataniwha Station). Has bought neighbouring land and retired it in natives, carrying out extensive biodiversity restoration work on the land. Experiencing difficulty paying rates and request that HBRC staff look into potential rates relief.	M McIlroy/ Cr Lambert

16. Confirmation of Public Excluded Minutes of the Regional Council meeting held on 24 February 2021

That Hawke’s Bay Regional Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 16 with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
HBRIC Investment in FoodEast	s7(2)(h) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Barker/van Beek
CARRIED**

The meeting moved into Public Excluded session at 1.59pm and out of Public Excluded session at 2.03pm

Councillor Charles Lambert led the group in offering a karakia to close the meeting.

Closure:

There being no further business the Chairman declared the meeting closed at 2.04pm on Wednesday, 24 March 2021.

Signed as a true and correct record.

DATE:

CHAIRMAN: