



Unconfirmed

MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 25 August 2021

Time: 11.00am

Venue: Via Zoom

Present: Cr R Barker, Chair
Cr W Foley
Cr C Foss
Cr N Kirton
Cr C Lambert
M McIlroy (Māori Committee Co-Chair)
Cr H Ormsby
M Paku (Māori Committee Co-Chair)
A Tapine (RPC Rep)
Cr J van Beek
Cr M Williams

In Attendance: J Palmer – Chief Executive
P Munro – Te Pou Whakarae Māori Partnerships
K Brunton – Group Manager Policy and Regulation
C Dolley – Group Manager Asset Management
J Ellerm – Group Manager Corporate Services
I Maxwell – Group Manager Integrated Catchment Management
L Hooper – Team Leader Governance

1. Welcome/Karakia/Apologies/Notices

The Chair welcomed everyone to the meeting and Pieri Munro opened with a karakia and then a mihi to acknowledge the passing of rangatira Des Ratima and Michelle McIlroy's father-in-law, Sonny.

2. Conflict of Interest Declarations

There were no Conflict of Interest Declarations.

3. Confirmation of Minutes of the Regional Council Meeting held on 28 July 2021

RC74/21 **Resolution**

Minutes of the Regional Council Meeting held on Wednesday, 28 July 2021, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Kirton/Ormsby
CARRIED**

4. Follow-ups from previous Regional Council Meetings

As there is no provision for "matters arising from the minutes" in Standing Orders, a query raised in relation to implementation of the Clifton to Tangoio Coastal Hazards Strategy is recorded as part of the Follow-ups item. James Palmer advised that work is underway to scope the delivery of a long term plan amendment in relation to HBRC taking the lead for implementation of the Strategy.

The follow-ups item was taken as read.

5. Significant Organisational Activities looking forward through September 2021

The item was taken as read, noting that a number of activities across Council have been impacted by the Covid-19 lockdown and these will be reported to Council in due course.

A regular update for Councillors on legal processes the Council is involved in will be included in this monthly agenda item in future.

Katrina Brunton advised that the three appeals to the Outstanding Water Bodies plan change decisions will be progressed through the Environment Court, initially through caucusing and/or mediation.

In relation to the PanSector Group meeting, councillors queried who will be involved and whether any councillors will be invited to participate in the meetings.

RC75/21 **Resolution**

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

**Foss/Foley
CARRIED**

6. Call for Minor Items not on the Agenda

Council accepts the following "Minor Items Not on the Agenda" for discussion as item 13:

Topic	Raised by
Spatial Planning	Cr Martin Williams

7. Report and recommendations from the Māori Committee

Mike Paku, Co-chair of the Māori Committee, in speaking to the item, highlighted the significance of water bodies to Māori, the values used to determine what is outstanding and the mana of the wai being at the centre of appeals against the Outstanding Water Bodies plan change.

James Palmer advised Council's support for the Māori view of the outstanding values of awa and sympathy with their concerns. It is an NPS legal requirement to identify the outstanding water bodies in the Region, and protect the values that make them outstanding. The Plan Change has been a source of contention from the beginning and will likely cost millions of dollars by the time appeals are resolved.

RC76/21 Resolutions

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.

**Kirton/Ormsby
CARRIED**

8. Report and recommendations from 18 August 2021 Corporate and Strategic Committee Meeting

Councillor Neil Kirton, as Chair of the committee, introduced the item, highlighting:

- The interim non-financial results commentary for the Annual Report were presented and suggested amendments from the Committee will be incorporated into the final version for Council's adoption in December, after Audit
- Carry forwards were agreed as proposed, and are now recommended for Council's agreement.
- The Committee resolved its agreement to reset the baseline for the Risk Maturity Project Plan as proposed by staff.

RC77/21 Resolutions

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
Policy & Regulation					
191 - Regional Coastal Plan	121,925	121,925			
192 - Strategy & Planning	233,007	233,007			
Asset Management					
240 - Makara Flood Control Scheme	44,693		44,693		
322 - Coastal Processes	96,341	96,341			
ICM					
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
Total	3,096,649	747,005	44,693	429,440	1,875,511

Capital Expenditure Carry Forward Requests

Project	Request	Source of Funds			
		General	Reserves	External	Debt
Asset Management					
287 - Clive River Dredging	1,155,904		1,155,904		
291 - HPFCS - Napier/Meeanee/Puketapu	79,237		79,237		
ICM					
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
Regional Income					
995 - Water Security	2,872,387		2,872,387		
IT					
913 - Systems Integration Projects	1,430,000				1,430,000
CAPEX					
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
Total	9,903,887		4,621,028		5,282,859

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.

**Kirton/Foss
CARRIED**

9. Future of Hawke's Bay Drinking Water Governance Joint Committee

James Palmer introduced the item, providing a brief background of the work of the Joint Committee, advising the Committee has completed its work programme and advising that the Region's leaders' view is that it should be put in abeyance for potential re-establishment in a

different form for governance around three waters in future. Discussions and questions traversed:

- Accountability and oversight of drinking water safety will be maintained via a direct reporting line from the Joint Working Group to the HB Leaders' Forum
- Drinking water safety and security one of the priorities of the Triennial Agreement
- TANK plan change source protection zones came into effect when the Plan was notified
- HBRC's regulatory framework in relation to source protection is there to prevent contaminants entering the water source, e.g. aquifer
- Taumata Arowai has been established through the Water Services Act with functions for drinking water safety once the water is 'in the pipe'
- Source protection zones for Wairoa and Mohaka will be the subject of work through the Kotahi plan process
- Costs of running the joint committee would be approximately \$30,000 for another year.

RC78/21 **Resolutions**

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.

**Ormsby/Williams
CARRIED**

10. Regional Marine Oil Spill Tier 2 Contingency Plan for Hawke's Bay

Katrina Brunton introduced the item, seeking approval for the updated Plan which is required under the Maritime Transport Act. Discussions traversed:

- The Plan provides a planned and regionally co-ordinated response to any marine oil spill within the region
- must be reviewed every three years, most recent review commenced in 2020
- put out for targeted consultation with Tangata Whenua representatives, the Department of Conservation and people and organisations with coastal interests between 15 January and 5 February 2021, receiving 4 submissions
- The need for training to provide local capability in places like Wairoa was raised.

RC79/21 **Resolutions**

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

**Barker/van Beek
CARRIED**

11. Affixing of the Common Seal

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

		Seal No.	Date
1.1	Leasehold Land Sales		
	1.1.1 Lot 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

RC80/21 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 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.

**Barker/van Beek
CARRIED**

17. HBRC Representation Arrangements Review

James Palmer introduced the item, which follows on from the discussions and

recommendations from last week's Corporate and Strategic Committee meeting. Queries and discussions traversed:

- Boundary between Wairoa and Ngaruroro constituencies shifted slightly to include the land of the Esk Valley to the south of the river and highway which increases the population to 5,691
- When setting boundaries the principles of fair and effective representation
- Increasing the number of councillors would bring the numbers closer to the +/-10% but Council of the view this would not be accepted by the public
- Justification for an exemption from the +/-10% from the Local Government commission must be based on 'community of interest' reasons such as not combining communities of interest with little in common, or splitting communities of interest
- Populations for the general constituencies are those on the General Roll as the Māori roll voters have been separated to determine the Māori constituencies
- Need to make tough calls and suggestion that tinkering is not sufficient but a complete overhaul required for the general constituencies
- Access to representation is an important consideration, especially for large constituencies
- If submitters wish to be heard they must be provided with the opportunity
- Difficulties for representatives of large constituencies with distances needed to travel, and representing communities with different issues or interests
- Previous 2007 attempt to increase CHB population by shifting the boundary to include part of Hastings District Council area was unsuccessful and boundary shifted back to align with the CHB district council boundary in 2013 – risk of this happening again with the shift of Wairoa boundary to include areas south, including Esk Valley
- Māori have an ideologically different view of representation and will have to work through challenges
- Council will have the opportunity to change its proposal after hearing submissions, and then that 'final proposal' will be referred to the Local Government Commission to make a final decision for what the 2022 election will be based on
- View expressed that the focus should be on establishing the Māori constituencies and not to tinker with the existing General constituencies

The meeting adjourned at 1.05pm and reconvened at 1.35pm

Further discussions covered:

- Five PSGEs, 4 iwi, 4 TLAs and 281,000+ hectares included in the 'northern' Māori constituency and suggestion that the representative should be furnished with a vehicle
- Support expressed for the use of the Ngaruroro River as the boundary between the 2 Māori constituencies.

RC81/21 Resolutions

That Hawke's Bay Regional Council:

1. Agrees that the decisions to be made are significant, and acknowledges the consultation procedures required for Representation Reviews under the Local Electoral Act (sections 19M and 19N).
2. In accordance with sections 19H and 19J of the Local Electoral Act 2001, adopts the following as its initial proposal for consultation on the review of representation arrangements.
3. Hawke's Bay Regional Council comprising **eleven** councillors elected as follows:
 - 3.1. One (1) member elected by the Māori Constituency 1 - Northern (name to be determined)
 - 3.2. One (1) member elected by the Māori Constituency 2 - Southern (name to be determined)

- 3.3. One (1) member elected by the Tamatea-Central Hawke’s Bay Constituency
- 3.4. Three (3) members elected by the Heretaunga-Hastings Constituency
- 3.5. Three (3) members elected by the Ahuriri-Napier Constituency
- 3.6. One (1) member elected by the Ngaruroro Constituency
- 3.7. One (1) member elected by the new Mohaka-Wairoa (name to be determined) Constituency.
4. Two Māori constituencies, as shown on the attached “Māori Constituencies” map, the proposed names and boundaries of each being:
 - 4.1. Māori Constituency 1 (Northern) – name to be determined - the constituency boundary being that area which encompasses the Wairoa District Council and Napier City Council areas, parts of the Hastings District Council area north of the Ngaruroro River, as well as meshblocks within the Regional boundary belonging to Taupō District council.
 - 4.2. Māori Constituency 2 (Southern) – name to be determined - the constituency boundary being that area which encompasses the Central Hawke’s Bay District Council area, parts of the Hastings District Council area south of the Ngaruroro River, as well as meshblocks within the Regional boundary belonging to Rangitikei District Council.

Table 1: Proposed Māori Constituencies’ Populations

Constituency	Māori Electoral Population	Reps	Population per Rep	Difference from Average	% Difference from Average
Māori Constituency 1 (Northern)	12,519	1	12,519	-1,494	-10.66%
Māori Constituency 2 (Southern)	15,507	1	15,507	1,494	10.66%
Totals	28,026	2	Av = 14,013		

5. Notes that the proposal for the Māori Constituencies does not fully comply with the *Local Electoral Act 2001* section 19V(2), but that the proposal is considered the most appropriate solution for Hawke’s Bay, and applies to the Local Government Commission, clearly identifying the grounds for the proposed non-compliance as being:
 - 5.1. the boundary between the two constituencies is formed by the Ngaruroro River as requested by tangata whenua due to its cultural relevance and being how iwi and hapū traditionally set boundaries
 - 5.2. the +/-10% threshold exceedance is less than 1%.

CARRIED unanimously

6. Five General constituencies, as shown on the attached “General Constituencies” map, the proposed names and boundaries of each of the five to be:
 - 6.1. **Tamatea-Central Hawke’s Bay**; the constituency boundary being the same as that for the Central Hawke’s Bay District Council area.
 - 6.2. **Heretaunga-Hastings**; the constituency boundary being that area which encompasses the wards of Flaxmere, Hastings-Havelock North and most of Heretaunga within the Hastings District Council area.
 - 6.3. **Ahuriri-Napier**; the constituency boundary being the same as that for the Napier City Council area.
 - 6.4. **Ngaruroro**; the constituency boundary being that area which encompasses the Kahuranaki ward and parts of Heretaunga and Mohaka wards within the Hastings

District Council area as well as meshblocks within the Regional boundary belonging to Rangitikei District Council.

- 6.5. **Mohaka-Wairoa**; the constituency boundary being the same as that for the Wairoa District Council area as well as meshblocks within the Regional boundary belonging to Taupō District Council and meshblocks in the Hastings District Council areas of Tūtira, Puketitiri and Esk Valley in the Mohaka ward.

Table 2: Proposed General Constituencies' Populations

Constituency	General Electoral Population	Reps	Population per Rep	Difference from Average	% Difference from Average
Tamatea-Central Hawke's Bay	11,955	1	11,955	-3,243	-21.34%
Ahuriri - Napier	53,940	3	17,980	2,782	18.3%
Mohaka- Wairoa	5,691	1	5,691	-9,507	-62.55%
Heretaunga-Hastings	47,928	3	15,976	778	5.12%
Ngaruroro	17,271	1	17,271	2,073	13.64%
Total	136,785	9	Av: 15,198		

7. Notes that the proposal for General Constituencies does not fully comply with the *Local Electoral Act 2001* section 19V(2), but that the proposal is considered the most appropriate solution for Hawke's Bay, and applies to the Local Government Commission, clearly identifying the grounds for the proposed non-compliance being:
- 7.1 Tamatea-Central Hawke's Bay: The constituency boundary coincides with the Central Hawke's Bay District Council territorial authority boundary as being representative of an area that electors closely identify with. Moreover, the Council considers that extending the boundary to achieve the population increase needed to comply with s.19V(2) would limit effective representation by requiring the grouping together of communities of interest with few commonalities across an extensive area.
- 7.2 Ahuriri-Napier: The constituency boundary coincides with the Napier City Council territorial authority boundary as being representative of an area that electors closely identify with, which in turn encourages participation in local government. Moreover, changing the boundary would require either separating identified communities of interest, or grouping together communities of interest with few commonalities.
- 7.3 Mohaka-Wairoa: The Council considers that further extending the boundary to achieve the population increase needed to comply with s.19V(2) would limit effective representation for several communities of interest isolated from each other across geographically challenging landscapes and require the grouping together of communities of interest with few commonalities across an extensive area.
- 7.4 Ngaruroro: The Council considers that changing the boundary to achieve the population decrease needed to comply with s.19V(2) would limit effective representation as it would require further splitting this mostly rural community of interest, which shares the Hastings District Council's rural community board area that electors closely identify with.

Ormsby/Kirton
Against: Foss
CARRIED

12. Councillors' Reports from August 2021 Meetings of Outside Bodies

There were no meetings to report.

13. Discussion of Minor Items not on the Agenda

Topic	Raised by
<p>Spatial Planning</p> <p>Plug for Napier City Council's spatial picture as an exemplar for the Regional Council's planning – which includes multi-modal transport corridors as well as where development might best occur. Constraints and opportunities for the Regional Council include coastal hazards, retention of the fertile soils of the Heretaunga Plains, connecting people and communities throughout the region, and within the aspiration of 2050 carbon neutral.</p> <p>James Palmer advised there is a joint councils' team working to develop a regional spacial strategy with initial work underway looking at what a regional spacial plan looks like in Kotaki Plan development. Challenge to bring all councils together with being at different stages with their district plans. Staff will bring scoping documents through to RPC and Council for decisions.</p>	Cr Martin Williams

14. Recommendation from the Finance, Audit and Risk Sub-Committee

RC82/21 Resolution

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	REASON FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Recommendation from the Finance, Audit and Risk Sub-committee	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.

**Foss/Lambert
CARRIED**

15. HBRIC Ltd Request to Borrow

RC83/21 Resolution

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	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
HBRIC Ltd Request to Borrow	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,	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

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.

**Foss/Lambert
CARRIED**

16. Confirmation of Public Excluded Minutes of the Regional Council Meeting held on 28 July 2021

RC84/21

Resolution

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	GROUNDS UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
2021 FY Section 36 Charges Transition	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	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Foss/Lambert
CARRIED**

The meeting went into public excluded session at 1.57pm and out of public excluded session at 2.13pm

Pieri Munro offered a karakia to close the meeting.

Closure:

There being no further business the Chairman declared the meeting closed at 2.15pm on Wednesday, 25 August 2021.

Signed as a true and correct record.

DATE:

CHAIR: