



## Meeting of the Hawke's Bay Regional Council

**Date:** 25 Aug 2021  
**Time:** 11.00am  
**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

### Agenda

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# HAWKE'S BAY REGIONAL COUNCIL

25 August 2021

**Subject: FOLLOW-UPS FROM PREVIOUS REGIONAL COUNCIL MEETINGS**

**Item 4**

## **Reason for Report**

1. On the list attached are items raised at Council Meetings that staff have followed up on. All items indicate who is responsible for follow up, and a brief status comment. Once the items have been reported to Council they will be removed from the list.
2. Also attached is a list of LGOIMA requests that have been received between 22 July and 18 August 2021.

## **Decision Making Process**

3. 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 "Follow-up Items from Previous Regional Council Meetings".

## **Authored by:**

**Leeanne Hooper**  
**TEAM LEADER GOVERNANCE**

## **Approved by:**

**Desiree Cull**  
**STRATEGY & GOVERNANCE MANAGER**

## **Attachment/s**

- 1 [↓](#) Follow-ups from Previous Regional Council meetings



## Follow-ups from previous Regional Council Meetings

Meeting held 28 July 2021

	Agenda Item	Action	Responsible	Status Comment
1	Coastal Hazards Strategy Implementation/ Execution	Report back to Council on a pathway for internal review, in relation to the implementation of the Coastal Hazards Strategy, of: <ol style="list-style-type: none"> <li>1 Organisation-wide impacts</li> <li>2 The most effective organisational structure for implementation of the Strategy</li> <li>3 Suitability of policy and regulatory framework</li> <li>4 Science output requirements</li> <li>5 Obligations to tangata whenua</li> <li>6 Ratepayer equity, including an assessment of the full financial cost to all ratepayers in delivering the strategy</li> <li>7 The impacts of climate change on the adaptive pathways in light of the most recent projections</li> <li>8 An assessment of the carbon footprint arising from implementing the strategy</li> </ol>	C Dolley /J Palmer	Working on a plan to bring back to a future council meeting.

## LGOIMA Requests Received

The following LGOIMA requests were received between 22 July and 18 August 2021

Request Date	Request ID	Status	Request Subject	Request Summary	Requested By
17/08/2021	OIR-21-068	Refused	Napier-Wairoa rail line	tonnage of logs freighted on this line for June July and August 2021 plus the number of trips involved	Individual
13/08/2021	OIR-21-067	Active	Manuka Returns and Operating Deficit	1. provide details around the low returns from the Tūtira Mānuka plantation 2. what is the "new \$21.7m provision linked to the 2013 ACC agreement" all about	Journalist
13/08/2021	OIR-21-066	Active	Abatement Infringement and Warning Notices	copies of abatement, infringement and warning notices issued as listed in Table 1, C&S 18 August 2021 agenda item 8	Journalist
12/08/2021	OIR-21-065	Active	Human Resource strategy and policies	<ul style="list-style-type: none"> <li>• Human Resource Strategy/People Management strategy</li> <li>• Training/ Learning and Development policy/guidelines</li> <li>• Employee Wellbeing policy/guidelines</li> <li>• Recruitment and staffing policy/guidelines</li> <li>• Performance management and appraisal policy/guidelines</li> <li>• Employee Benefits policy</li> </ul>	Individual
12/08/2021	OIR-21-064	Active	AUTH-118189-01 and AUTH-118189-02 resource consents	Info from Resource Consent applications and officer's reports including telemetry data, Modelled Crop Water Requirements, flow monitoring & predictive fish modelling	Kanapu Holdings
10/08/2021	OIR-21-063	Active	Council Communications Staff	<ol style="list-style-type: none"> <li>1. How many staff in the comms team as of 10/8/21, 1 year prior, &amp; 2 years prior.</li> <li>2. Is Council currenting looking at employing any more comms roles? If so, pprovide details.</li> <li>Since 1/1/2020: 3. any comms &amp; correspondence between staff discussing the rationale of employing comms staff.</li> <li>4. Any reports to Council re need for comms staff</li> <li>5. Any job adverts for comms staff.</li> <li>6. Salary bands of comms staff &amp; number in each salary band.</li> <li>For last 3 financial years: 7. Comms budgets, detailing spend</li> <li>8. Any comms staff employed exclusively for the chair or councillors? if yes, job description, salary band &amp; length of employment.</li> <li>9. Current communications strategy</li> </ol>	Radio NZ
6/08/2021	OIR-21-062	Active	gravel extraction at Stockade Road Waipawa	a copy of all consents issued (+ any under application) for gravel abstraction at Stockade Road, Waipawa	Ruataniwha Holdings Ltd

Request Date	Request ID	Status	Request Subject	Request Summary	Requested By
26/07/2021	OIR-21-061	Completed	Middle Rd - Blind Rd Landfill	How landfill is managed under the Resource Management Act	Office of Anna Lorck
29/07/2021	OIR-21-060	Active	Mahanga Wetland non-compliance	27 July press release – 1. types & number of non-compliant activities- 2. what & how many enforcement actions taken. Last 12 months 3. number of floods from wetland recorded 4. number of non-compliance incidents. 5. copy of 2015 letter to Mahanga residents giving permission to keep the outlet open 6. advice given to Mahanga residents re 2018 Rule changes	Journalist



# HAWKE'S BAY REGIONAL COUNCIL

25 August 2021

Item 5

## Subject: SIGNIFICANT ORGANISATIONAL ACTIVITIES LOOKING FORWARD THROUGH SEPTEMBER 2021

### Reason for Report

- The commentary following is for Councillors' information, to highlight significant areas of Council activity. Significant Council resources are being directed toward various initiatives, which reflect the Council's evolving agenda and it is considered important that Council is consistently informed on progress in areas that have or may create a high external profile.

<b>Whole of Region</b>		
<b>Project / Activity Description</b>	<b>Significant Upcoming Milestone(s)</b>	<b>Group /Team or Section</b>
Incidents and Enforcement	<ol style="list-style-type: none"> <li>There are 19 active prosecutions before the courts, at various stages therefore not able to comment publicly on.</li> <li>Currently visiting all consented and unconsented vehicle wrecker/dismantling yards in Hawke's Bay ensuring they are complying with their consents or need to apply for a consent.</li> </ol>	<b>Regulation</b> Compliance & Enforcement
Poplar and Willow harvest and distribution	<ol style="list-style-type: none"> <li>Harvesting poplar poles and willow wands, with deliveries underway. The next few months (during the planting season) is a busy time for Catchment and Nursery staff.</li> </ol>	<b>ICM</b> Catchment Delivery
Primary Sector Collaboration	<ol style="list-style-type: none"> <li>A primary sector Pan Sector group will be re-formed at a meeting on 31 August. The intention is to be well connected to primary sector groups and organisations so that we have a common understanding and clear and consistent messaging to help landowners navigate through upcoming RMA and other changes and requirements. This group will not replicate the Hastings District Council Primary Producers group which is focused on a shared awareness of rural issues at the political level.</li> </ol>	<b>ICM</b> – Catchment policy implementation
Outstanding Water Bodies Plan Change 7	<ol style="list-style-type: none"> <li>OWB appeal period closed at 5pm 6 August 2021. Three appeals have been received. A joint submission was received from Ngati Kahungunu Iwi Incorporated and Te Taiwhenua o Heretaunga, and individual appeals from Forest and Bird and The Maori Trustee.</li> </ol>	<b>Policy &amp; Planning</b> Policy & Regulation
Submission on national farm plan and stock exclusion framework	<ol style="list-style-type: none"> <li>Submissions and feedback will be provided to MFE on Stock exclusion and Farm plan requirements by 12 September to help inform development of more detailed regulations.</li> </ol>	<b>Policy Implementation</b>

<b>Northern Catchment</b>		
<b>Project / Activity Description</b>	<b>Significant Upcoming Milestone(s)</b>	<b>Group /Team or Section</b>
River Parade Erosion Protection	<ol style="list-style-type: none"> <li>Work is expected to commence on site September 2021</li> </ol>	<b>Regional Projects</b>
Right Tree Right Place	<ol style="list-style-type: none"> <li>Preparing September EICC paper requesting bring forward of funding to accelerate the RTRP project as discussed at Council workshop 4 August.</li> </ol>	<b>ICM</b>

<b>Northern Catchment</b>		
<b>Project / Activity Description</b>	<b>Significant Upcoming Milestone(s)</b>	<b>Group /Team or Section</b>
Pest control	<p>9. Predator Free HB team focus is mainly on Whakatipu Mahia, continuing work in and around the township and refining placement of the barrier to protect the peninsula. Remaining bait stations targeted for completion in August, when there will be over 8000 bait stations across the peninsula.</p> <p>10. Entering the next phase of hunting down surviving possums using predator dogs, motion sensitive cameras, auto feeders, wireless traps and infra-red spotlighting equipment.</p> <p>11. Monitoring programme for PCA properties prepared and the contractor will begin the farmer contact process under the new HASE guidelines being tested.</p> <p>12. Starting preparations for this season's rook control programme across the region.</p>	<b>ICM – Catchment Services</b>

<b>Central Catchments</b>		
<b>Project / Activity Description</b>	<b>Significant Upcoming Milestone(s)</b>	<b>Group /Team or Section</b>
TANK Plan Change (PC9)	13. The Hearing Panel determined that an additional 1-2 days is required to discuss some issues in more detail - dates 27 & 28 September set. The agenda has yet to be set.	<b>Policy &amp; Planning</b>
Omaranui Landfill expansion resource consent applications	<p>14. HDC is currently meeting with all submitters individually and has asked for a time extension while they undertake this consultation.</p> <p>15. Hearing Panel appointed and hearing likely in September.</p>	<b>Regulation Consents</b>
Clive River Dredging and discharge of dredge materials	16. Applications lodged for the dredging and discharge of dredged material have been assessed by external consultants. Provider of cultural impact assessment has formally withdrawn their offer. A Hearing Panel has been appointed in case the application proceeds to a Hearing.	<b>Asset Management Regulation Consents</b>
Flood Control Schemes	<p>Resilience Fund projects</p> <p>17. Taradale stopbank strengthening detailed design in progress.</p> <p>18. Moteo, Roys Hill, Ngatarawa, East Clive stopbank strengthening options being worked through with a consultant with estimated delivery by October 2021. Early contractor engagement has commenced on methodology and specifications for construction.</p>	<b>Asset Management Engineering Regional Projects</b>
Heretaunga Plains Scheme review	<p>19. The Lower Tukituki River hydrodynamic model is completed, and results show that more significant work will be required to increase resilience of the infrastructure. This new information is being fed into the work reprioritising stopbank upgrades.</p> <p>20. Further modelling of lower reaches and river mouth being done to understand the effects of different conditions.</p>	<b>Asset Management Regional Projects</b>
Gravel Management	<p>21. All contractors and industries have been updated on upcoming changes with global consent implementation.</p> <p>22. Asset Management team is working with consent authority to find a suitable solution for rivers which are not part of the global consent.</p> <p>23. Site visit arranged for August and Hearing scheduled for September</p> <p>24. Allocations determined under the existing system for 2021-22.</p>	<b>Asset Management Consents, Schemes</b>

<b>Central Catchments</b>		
<b>Project / Activity Description</b>	<b>Significant Upcoming Milestone(s)</b>	<b>Group /Team or Section</b>
Waitangi Regional Park	25. Stage 3 delivery of the Waitangi Park with focus on the coastal site, creating a pathway, wetlands and restricting access to 4WD. We also proceed with planning to install a toilet block. 26. MoU for collaboration with the Atea a Rangi to agree on future management of the park is underway; lead by Atea a Rangi with support of the HBRC team.	<b>Asset Management</b> Open Spaces
Tangoio and Tūtira Forestry	27. First tranche of Tangoio and Tūtira logging is complete. Second tranche to resume in summer 2021-2022.	<b>Asset Management</b> Open Spaces, Forestry
Hawea Historical Park / Karamu Stream Diversion	28. Hawea Park Management draft plan is under review, awaiting cultural information from the Hawea Historical Park Management Committee. 29. Stage 3 project delivery includes pathways around the park, construction work for widening of the confluence and design of the bridge. 30. Planting day is scheduled in August.	<b>Asset Management</b> Open Spaces, Regional Assets
Bayview/ Whirinaki Cycleway	31. Project on hold pending resolution of land matters with NCC. 32. HBRC and NCC teams have met and agreed to carry out a further clarification, risk, budgets confirmation, and feasibility on achieving the outcomes for this project. 33. A report on outcomes of this process will be distributed to NCC and HBRC Executive teams in August. 34. Additional survey work undertaken to confirm property boundary.	<b>Asset Management Regulation</b> Regional Projects
Hastings By-election	35. Nominations closed 15 July with 3 nominations received. 36. Election day is 10 September.	<b>Electoral Officer</b>

<b>Southern Catchments</b>		
<b>Project /Activity Description</b>	<b>Significant Upcoming Milestone(s)</b>	<b>Group /Team or Section</b>
Upper Tukituki Flood Control Scheme	37. Earthworks completed on Waipawa river erosion above SH50 and handover to asset owner is under way. 38. Meeting with contractors and gravel industry to discuss commercial model and seek feedback on the model. 39. Prioritisation for the gravel extraction location has been confirmed. 40. Working on forming new accesses over private land to reach priority areas.	<b>Asset Management</b> Regional Projects, Schemes

### 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 Organisational Activities Looking Forward through September 2021*" staff report.

**Authored by:**

**Allan Beer**  
**TEAM LEADER BIOSECURITY - ANIMAL PESTS**

**Jack Blunden**  
**TEAM LEADER COMPLIANCE - URBAN & INDUSTRIAL**

**Vicki Butterworth**  
**CYCLE NETWORK COORDINATOR**

**Desiree Cull**  
**STRATEGY & GOVERNANCE MANAGER**

**Tania Diack**  
**TEAM LEADER CONSENTS**

**Ben Douglas**  
**FOREST MANAGEMENT ADVISOR**

**Ceri Edmonds**  
**MANAGER POLICY AND PLANNING**

**Russell Engelke**  
**TEAM LEADER OPEN SPACES**

**Dean Evans**  
**MANAGER CATCHMENTS DELIVERY**

**Craig Goodier**  
**PRINCIPAL ENGINEER**

**Martina Groves**  
**MANAGER REGIONAL ASSETS**

**Nathan Heath**  
**AREA MANAGER NORTHERN HAWKE'S BAY**

**Dr Andy Hicks**  
**TEAM LEADER/PRINCIPAL SCIENTIST WATER QUALITY AND ECOLOGY**

**Rob Hogan**  
**MANAGER COMPLIANCE**

**Gavin Ide**  
**PRINCIPAL ADVISOR STRATEGIC PLANNING**

**David Keracher**  
**MANAGER REGIONAL PROJECTS**

**Campbell Leckie**  
**MANAGER CATCHMENT SERVICES**

**Malcolm Miller**  
**MANAGER CONSENTS**

**Brendan Powell**  
**MANAGER CATCHMENTS POLICY IMPLEMENTATION**

**Wendy Rakete-Stones**  
**ACTING TEAM LEADER PLANT PESTS**

**Dr Jeff Smith**  
**MANAGER SCIENCE**

**Approved by:**

**Katrina Brunton**  
**GROUP MANAGER POLICY & REGULATION**

**Chris Dolley**  
**GROUP MANAGER ASSET MANAGEMENT**

**Iain Maxwell**  
**GROUP MANAGER INTEGRATED CATCHMENT MANAGEMENT**

**Attachment/s**

There are no attachments for this report.

# HAWKE'S BAY REGIONAL COUNCIL

25 August 2021

Item 6

## Subject: CALL FOR MINOR ITEMS NOT ON THE AGENDA

### Reason for Report

1. This item provides the means for councillors to raise minor matters relating to the general business of the meeting they wish to bring to the attention of the meeting.
2. Hawke's Bay Regional Council standing order 9.13 states:
  - 2.1. "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

3. That Council accepts the following "Minor Items Not on the Agenda" for discussion as Item 13.

Topic	Raised by

**Leeanne Hooper**  
**GOVERNANCE TEAM LEADER**

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



**Subject: REPORT AND RECOMMENDATIONS FROM THE MĀORI COMMITTEE**

**Reason for Report**

1. This item provides a summary of discussions at the 11 August 2021 Māori Committee meeting along with recommendations for Council's consideration and provides the opportunity for the Co-chairs to add additional context as they wish.

**Agenda Items**

2. The regular **Take Ripoata Ā Takiwā – Taiwhenua Representatives' Updates** covered:
  - 2.1. The **Wairoa Taiwhenua** report expressed disappointment that the Wairoa awa was not included in the list of Outstanding Water Bodies and advised they will be appealing the decisions made by the independent commissioners through the Environment Court process.
  - 2.2. The **Te Taiwhenua o Tamatea** report highlighted that Covid-19 vaccinations are being administered at the Waipawa Rugby Club and planning is under way for Central Hawke's Bay (such as Pōrangahau and Takapau).
  - 2.3. The **Te Whanganui-ā-Orotu** report noted the good discussions held on the establishment of Māori constituencies and supported the establishment of two, as well as highlighting progress made on Marae restoration projects.
  - 2.4. The **Te Taiwhenua o Heretaunga** report raised concerns about access to waterways and HBRC's Global consent for Gravel extraction as well as expressing disappointment that the Lower Tukituki awa was not included on the list of Outstanding Water Bodies list and advising they too will be preparing an appeal against the decisions made by the Independent Commissioner Panel.
3. The **HBRC Chair and Chief Executive's Verbal Updates** highlighted concerns about the slow progress on Council's Climate Change work programmes and HBRC's agreement to take the lead on implementing the Coastal Hazards Strategy. The update also covered:
  - 3.1. Flood Scheme upgrades in Heretaunga and Tukituki
  - 3.2. the expanded Erosion Control Scheme
  - 3.3. the On Demand Public Transport trial
  - 3.4. Nationwide focus on Water Reform, implementation of freshwater and three waters reforms, Resource Management Act changes, Zero Carbon Act, and the Future of Local Government
  - 3.5. Kotahi plan development, TANK Plan Change decisions, Outstanding Water Bodies decisions being appealed to the Environment Court
  - 3.6. Ahuriri Regional Park planning, QEII native bush fencing, funding and planning for Wairoa Regional Park
  - 3.7. Review of Council's Biosecurity programmes underway.
4. The **Constituency Options for HBRC for Representation Review** item sought the Committee's recommendation on whether one or two Māori constituencies is preferred, resulting in the recommendations to Council for resolution, being:
  - 4.1. There was a general consensus from the committee that two Māori Constituencies be established.
  - 4.2. The names for new constituencies be referred to kaumatua for guidance and advice

- 4.3. In relation to the boundary between the Northern and Southern Māori constituencies, Māori Committee Taiwhenua representatives expressed their desire for the boundary between the two constituencies to be formed by the naturally occurring geographical boundary of an awa, in this case, the Ngaruroro awa as guidance for boundary lines.
5. The **Water Security Programme Update** item provided an update on the HBRC Provincial Growth Fund Regional Water Security Programme
  6. A further update was given on the Central Hawke's Bay Managed Aquifer Recharge Pilot project, site validation and efforts made with landowner arrangements, consenting processes, technical trials and analysis and mana whenua engagement.
  7. With the Heretaunga Water Storage Investigations, there has been active investigation on water storage solutions for long-term water security for the Heretaunga Catchments. Viable options were identified as a separate process of decision making and consultation would be necessary before any infrastructure could be progressed beyond feasibility investigations.
  8. The **Tangaroa Tohu Mana Tangaroa Tohu Mauri – Marine Cultural Health Programme** presentation outlined the partnership between Ahuriri mana whenua hapū and Napier Port. The kaupapa is spear-headed by Te Ohu Urungi – or Mana Whenua Steering Kōmiti. The unique and innovative cultural monitoring framework measures and monitors the cultural and ecological health of the marine environment in and around the Ahuriri area, including Pānia Reef. The programme is founded on mātauranga Māori and recognises that everything is connected – the spiritual world, natural world, te taiao (environment) and people. The cultural health and environmental state of each of the pou Mana Moana and pou Mana Tangata is assessed using:
    - 8.1. Tohu Matua – Key indicators
    - 8.2. Tohui Whaiti – Sub indicators made up of the most import, highly valued, or most representative indicator specific to that Tohu Matua, and
    - 8.3. Pātai Inenga: Qualitative and quantitative measures.
  9. The **Outstanding Water Bodies Plan Change: Overview of Decisions** item presented an overview of the decisions made by the Independent Hearing Panel on Proposed Plan Change 7 (Change 7) to the Regional Resource Management Plan (RRMP).
  10. Fifteen outstanding water bodies, or parts thereof were identified in Hawke's Bay as listed below.
 

<ul style="list-style-type: none"> <li>• Lake Tutira (including Lake Waikōpiro)</li> <li>• Lakes Rotoroa and Rototuna (the Kaweka Lakes)</li> <li>• Te Whanganui-a-Orotū (Ahuriri Estuary)</li> <li>• Mangahouanga Stream</li> <li>• Lake Waikaremoana</li> <li>• Lake Whakakī – Te Paeroa Lagoon – Wairau Lagoon and Wetlands</li> <li>• Lake Whatumā</li> <li>• Mainstem of the Tūtaekurī River upstream of the SH50 Bridge</li> </ul>	<ul style="list-style-type: none"> <li>• Ngamatea East Swamp</li> <li>• The Mohaka River Mainstem upstream of Willow Flat</li> <li>• Ngaruroro River upstream of the Whanawhana cableway</li> <li>• Taruarau River</li> <li>• Pōrangahau River and Estuary downstream of the Beach Road Bridge</li> <li>• Te Hoe River</li> <li>• Tukituki River downstream of SH50 bridge to the sea, including the estuary</li> </ul>
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  11. The period for lodging appeals with the Environment Court against those decisions closed on the 6 August 2021 and staff will report back to the Regional Planning Committee meeting on 1 September on the outcome and number and content of the appeals (if any). Appeals will proceed through the Environment Court's processes, which include mediation and formal court hearings if necessary.
  12. The **July 2021 Statutory Advocacy Update** provided provided an update on local resource management-related proposals upon which the Regional Council has an opportunity to make comments or to lodge a submission.

13. The **Significant Organisational Activities Looking Forward through August 2021** item highlighted significant areas of Council activity as provided to the 28 July 2021 Regional Council meeting.
14. The **Reports from Regional Council and Committee Meetings** item provided information from recent meetings attended by the Committee Co-chairs and representatives on Council committees, and the opportunity for the Māori Committee representatives to discuss any matters of particular interest arising from those meetings.
15. Since the Māori Committee last met on 9 June 2021, there have been two Committee meetings held being the Environment and Integrated Catchments Committee and the Hearings Committee, both been held on 23 June 2021. Two Regional Council meeting here held 30 June and 28 July 2021.

### **Decision Making Process**

16. The items were specifically considered by the Māori Committee on 11 August 2021 and are now the subject of the following recommendations to Council.

### **Recommendations**

1. That Hawke's Bay Regional Council receives and notes the "*Report and Recommendations from the Māori Committee*"
2. The Māori Committee recommends that Hawke's Bay Regional Council considers the following when deciding on the proposed Representation Arrangements for the 2022 and 2025 local elections.
  - 2.1 The preference of Taiwhenua representatives on the Māori Committee is for Council to establish two Māori constituencies for the election of one representative of each by voters enrolled on the Māori roll.
  - 2.2 the preference of Taiwhenua representatives on the Māori Committee is that the names of the Māori constituencies be determined in consultation with kaumatua
  - 2.3 Support for the Council including the Māori names for Napier, Hastings and Central Hawke's Bay in the General constituency names.

### **Authored by:**

**Annelie Roets**  
**GOVERNANCE ADVISOR**

### **Approved by:**

**Pieri Munro**  
**TE POU WHAKARAE**

### **Attachment/s**

There are no attachments for this report.



# HAWKE'S BAY REGIONAL COUNCIL

25 August 2021

## Subject: REPORT AND RECOMMENDATIONS FROM 18 AUGUST 2021 CORPORATE AND STRATEGIC COMMITTEE MEETING

Item 8

### Reason for Report

1. The following matters were considered by the Corporate and Strategic Committee (C&S) meeting on 18 August 2021 and the recommendations agreed are now presented for Council's consideration alongside any additional commentary the Chair, Councillor Neil Kirton, wishes to offer.

### Agenda Items

2. The **Report and Recommendations from the 4 August 2021 Finance Audit and Risk Sub-committee** (FARS) item reported to the Corporate and Strategic Committee (C&S) on the meeting's proceedings including a Risk Management Maturity Update item, an Internal Audit Report – Talent Management and 2020-21 Annual Treasury Report.
  - 2.1. In relation to the Risk Management Maturity item, the FARS recommended that the C&S agree to the staff proposal to reset the baseline of the supporting Risk Management Maturity Project Plan to implement the Risk Roadmap. The recommendation of FARS was accepted, and the C&S resolved:
    - 2.1.1. Agrees to reset the baseline of the supporting Risk Management Maturity Project Plan to implement the roadmap as proposed.
3. The **HBRC Representation Arrangements Review** item provided options for the Committee to consider for recommendation to Council, including:
  - 3.1. the total number of elected representatives being either 9 or 11
  - 3.2. the establishment of two Māori constituencies as recommended by tangata whenua representatives of the Māori and Regional Planning committees
  - 3.3. retention of the number and boundaries of the five General constituencies as supported and determined by the Local Government Commission in the 2018 and 2012 representation reviews, and changing the names of three of those five constituencies to include the Māori name
  - 3.4. extending the boundary of the current Wairoa constituency southward to increase the population to better meet the +/-10% requirement.
4. Given the significance and complexity of decisions on Council's representation arrangements, the Representation Arrangements Review is the subject of a separate agenda item.
5. The **Territorial Local Authority (TLA) Compliance Programmes** item summarised the compliance programmes in place for engaging and managing consented and permitted activity discharges/land uses by the main Territorial Local Authorities (TLAs) in the Hawke's Bay region. The committee was confident there is a robust and effective strategy in place to ensure TLA compliance with national regulations and regional rules for the protection of our natural and built environments.
6. The **2020-21 Annual Interim Results and Carry Forwards for 2020-21** provided the Committee with interim financial results for the 2020-21 financial year to 30 June 2021, prior to audit, and requests to carry forward expenditure budgets from 2020-21 to 2021-22 while noting that end-year financial statements are likely to change as officers refine information as part of the Audit process. The report also highlighted that the audit of the 2020-21 annual report is not expected to commence until October, with adoption scheduled for December 2021 (to meet the new statutory deadline of 31 December).

7. The **2020-21 Annual Report – Interim Non-Financial Results** provided Committee with the interim non-financial results for review prior to audit and inclusion in the 2020-21 Annual Report. This included the 23 Strategic Plan outcomes (SPOs) and the 60 level of service measures (LOSMs). The Committee suggested changes to bolster the qualitative commentary for some measures, including:
  - 7.1. stock exclusion SPO – add “All river berms managed by Council are either fenced if grazed, or mowed”
  - 7.2. Life supporting SPO –consider changing this to off-track based on the last sentence and look to bolster it with some SOE results e.g. state of Karamu, Ahuriri
  - 7.3. Ecosystem Prioritisation site SPO – add sentence saying that the pending NPS – Biodiversity will introduce regulatory drivers that will support the achievement of this target and some commentary about the type of sites worked on to date
  - 7.4. Strategic relationships LOSM – add in some commentary acknowledging the milestones and shifts in relationships and outcomes achieved this year e.g. updated establishment of Māori constituencies and co-design of Mohaka plan change as well as co-design of the survey/reporting framework with the Māori Committee and Regional Planning Committee tāngata whenua reps.
8. The **Organisational Performance Report for Period 1 April to 30 June 2021** item provided quarter four (Q4) of the 2020-21 financial year for the period 1 April – 30 June 2021. Commentary received noted improvements planned for the new financial year including using the newly implemented TechOne system to pull data into the People & Capability and Finance pages of the dashboard.
9. The **HBRIC Ltd Quarterly Update** item provided Council with an update on HBRIC’s activities for the last quarter of the 2020-21 financial year, noting that the company’s annual report will be made available to Council following adoption by the HBRIC Board.
10. The **Public Excluded Report from the Finance, Audit and Risk Sub-committee** item provided a summary of interim measures the People and Capability team is taking in relation to current recruitment risks as requested by the Finance, Audit and Risk Sub-committee.

### Decision Making Process

11. Items were specifically considered by the Corporate and Strategic Committee on 18 August 2021 and are now the subject of the following recommendations to Council.

### Recommendations

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

1. Receives and considers the “*Report and Recommendations from the 18 August 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.

### 2020-21 Annual Interim Results and Carry Forwards for 2020-21

3. Approves the carry forward of all expenditure requests from the 2020-21 to the 2021-22 budget; being:

### Operating Expenditure Carry Forward Requests

Project	Request	Source of Funds			
		General	Reserve	External	Debt
<b>Policy &amp; Regulation</b>					
191 - Regional Coastal Plan	121,925	121,925			
192 - Strategy & Planning	233,007	233,007			
<b>Asset Management</b>					
240 - Makara Flood Control Scheme	44,693		44,693		
322 - Coastal Processes	96,341	96,341			
<b>ICM</b>					
312 - Tukipo Wetland	41,000			41,000	
339 - Land Science Research & Investigations	40,000	26,000		14,000	
354 - Whakaki Lake Protection & Enhancement	269,422	269,422			
379 - Erosion Control Scheme	1,275,511				1,275,511
662 - Biodiversity	374,440			374,440	
Recovery Funding	600,000				600,000
<b>Total</b>	<b>3,096,649</b>	<b>747,005</b>	<b>44,693</b>	<b>429,440</b>	<b>1,875,511</b>

### Capital Expenditure Carry Forward Requests

Project	Request	Source of Funds			
		General	Reserves	External	Debt
<b>Asset Management</b>					
287 - Clive River Dredging	1,155,904		1,155,904		
291 - HPFCS - Napier/Meeanee/Puketapu	79,237		79,237		
<b>ICM</b>					
310 - Ruataniwha Groundwater Modelling	389,102				389,102
313 - Hydrodynamic Model	25,000				25,000
333 - 3D Aquifer Mapping (SkyTEM)	543,715				543,715
334 - LiDAR Mapping	410,493				410,493
<b>Regional Income</b>					
995 - Water Security	2,872,387		2,872,387		
<b>IT</b>					
913 - Systems Integration Projects	1,430,000				1,430,000
<b>CAPEX</b>					
IT Asset Purchases	577,000		427,000		150,000
Buildings	1,915,000				1,915,000
Monitoring Drilling	369,549				369,549
Science Equipment Purchases	136,500		86,500		50,000
<b>Total</b>	<b>9,903,887</b>		<b>4,621,028</b>		<b>5,282,859</b>

### Reports Received

- 4 Notes that the following reports were provided to the Corporate and Strategic Committee:
  - 4.1 Territorial Local Authority (TLA) Compliance Programmes
  - 4.2 2020-21 Annual Report – Interim Non-Financial Results
  - 4.3 Organisational Performance Report for Period 1 April to 30 June 2021
  - 4.4 HBRIC Quarterly Update
  - 4.5 Public Excluded Report from the Finance, Audit and Risk Sub-Committee-in relation to the development of Council's People & Capability strategy.

### Authored by:

**Leeanne Hooper**  
**TEAM LEADER GOVERNANCE**

**Annelie Roets**  
**GOVERNANCE ADVISOR**

### Approved by:

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

### Attachment/s

There are no attachments for this report.



# HAWKE'S BAY REGIONAL COUNCIL

25 August 2021

Item 9

## Subject: FUTURE OF HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

### Reason for Report

1. The purpose of this report is to present to Council recommendations on the future of the Hawke's Bay Drinking Water Governance Joint Committee and Working Group, arising from discussions by the Joint Committee on its Terms of Reference.

### Officers' Recommendations

2. Council officers recommend that, in its role as a member agency of the Hawke's Bay Drinking Water Governance Joint Committee, Council supports:
  - 2.1. placing the Hawke's Bay Drinking Water Governance Joint Committee into abeyance with governance oversight of drinking water safety being transferred to the Regional Leaders' Forum, who may consider incorporating the appropriate representation requirements, particularly public health, and Iwi
  - 2.2. retention of the Hawke's Bay Drinking Water Joint Working Group with reporting by the Group to go directly to the Regional Leaders' Forum, with future institutional and administrative support to be agreed by the Regional Leaders' Forum.

### Background

3. Comprehensive water reform is occurring across New Zealand with regulatory reform through legislation, the formation of Taumata Arowai and service delivery reform of Three Waters. This led to a discussion at the March 2021 meeting of the Hawke's Bay Drinking Water Governance Joint Committee suggesting that a revisit of the Terms of Reference for the Committee should occur to assess whether or not the Terms of Reference remain fit for purpose.
4. The Terms of Reference for the Committee are based on its establishment following the Havelock North drinking water contamination event and its purpose being to provide governance oversight to the Joint Drinking Water Working Group (a group of staff from the member agencies) regarding the implementation of recommendations from the Board of Inquiry and the evolution of the Joint Working Group into a more permanent officials' working group.
5. The Joint Committee has met on ten occasions since it was established in 2017. The work programme for the Committee has focused on completing the Board of Inquiry recommendations, the establishment of a communications protocol among agencies for drinking water contamination events, and the development of the source protection provisions for the TANK Plan Change. In addition, the Committee has approved the preparation and content of submissions to several pieces of proposed legislation and the TANK Plan Change.

### Progress on Board of Inquiry Recommendations

6. The Board of Inquiry issued 17 recommendations from the first stage of its Inquiry. These were developed in conjunction with the Water Safety Working Group (the precursor to the Joint Drinking Water Working Group), which at that stage comprised representatives from HBRC, HDC, the DHB and Drinking Water assessors. These recommendations were centred around the safety and integrity of the Brookfield Road bores and the wider HDC water supply. The recommendations are either part of ongoing maintenance and monitoring work or were completed within twelve months of being issued.

7. Part 2 of the Board of Inquiry report looked at the wider management of drinking water and the 40 recommendations from Part 2 focussed on legislative reform (including to the RMA for source protection), the establishment of a national drinking water regulator, and a range of recommendations to and for the Ministry of Health.
8. Both the HB Drinking Water Governance Joint Committee (DWJC) and the Joint Drinking Water Working Group (JWG) have contributed to the development of these changes when given the opportunity to do so. Additionally, both groups have used the opportunities available to increase their understanding of the science underpinning drinking water status and supplies throughout Hawke's Bay.
9. A White Paper prepared by the JWG at its inception also included a range of actions to be undertaken by the Group to enhance its operations and effectiveness. These included agreement on a communications protocol to be used by the member agencies in the event of a drinking water contamination event (or potential event), and a project to look at digital data sharing. The communications protocol is in place and has been used.
10. The data sharing project has not been completed, due in part to the precedence given to developing the TANK source protection plan provisions and in part to the establishment of Taumata Arowai as the national drinking water regulator and gaining an understanding of *its* role in data collection and distribution.

### Three Waters Reform

11. In early 2019, Central Hawke's Bay District Council, Hastings District Council, Napier City Council, Wairoa District Council and Hawke's Bay Regional Council began working together to review the current and potential service delivery options for drinking water, wastewater, and stormwater for all of Hawke's Bay. The project aligned with the five councils' strategic priority for the 2019-22 triennium - water safety, security, and planning. Governance oversight of this project was provided by the region's four Mayors, the Chair of HBRC and the CEs of the five councils.
12. In July 2020, the Government announced a \$710 million funding package to support economic recovery relating to COVID-19, and to start to address the persistent issues facing the three waters sector, through a combination of infrastructure investment stimulus and service delivery reform. Councils that agreed to participate in the initial phase of the reform programme were eligible to receive a share of this funding package. Hawke's Bay's four territorial authorities all opted into the initial phase of the reform.
13. Since then, a comprehensive service delivery reform programme has been established by the Department of Internal Affairs, using a partnership approach between central and local government. Cabinet has agreed there will be a centrally led process to determine the boundaries and number of new entities. This will mean that councils will not choose which neighbours/entity to join but may choose to opt-out of the entity they are assigned to when fully equipped with the information of what this might mean locally.
14. The Department of Internal Affairs (DIA) has recently released analysis and modelling to advance the evidence base informing the case for change for the Three Waters Reform Programme.
  - 14.1. The reports include analysis of the economic benefits of reform by the Water Industry Commission of Scotland (WICS), independent reviews of WICS' methodology by Farrierswier and Beca, and an analysis of the effects of the proposed reform on the economy and affected industries by Deloitte.
  - 14.2. The reports highlight the huge investment required over the next 30 years to ensure that New Zealanders have access to safe drinking water and that wastewater and stormwater networks achieve good environmental outcomes.
15. The timeline for further decisions on the construct of the Three Waters entities and their governance constructs is still not clear. Any update on transition arrangements is delayed until government decisions are made, and this could be October 2021.

## Joint Drinking Water Working Group

16. The Hawke's Bay Joint Drinking Water Working Group (JWG) is the group of officials from the agencies involved in the management and/or delivery of safe drinking water. The JWG was set up at the conclusion of Stage 1 of the Havelock North Board of Inquiry process with its core functions being inter-agency collaboration and maintenance of public health through the delivery of drinking water.
17. The agencies represented on the JWG now include all five councils, the Hawke' Bay District Health Board through its Public Health Unit, and Drinking Water Assessors. Ngati Kahungunu Iwi Inc was also represented at the JWG but chose to leave the group following the work on the TANK Plan change. Iwi/hapū representation is important for any ongoing management/delivery entity and needs to be addressed at the time a decision is made.
18. The JWG continues to implement the work programme set by the Committee. Up until the Level 4 lockdown the JWG would meet approximately every two months and since that time has met less regularly but still meets as the work programme necessitates to exchange information, to progress actions and to prepare for Joint Committee meetings.

## Discussion

19. Since the March 2021 Joint Committee meeting, a sub-group of Committee members including councillors Hinewai Ormsby (HBRC) and Nigel Simpson (NCC) met to discuss the way forward for the Committee and to make appropriate amendments to the Terms of Reference. Members of the JWG held a separate workshop on this topic.
20. The sub-group considered the potential for the Committee to provide a feedback mechanism to the new Three Waters Entity and to provide closer oversight of the service delivery aspects of three waters infrastructure for Hawke's Bay and the opportunity for the Committee to become a key advisory or advocacy group.
21. The sub-group considered that the Committee potentially had a more aspirational role to play in governance in this area. However, in the absence of any clear decisions about the construct of the new entities this was not able to be pursued in any detail.
22. The JWG workshop traversed the future role of the Joint Working Group in any future decisions about the Joint Committee. The consensus is that there is value in retaining the JWG for several reasons including:
  - 22.1. the Havelock North Board of Inquiry recommended the establishment of collaborative cross-agency groups to ensure improved communications and understanding between those agencies on drinking water matters. The JWG arose from the Board of Inquiry.
  - 22.2. the JWG has strong input from a public health perspective, which does not appear to be prevalent in the development of the new infrastructure entities. This will provide additional support in this important area.
  - 22.3. given the level of reform there will be the need to develop new policies and by-laws, and potentially codes of practice, and the JWG would be a suitable vehicle for working through these collaboratively.
23. At its meeting on 2 July 2021, the Hawke's Bay Drinking Water Governance Joint Committee considered the future of the Committee within the wider ambit of Three Waters Reform and resolved:
  - 23.1. *That the Committee recommends to the Hawke's Bay Regional Council and all other member agencies that they consider whether:*
    - 23.1.1. *The Hawke's Bay Drinking Water Governance Joint Committee should be disestablished, having regard to the functions for which it was set up, and the progression of its workplan, such that governance oversight of drinking water safety would be transferred to the Regional Leaders' Forum who may*

*consider incorporating the appropriate representation requirements, particularly public health, and Iwi.*

- 23.1.2. *The Hawke's Bay Drinking Water Joint Working Group should be retained and report directly to the Regional Leaders' Forum, with a report on its future institutional and administrative support to be prepared for consideration and approval by the Regional Leaders' Forum.*

### **Regional Leaders' Forum**

24. Following the Joint Committee resolution, the future of the DWJC was raised at the Regional Leaders' Forum later in July 2021. The Forum's view is that the oversight of the broader Three Waters Reform in Hawke's Bay should continue to occur at the Leaders' Forum level. The Regional Leaders believe that the DWJC has achieved what it was established to do; to oversee the work of the Joint Working Group in implementing the Board of Inquiry recommendations and the evolution of the JWG into a more permanent Working Group, and that the Joint Committee should be placed in abeyance.
25. The ongoing oversight of the JWG's work programme will be undertaken directly by the Regional Leaders.
26. The next meeting of the Hawke's Bay Drinking Water Governance Joint Committee is scheduled for November 2021. By then it is expected that there will be greater clarity around the transitioning to the Government's proposed water entities and a need to define how the relationships between Entity C and Hawke's Bay's councils will be developed.
27. The Regional Leaders' Forum has given a good deal of time and thought to how the Region could transition to a new working relationship with the central government entities – Taumata Arowai and especially Entity C – and believe that now is a good time to start planning for a Hawke's Bay solution that will ensure transparency and accountability for our communities. This will involve the creation of a new governance entity to which the CEs of the five councils, the CE of the DHB (on drinking water matters) and the CE of Entity C would report.
28. Considering this, the most appropriate next steps to take are to put the Hawke's Bay Drinking Water Governance Joint Committee into abeyance, beginning with the cancellation of November 2021 meeting, and to instruct the Working Group to report, in the interim, to the Regional Leaders' Forum on a regular basis.
29. As an interim measure, and until a new governance entity is established, the Joint Working Group will report to the Regional Leaders' Forum on its workplan.

### **Strategic Fit**

30. The governance and management of drinking water safety aligns with the five councils' strategic priority for the 2019-22 triennium - water safety, security, and planning.
31. It is not proposed to reduce either governance or management for water safety, security and planning, but for the governance to occur through a different vehicle, being the Regional Leaders' Forum.

### **Significance and Engagement Policy Assessment**

32. A decision on putting the Joint Committee into abeyance is not significant under the criteria contained in the Hawke's Bay Regional Council's adopted Significance and Engagement Policy, and therefore the Council can exercise its discretion and make decisions on the issue without conferring directly with the community or persons likely to have an interest in this decision.

### **Financial and Resource Implications**

33. The costs of both the Joint Committee and Working Group lie where they fall - with each member agency paying for the costs of their own representation, and joint costs (for

independent Chair, independent consultant, and any agreed consultancy work) being divided amongst them.

34. Should the decision be made to disestablish the Committee or put it into abeyance and continue with the Working Group, a separate paper will be prepared for the Regional Leaders' Forum on the institutional and administrative support required for the ongoing operation of the JWG. It is noted that working group membership includes agencies not currently represented at the Regional Leaders Forum, for example, public health.

### **Decision Making Process**

35. 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:
  - 35.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
  - 35.2. The use of the special consultative procedure is not prescribed by legislation.
  - 35.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
  - 35.4. 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 of Hawke's Bay Drinking Water Governance Joint Committee" 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. In its role as a member agency of the Hawke's Bay Drinking Water Governance Joint Committee, supports:
  - 3.1. Placing the Hawke's Bay Drinking Water Governance Joint Committee into abeyance with governance oversight of drinking water safety being transferred to the Regional Leaders' Forum, who may consider incorporating the appropriate representation requirements, particularly public health, and Iwi.
  - 3.2. Retention of the Hawke's Bay Drinking Water Joint Working Group with it reporting directly to the Regional Leaders' Forum, with a report on its future institutional and administrative support to be prepared for consideration and approval by the Regional Leaders' Forum.

#### **Authored by:**

**Liz Lambert**  
**CONSULTANT**

#### **Approved by:**

**Katrina Brunton**  
**GROUP MANAGER POLICY &**  
**REGULATION**

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

#### **Attachment/s**

There are no attachments for this report.



# HAWKE'S BAY REGIONAL COUNCIL

25 August 2021

## Subject: REGIONAL MARINE OIL SPILL TIER 2 CONTINGENCY PLAN FOR HAWKE'S BAY

Item 10

### Reason for Report

1. The Hawke's Bay Regional Council has a statutory responsibility under the Maritime Transport Act 1994 to maintain a Regional Marine Oil Spill Contingency Plan for Hawke's Bay, otherwise known as a Tier 2 Plan.
2. Under Section 290 of the Maritime Transport Act 1994, the Council is required to review its Tier 2 Spill Response Plan every three years. The current plan has been reviewed and was approved by Maritime New Zealand on 13 July 2021. It now needs to be formally adopted by the Council.

### Background

3. The purpose of the Tier 2 plan is to provide a planned and regionally co-ordinated response to any marine oil spill within the region that is beyond the resources of the persons who have caused the marine oil spill or that has not been appropriately responded to by such persons.
4. The review of the Hawke's Bay Tier 2 plan commenced in 2020. Following Maritime New Zealand guidance, areas identified as priority for protection were evaluated using a national environment risk assessment process, including the identification of waters holding significance to Marae and hapū.
5. While the structure of the document remains fundamentally the same as it is consistent with the national format, the review also updated the plan to include lessons learnt during practical exercises held over the previous three years.
6. As required under section 291 of the Maritime Transport Act 1994, the draft plan was put out for public consultation between the 15<sup>th</sup> of January and the 5<sup>th</sup> of February 2021 to Tangata Whenua representatives, the Department of Conservation and to people and organisations with coastal interests.
7. Four submissions were received from:
  - 7.1. Port of Napier
  - 7.2. Hawke's Bay District Health Board
  - 7.3. Hawke's Bay Oiled Wildlife Response Team
  - 7.4. Lisa Pearse.
8. The Plan was amended in response to those submissions, and submitters were sent replies and notified of appropriate changes. It was then submitted to Maritime New Zealand and approved on 13 July 2021.

### Financial and Resource Implications

9. Maritime New Zealand provides Hawke's Bay with sufficient equipment, training, and resources to allow it to effectively respond to larger maritime oil spills (Tier 2 spills) within the coastal marine area. In the event of a larger or more catastrophic spill, the response can be lifted to a national level (Tier 3).
10. The plan provides financial authority for the appointed Regional On-Scene Commanders to expend up to \$250,000 in a response, subject to Plan requirements and Maritime New Zealand qualifications

11. Costs of response are recovered from the spiller or from the Maritime Pollution Fund administered by Maritime New Zealand

### **Next Steps**

12. Maritime New Zealand has approved the revised plan; the Council now needs to formally adopt it as well.

### **Decision Making Process**

13. Hawke's Bay Regional Council is required to make a decision in accordance with the requirements of the Local Government Act 2002 (The Act). The requirements contained in Part 6, Sub Part 1 of the Act have been assessed in relation to this item and the following conclusions have been made:
  - 13.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
  - 13.2. The use of the special consultative procedure is not prescribed by the legislation.
  - 13.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
  - 13.4. The persons affected by this decision are all Hawke's Bay Rate payers, coastal communities and the maritime industry.
  - 13.5. The Council has a statutory responsibility under the Maritime Transport Act 1994 to maintain a Regional Marine Oil Spill Contingency Plan for Hawke's Bay and to review that plan every three years, therefore, no alternative options have been considered.
  - 13.6. Given the nature and significance of the issue to be considered and decided, the Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.
  - 13.7. Council staff have consulted with people and organisations with coastal interests including Tangata Whenua, and submissions received have been considered.

### **Recommendations**

That Hawke's Bay Regional Council:

1. Receives and considers the "*Regional Marine Oil Spill Tier 2 Contingency Plan for Hawke's Bay*" 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. Adopts the Regional Marine Oil Spill Contingency Plan for Hawke's Bay (Tier 2 Plan) as approved by Maritime New Zealand on 13 July 2021.
4. Agrees that, notwithstanding the Council's resolution under Section 2.1.4.1 of the Financial Delegations Policy, the Regional On-Scene Commander is delegated financial authority pursuant to Section 4 of the Public Bodies Contracts Act 1959 to expend up to \$250,000; and that Team Managers may expend up to \$5000 in response to a Tier 2 event in accordance with provisions within the Council's Tier 2 Oil Spill Contingency Plan, and subject to the provisions of the Maritime Transport Act 1994.

**Authored by:**

**Rob Hogan**  
**MANAGER COMPLIANCE**

**Approved by:**

**Katrina Brunton  
GROUP MANAGER POLICY &  
REGULATION**

**Item 10**

**Attachment/s**

- 1 Hawke's Bay Regional Marine Oil Spill Contingency Plan Under Separate Cover



# HAWKE'S BAY REGIONAL COUNCIL

25 August 2021

Item 11

## Subject: AFFIXING OF THE 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 87 DP 9684 CT B3/1018 - Agreement for Sale and Purchase	4461	30 July 2021
1.1.2	Lot 86 DP 9684 CT B3/1017 - Agreement for Sale and Purchase	4462	17 August 2021
1.1.3	Lot 87 DP 9684 CT B3/1018 - Agreement for Sale and Purchase	4463	17 August 2021

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. 1 cross lease property was sold, with 65 remaining on Council's books
  - 3.2. no single leasehold property was sold, with 80 remaining on Council's books.

### Decision Making Criteria

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:
  - 4.1 Sections 97 and 88 of the Act do not apply
  - 4.2 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
  - 4.3 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 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 or persons likely to have an interest in the decision.
2. Confirms the action to affix the Common Seal.

### **Authored by:**

**Diane Wisely**  
**EXECUTIVE ASSISTANT**

**Ross Franklin**  
**ACTING CHIEF FINANCIAL OFFICER**

### **Approved by:**

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

## **Attachment/s**

There are no attachments for this report.

# HAWKE'S BAY REGIONAL COUNCIL

25 August 2021

## Subject: COUNCILLORS' REPORTS FROM AUGUST 2021 MEETINGS OF OUTSIDE BODIES

Item 12

### Reason for Report

1. This item provides the means and opportunity for Councillors appointed to Outside Bodies to bring issues of significant interest from recent meetings to the attention of Council.

### Background

2. Each Triennium, Council appoints Councillor representatives on the following Outside Bodies. Appointees for this Triennium are noted beside each body.
  - 2.1. Local Government New Zealand (LGNZ) Zone 3 (Hinewai Ormsby and Martin Williams)
  - 2.2. HB TBFree Committee (Will Foley)
  - 2.3. Future Farming Trust (Will Foley)
  - 2.4. Tukituki Leaders Forum (Will Foley and Jerf van Beek)
  - 2.5. HB Drought Committee (Will Foley and Jerf van Beek)
  - 2.6. HPUDS Implementation Working Group (Jerf van Beek and Martin Williams)
  - 2.7. HB Cycling Governance Group (Jerf van Beek)
  - 2.8. Te Komiti Muriwai o Te Whanga (Neil Kirton)
  - 2.9. HB Tourism Board of Directors (Craig Foss)
  - 2.10. HBRIC Ltd (Rick Barker, Craig Foss, Neil Kirton).

### Decision Making Process

3. 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 "*Councillors' Reports from August 2021 Meetings of Outside Bodies*".

### Authored by:

**Leeanne Hooper**  
**TEAM LEADER GOVERNANCE**

### Approved by:

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

### Attachment/s

There are no attachments for this report.



**HAWKE'S BAY REGIONAL COUNCIL**

**25 August 2021**

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

**Item 13**

**Reason for Report**

1. This document has been prepared to assist Councillors note the Minor Items Not on the Agenda to be discussed as determined earlier in Agenda Item 6.

<b>Topic</b>	<b>Raised by</b>



# HAWKE'S BAY REGIONAL COUNCIL

25 August 2021

Item 14

## Subject: RECOMMENDATION FROM THE FINANCE, AUDIT AND RISK SUB-COMMITTEE

That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 14 Recommendation from the Finance, Audit and Risk Sub-committee 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**

Recommendation from the Finance, Audit and Risk Sub-committee

**REASON FOR PASSING THIS RESOLUTION**

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.

**GROUNDS UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION**

The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Authored by:**

**Leeanne Hooper  
TEAM LEADER GOVERNANCE**

**Approved by:**

**Jessica Ellerm  
GROUP MANAGER CORPORATE SERVICES**



# HAWKE'S BAY REGIONAL COUNCIL

25 August 2021

Item 15

## Subject: HBRIC LTD REQUEST TO BORROW

That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 15 HBRIC Ltd Request to Borrow 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	GROUNDS UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
HBRIC Ltd Request to Borrow	<p>s7(2)(i) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p> <p>s7(2)(j) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.</p>	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

### Authored by:

**Kishan Premadasa**  
**MANAGEMENT ACCOUNTANT**

**Ross Franklin**  
**ACTING CHIEF FINANCIAL OFFICER**

### Approved by:

**Jessica Ellerm**  
**GROUP MANAGER CORPORATE SERVICES**



# HAWKE'S BAY REGIONAL COUNCIL

25 August 2021

Item 16

## Subject: CONFIRMATION OF PUBLIC EXCLUDED MINUTES

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
2021 FY Section 36 Charges Transition	7(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	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

### Authored by:

**Leeanne Hooper**  
**TEAM LEADER GOVERNANCE**

### Approved by:

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