



## Meeting of the Hawke's Bay Regional Council

**Date:** Tuesday 24 April 2018  
**Time:** 10.15am  
**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

### Agenda

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# **HAWKE'S BAY REGIONAL COUNCIL**

**Thursday 26 April 2018**

## **Subject: FOLLOW-UP ITEMS 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 report to Council they will be removed from the list.
2. Also attached is a list of LGOIMA requests that have been received since the last Council meeting.

### **Decision Making Process**

3. Staff have assess 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 "Follow-up Items from Previous Meetings" staff report.

### **Authored by:**

**Leeanne Hooper**  
**GOVERNANCE MANAGER**

### **Approved by:**

**Liz Lambert**  
**GROUP MANAGER**  
**EXTERNAL RELATIONS**

### **Attachment/s**

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



## Follow-ups from previous Regional Council Meetings

## Meeting held 28 March 2018

	Agenda Item	Action	Responsible	Status Comment
1	Follow-ups from previous Regional Council meetings	Of the 74 consents that received a grade of non-compliance, how many were in each category	W Wright	Provided to 11 April Environment & Services as part of "follow-ups from previous meetings" agenda item
2	Follow-ups from previous Regional Council meetings	Update on resource consent applications received for on-farm water storage in CHB and the Tranche 2 applications	M Miller	Information provided as part of 11 April Environment & Services "operational activities update" item
3	HBRC Letter of Expectation for HBRIC Ltd	Letters of thanks and advice that services not required from 14 April to be written to retiring directors	J Palmer	Letters sent 29 March 2018 by HBRC CE's office
4	HBRC Letter of Expectation for HBRIC Ltd	Letter of Expectation to be finalised and submitted to HBRIC Ltd	J Ellerm / J Palmer	Letter of Expectation sent 1 April 2018
5	HBRC Submission on the CHB DC 2018-28 Long Term Plan Consultation Document	Submissions to HDC, NCC & WDC LTPs to be drafted by CE and Chair and circulated to councillors via email for feedback	D Cull/ J Palmer/ R Graham	Submissions will be drafted to meet the following submission deadlines: HDC – submissions close 14 May NCC – submissions close 14 May WDC – submissions period will be some time in May
6	HBRC Staff Projects and Activities Through April 2018	Provide info to councillors on what the "Farm scale sediment Workshop – SedNetNZ add on" was	B Lynch / I Maxwell	This 'add on' to SedNet will give us the ability to identify appropriate erosion mitigation options, on any individual farm for a specified dollar amount. We reviewed version 1 and made some suggestions for improvements. Version 2 should be back to us by the end of June.
7	HBRC Staff Projects and Activities Through April 2018	Update on the Mangapoike land slip	G Hansen	Item presented to 11 April 2018 Environment & Services Committee meeting

## Meeting held 28 February 2018

	Agenda Item	Action	Responsible	Status Comment
8	HBRC Staff Projects and Activities Through March 2018	Provide the suite of water quality parameters being analysed for the Water Quality & Ecology 'shading to manage instream weed growth trials' project in Tukituki	I Maxwell	Info (following ref 8) emailed on 23 March

Reference item 8

**From:** Iain Maxwell  
**Sent:** Monday, 26 March 2018 3:57 PM  
**To:** Alan Dick <Alan.Dick@hbrc.govt.nz>; Rex Graham <Rex.Graham@hbrc.govt.nz>; Fenton Wilson <fenton@hbrc.govt.nz>; Cr Peter Beaven <pjbeaven@icloud.com>; Cr Rick Barker <rickjbarker@gmail.com>; Cr Tom Belford <tom@baybuzz.co.nz>; Debbie Hewitt <Debbie.Hewitt@hbrc.govt.nz>; Mike Mohi <mmohi@doc.govt.nz>; Neil Kirton <Neil.Kirton@hbrc.govt.nz>; Paul Bailey <Paul.Bailey@hbrc.govt.nz>  
**Cc:** Leeanne Hooper <Leeanne@hbrc.govt.nz>  
**Subject:** Question about shading trial from last E&S

Hi all

A question was raised at the last Council meeting about compliance monitoring our Water Quality and Ecology team were doing for some feedlots in and around the region. You wished to understand what was being monitored. The following is what was done. This information is currently being reviewed.

Water Quality & Ecology	Using shading to manage instream weed growth trials	1. Processing results from feedlot sampling 2. Preparing results from Kahahakuri priority subcatchment water quality investigations
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We monitored instream nitrogen (DIN, NO3, NH4-N, TN), phosphorus (DRP and TP), *E. coli*, and suspended sediment.

There were 7 different feedlots, with upstream and downstream sampling points usually sampled on five occasions between May and December. The first sample was before stock were on, in most cases 3 times during the stocked period, and once after the stock had left. Stock were put on and taken off the lots at different times.

Regards

**Iain Maxwell**  
Group Manager – Resource Management Group

## LGOIMA Requests Received between 22 March and 18 April 2018

Request Date	Request ID	Request Status	Request Subject	Request Summary	Requested By
10/04/2018	OIR-18-015	Active	funding for irrigation schemes	Funds provided by HBRC for irrigation schemes incl proposed schemes (projects involving irrigation or freshwater takes other than for stock, reticulation, firefighting or wastewater) from 2008 - 2018 including: <ul style="list-style-type: none"> <li>• Year</li> <li>• Project/scheme name</li> <li>• Budget line item name</li> <li>• Amount budgeted/spent</li> <li>• Budget reference number</li> </ul>	Caitlin Carew, Forest & Bird
4/04/2018	OIR-18-014	Completed	Wairoa consent breaches	<ol style="list-style-type: none"> <li>1. # of consent breaches by WDC &amp; Affco reported from 2011-March 2018 pertaining to Wairoa River - including breach details &amp; date</li> <li>2. comment on how new consents will have better environmental outcomes for Wairoa River</li> <li>3. What will happen if breaches continue &amp; what will happen in circumstances where a breach is unavoidable</li> <li>4. Will new consents require Affco &amp; WDC to notify the public when a breach occurs - or will HBRC publish breaches on its website</li> <li>5. Did Affco complete scientific monitoring of impacts on Wairoa River, river mouth &amp; fishery to satisfaction of HBRC - + was the report published on HBRC website or will it be?</li> <li>6. How will independent scientific monitoring be better managed in the new consent &amp; is Affco required to continue researching its impact on the aquatic environment?</li> <li>7. Has a solution to Affco difficulties with varying river levels &amp; testing during high turbidity - high rainfall &amp; a mutually agreed methodology for the research been found?</li> </ol>	Ann Revington, Wairoa Star reporter





# HAWKE'S BAY REGIONAL COUNCIL

Thursday 26 April 2018

## Subject: CALL FOR ITEMS OF BUSINESS NOT ON THE AGENDA

Item 5

### Reason for Report

1. Standing order 9.12 states:

*"A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:*

*(a) the reason the item is not on the agenda; and*

*(b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.*

*Items not on the agenda may be brought before the meeting through a report from either the Chief Executive or the Chairperson.*

*Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision making."*

2. In addition, standing order 9.13 allows "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

1. That Council accepts the following "Items of Business Not on the Agenda" for discussion as Item 12.

- 1.1. **Urgent** items of Business (supported by tabled CE or Chairpersons's report)

	Item Name	Reason not on Agenda	Reason discussion cannot be delayed
1.			
2.			

- 1.2. **Minor** items for discussion **only**

Item	Topic	Raised by
1.		
2.		
3.		

Leeanne Hooper  
GOVERNANCE MANAGER

Liz Lambert  
GROUP MANAGER  
EXTERNAL RELATIONS



# HAWKE'S BAY REGIONAL COUNCIL

Tuesday 24 April 2018

Item 6

## Subject: RECOMMENDATIONS FROM THE ENVIRONMENT & SERVICES COMMITTEE

### Reason for Report

1. The following matters were considered by the Environment & Services Committee meeting on 11 April 2018 and are now presented for Council's consideration and approval.

### Decision Making Process

2. These matters have all been specifically considered at the Committee level.

### Recommendations

The Environment and Services Committee recommends that 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 and persons likely to be affected by or to have an interest in the decision.

### HBRC Enforcement Policy Adoption

2. The Environment and Services Committee recommends that Council:
  - 2.1. 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 and persons likely to be affected by or to have an interest in the decision.
  - 2.2. Adopts the April 2018 HBRC Enforcement Policy as amended to reflect changes agreed at the 11 April Environment and Services Committee meeting.

### Process for Awarding HBRC Certificate of Appreciation

3. The Environment and Services Committee recommends that Council:
  - 3.1. 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 and persons likely to be affected by or to have an interest in the decision.
  - 3.2. Creates three categories for nomination to recognise environmental stewardship, being:
    - 3.2.1. **Environmental Leadership in Business – Te Hautūtanga Taiao me te Pakihi:** Recognises business or local authorities that demonstrate kaitiakitanga, innovation or efficiency, or an ongoing commitment to environmental best practice.
    - 3.2.2. **Environmental Leadership in Land Management – Te Hautūtanga Taiao me te Whakahaere Whenua:** Recognises land users who are committed to environmental stewardship and sustainability in their meat, fibre, forestry or other land use operations.
    - 3.2.3. **Environmental Action in the Community – Te Oho Mauri Taiao ki te Hapori:** Recognises no-for-profit organisations or individuals that are taking action to protect or enhance the environment, or are increasing understanding of environmental issues.

4. Calls for nominations to the above categories from Councillors at the Environment and Services Committee held in February and September each year, with the Award being presented to the recipient at the April and November Regional Council meetings with a morning or afternoon tea event.

**Reports Received**

5. Notes that the following reports were provided to the Environment & Services Committee.
  - 5.1 April 2018 Hot Spot/Freshwater Improvement Projects Update
  - 5.2 Whitebait
  - 5.3 Giant Willow Aphid Update
  - 5.4 Cycle Way Update – Mad Mile
  - 5.5 Mangapoke Landslide Update
  - 5.6 Hawke's Bay Marine and Coastal Group Roadmap
  - 5.7 Forest and Carbon presentation by Taine Randell
  - 5.8 Zero Carbon
  - 5.9 Summary of Hawke's Bay Territorial Authorities' Key Long Term Plan Proposals
  - 5.10 Operational Activities Update

**Authored by:**

**Annelie Roets**  
**GOVERNANCE**  
**ADMINISTRATION ASSISTANT**

**Approved by:**

**Liz Lambert**  
**GROUP MANAGER**  
**EXTERNAL RELATIONS**

**Attachment/s**

There are no attachments for this report.

# HAWKE'S BAY REGIONAL COUNCIL

Tuesday 24 April 2018

Item 7

## Subject: HEARINGS FOR THE REGIONAL PEST MANAGEMENT PLAN

### Reason for Report

1. To delegate the required decision making powers to the Hearing Panel for the Regional Pest Management Plan (RPMP), and to confirm the appointment of Councillor Paul Bailey to the Hearing Panel as replacement for Councillor Fenton Wilson.

### Background

2. The Hawke's Bay Regional Pest Management Plan is the main statutory document implementing the Biosecurity Act 1993 in the region; providing a framework for the management of plant, animal and horticultural pests in Hawke's Bay.
3. Due to substantial changes to the Biosecurity Act 1993 (the Act) in 2012, and the promulgation of a National Policy Direction (NPD) for Pest Management in 2015, the Council has undertaken a major review of biosecurity policy mechanisms.
4. A Proposed RPMP was developed, through a combination of extensive analysis by staff and pre-consultation with the community. Pre-consultation included the use of a Discussion Document and feedback process, meetings with industry discussing specific programmes and various direct pieces of feedback received by the Council.
5. Council adopted the proposed RPMP for public consultation on 31 January 2018, with the consultation period running from 2 February through to 16 March 2018. Council also delegated the Biosecurity Working Party to hear submissions and make recommendations to Council on further amendments required prior to adoption of the final Regional Pest Management Plan. However, further delegation is sought with a summary of required delegations outlined below under Strategic Fit and attachment one.
6. Hearing panel members elected John Simmons as Chairperson of the hearing panel due to his national knowledge in Biosecurity programmes and experience in hearing procedures under the Biosecurity Act 1993. The panel have also agreed to give the chairperson the following:
  - 6.1 Authorise the Chairperson to act alone to exercise any powers, functions and duties delegated in respect of the conduct of the hearing.
  - 6.2 Authorise the Chairperson to have a casting vote when there is an equality of votes when exercising any of the powers, functions and duties of the hearing.
7. These powers allow the chairperson to sign off Minutes in the absence of another panel member and to prevent a 'stalemate' situation during the hearing process. To give the chairperson these powers, Council are responsible for appointing John Simmons as the Chairperson of the hearing panel.

### Strategic Fit

8. In undertaking the public notification and receipt of submissions process, as part of the consultation plan, a hearing panel is required to hear submissions. This panel can also be delegated the authority to make certain decisions under the Act.
9. The decisions that a hearings panel will be required to make with delegated authority are outlined in Attachment 1. As shown in option one of that attachment, these delegations will allow for a streamlined, stepped approach, saving Council time as well as speeding up the hearing process.
10. A final draft of the new RPMP, along with a report outlining proposed decisions, will be tabled for the Council to make a final decision upon in accordance with section 75 of the Act. A copy of the relevant sections of the Biosecurity Act 1993 and the National Policy Direction are provided in attachments 2 and 3 respectively.

11. Once a Council decision has been made, public notice will be given of the decision, along with making the RPMP and full decision report available to the public. Submitters will have 15 working days to lodge an appeal with the Environment Court in accordance with section 76 of the Act, if they wish to do so.
12. If no appeals are made, the Council can officially adopt the RPMP in accordance with section 77 of the Act by affixing the Common Seal. It is at this point that the new RPMP becomes operative.
13. If an appeal is made, there are circular processes within sections 76 and 77 of the Act to address what occurs.
14. Once operative, the RPMP will empower the Hawke's Bay Regional Council to exercise the relevant advisory, service delivery, regulatory and funding provisions available under the Act to deliver the specific objectives identified in the Plan. Regional pest management sits within a biosecurity framework for the Hawke's Bay region, which includes this Plan, the Hawke's Bay Biodiversity Strategy and the HBRC Strategic Plan. Neighbouring Regional Pest Management Plans and national legislation, policy and initiatives have also influenced this Plan.
15. All programmes sitting within an RPMP are required to have clear measurable outcomes, which are specified within the Monitoring section. This Monitoring section is integrated into the Biosecurity Annual Operational Plan, which goes to Council for approval prior to each financial year. The Operational Plan sets out the operational delivery for each programme and the monitoring and reporting requirements. Staff report to council annually (November) on the progress of the Operational Plan. The operational plan is required to be updated to reflect changes made to the plan within three months of the Plan being approved.

### Decision Making Process

16. Council is 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:
  - 16.1. The decision does not significantly alter the service provision or affect a strategic asset.
  - 16.2. The use of the special consultative procedure is not prescribed by legislation.
  - 16.3. The decision does not fall within the definition of Council's policy on significance.
  - 16.4. The persons affected by this decision are all persons who have submitted on the Proposed Regional Pest Management Plan.
  - 16.5. The decision is not inconsistent with an existing policy or plan.
  - 16.6. 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 the Hawke's Bay Regional Council:

1. Receives and notes the ***"Hearings for the Regional Pest Management Plan"*** staffs report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
3. Notes that Councillor Tom Belford, Mr Apiata Tapine and Mr John Simmons have been previously appointed by the HBRC Hearing Committee as members of the Hearing Panel on the Proposed Regional Pest Management Plan 2018-2038.

4. Notes that Councillor Fenton Wilson was appointed as a member of the Hearing Panel on the Proposed Regional Pest Management Plan 2018-2038 but has excused himself due to a potential conflict of interest.
5. Confirms the appointment of Councillor Paul Bailey, as recommended by the Environment and Services Committee at their meeting on 11 April 2018, as a member of the Hearing Panel on the Proposed Regional Pest Management Plan 2018-2038 to replace Councillor Fenton Wilson.
6. Delegates to the persons named in (3) and (5) above the powers, functions and duties set out in sections 71 to 74 {excluding section 72(5)} and sections 100D(6)(b) of the Biosecurity Act 1993, in respect of the Proposed Regional Pest Management Plan 2018-2038.
7. Delegates to the persons named in (3) and (5) above the powers, functions and duties of the Council set out in sections 75(1) and (2) of the Biosecurity Act 1993 to prepare a written report on the Plan.
8. Directs that the persons named in (3) and (5) above provide recommendations to Council as to Council's decisions on the Plan.
9. Appoints John Simmons as the Chairperson of the hearing panel.
10. Authorises the Chairperson acting alone to exercise any powers, functions and duties delegated by (6) above in respect of the conduct of the hearing.
11. Authorises the Chairperson to have a casting vote when there is an equality of votes when exercising any of the powers, functions and duties delegated by (6) and (7) above.

**Authored by:**

**Mark Mitchell**  
PRINCIPAL BIOSECURITY ADVISOR

**Campbell Leckie**  
MANAGER LAND SERVICES

**Approved by:**

**Graeme Hansen**  
GROUP MANAGER ASSET  
MANAGEMENT

**Attachment/s**

- [1](#) Role of Regional Pest Management Plan Hearing Panel
- [2](#) 2015 National Policy Direction for Pest Management
- [3](#) Extract from Biosecurity Act 1993





## Attachment one – Role of Regional Pest Management Plan Hearing Panel

The proposed role of the Hearing Panel is:

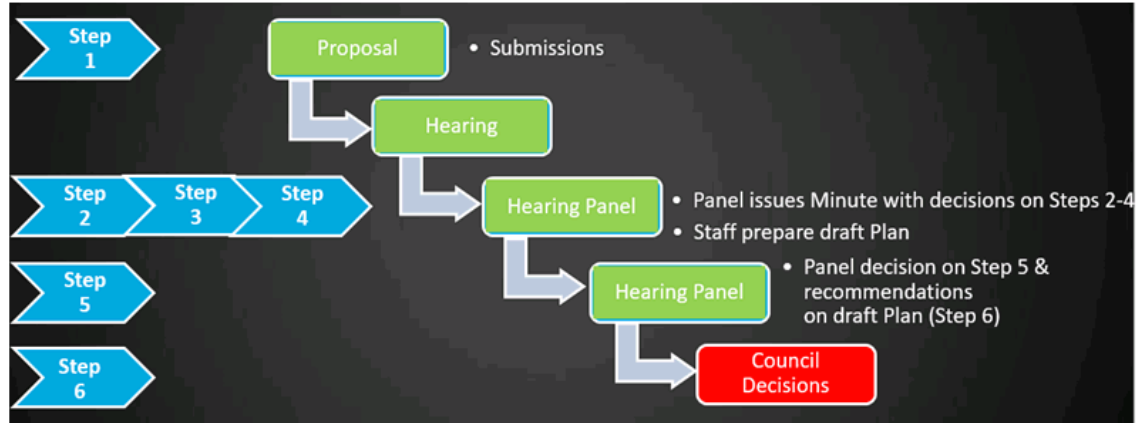
- a) Hear submissions
- b) Be satisfied proposal meets BSA requirements
- c) Be satisfied that sufficient consultation undertaken
- d) Approve preparation of plan / decide on management agency
- e) Be satisfied plan meets BSA requirements
- f) Recommendations to Council on plan and reasons for accepting/rejecting submissions

The decisions that the hearings panel will be required to make with delegated authority are:

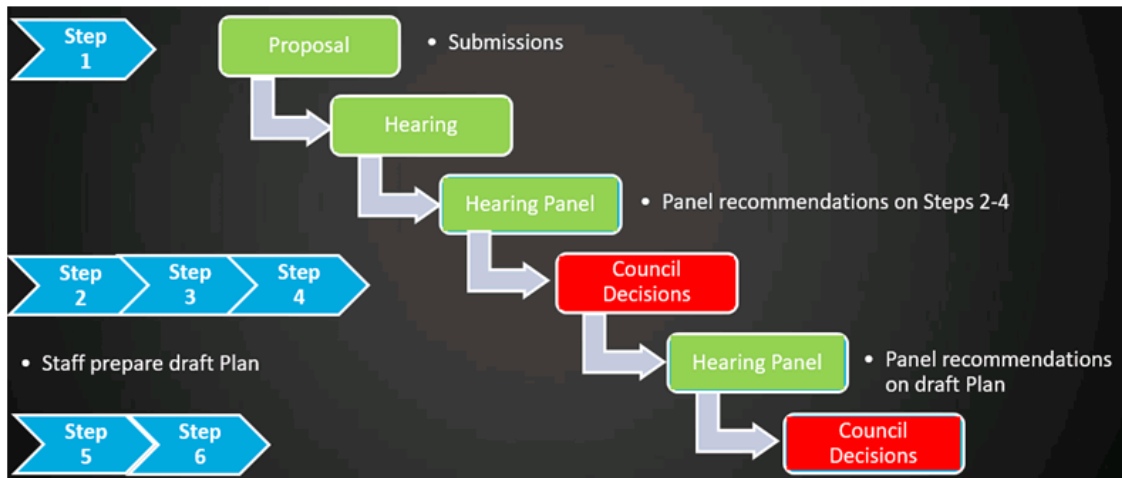
- a) Satisfaction that requirements in section 71 of the Biosecurity Act 1993 have been complied with;
- b) The subsequent assessment on the level of consultation under section 72 of the Act;
- c) That the issues raised during consultation have been considered and approve the preparation of the RPMP under section 73 of the Act;
- d) That the RPMP meets the requirements of both sections 73 and 74 of the Act.

These delegations would allow for a streamlined stepped approach (option one) as opposed to the current delegated approach (option two). Option one would save Council time and speed up the hearing process.

## Option One



## Option Two





## In Executive Council

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*His Excellency the Governor-General is recommended to sign  
the attached Order in Council approving the  
National Policy Direction for Pest Management 2015*

A handwritten signature in black ink, appearing to read 'Nathan Guy'.

Hon Nathan Guy, Minister for Primary Industries

*Approved in Council*

A handwritten signature in black ink, appearing to read 'M. L. L. Webb'.

Clerk of the Executive Council

A handwritten signature in black ink, appearing to read 'Justyn Prime'.

Item 7

Attachment 2

## National Policy Direction For Pest Management 2015

  
JERRY MATEPARAE, Governor-General

### Order in Council

At Wellington this 17<sup>th</sup> day of August 2015

His Excellency The Governor General

Present:

His Excellency the Governor-General in Council

Pursuant to section 57(7) of the Biosecurity Act 1993, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Primary Industries (having satisfied the requirements of that Act), approves the following National Policy Direction for Pest Management 2015.

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## PREAMBLE

New Zealand's pest management system is complex, due to the biological nature of pests and the differing impacts they have. Many parties are involved in managing pests, including central government agencies, regional councils, industry groups, Māori, non-Government organisations, landowners and occupiers, community groups and the public. These parties carry out a range of pest management activities to protect New Zealand's economic, environmental, human health and socio-cultural values. Pests have the potential to cause significant harm to these values.

Part 5 of the Biosecurity Act 1993 (the Act) supports the eradication or effective management of harmful organisms in New Zealand by providing for the development of national or regional pest and pathway management plans, and small-scale management programmes. Part 5 also provides for the appropriate distribution of costs associated with these plans and programmes. The national and regional plan processes provide for consultation with communities on the control of established pests that are of concern to them. A regional council may declare a small-scale management programme in the region if a pest could be eradicated or controlled effectively with small-scale measures within three years of the measures starting.

These plans and programmes must meet the purpose of Part 5 of the Act, which is to provide for the eradication or effective management of harmful organisms that are present in New Zealand by providing for:

- a. the development of effective and efficient instruments and measures that prevent, reduce, or eliminate the adverse effects of harmful organisms on economic wellbeing, the environment, human health, enjoyment of the natural environment, and the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, waahi tapu, and taonga; and
- b. the appropriate distribution of costs associated with the instruments and measures.

The plans balance property rights by setting rules that specify the rights and obligations of those parties to which they apply.

The Act requires the responsible Minister to make a national policy direction. National and regional pest and pathway management plans and regional small-scale management programmes must be consistent with the national policy direction.

## PURPOSE OF THE NATIONAL POLICY DIRECTION

Under section 56(2) of the Act the purpose of the national policy direction is to ensure that activities under Part 5 of the Act provide the best use of available resources for New Zealand's best interests and align with one another, when necessary, to contribute to the achievement of that Part.

The national policy direction will do this by:

- a. clarifying requirements for Part 5 regulatory instruments; and
- b. ensuring consistent application of these requirements nationally and between regions, as appropriate.

## WHAT DOES THE NATIONAL POLICY DIRECTION APPLY TO?

Although a significant amount of pest management occurs outside of the Act, this national policy direction only applies to pest management activities that occur under the Act. Specifically, it applies to proposals for national and regional pest and pathway management plans, the plans themselves, and regional small-scale management programmes under the Act. The term "plan" refers to plans for pests that have been developed by national pest management agencies or regional councils. Depending on the wording of the particular direction, directions apply to some or all of these instruments.

Persons developing and making any of the instruments referred to above must comply with this national policy direction together with requirements prescribed in the Act itself.

The national policy direction is not meant to be a substitute for, or prevail over, the Act's statutory purpose or the existing statutory tests.

This national policy direction is a disallowable instrument but is not a legislative instrument for the purposes of the Legislation Act 2012.

## WHAT ARE THE IMPLICATIONS OF NOT MEETING THE REQUIREMENTS IN THE NATIONAL POLICY DIRECTION?

Before the Minister can recommend to the Governor-General that an Order in Council be made to approve a national pest or pathway management plan, the Minister needs to be satisfied that the proposed plan, and the process undertaken for the proposed plan, are not inconsistent with the national policy direction.

Before a regional council can make a regional pest or pathway management plan or small-scale management programme, the regional council needs to be satisfied that the proposed plan or programme, and the process undertaken for the proposed plan or programme, are not inconsistent with the national policy direction.

An application can be made to the Environment Court if a party considers that a regional pest or pathway management plan is inconsistent with the national policy direction, or if a process requirement for a proposed plan did not comply with the national policy direction.

If the Environment Court considers that the application has merit, it can direct the regional council to change the plan.



## 1. TITLE

This national policy direction is the National Policy Direction for Pest Management 2015.

## 2. COMMENCEMENT

This national policy direction will take effect 28 days after the date of the publication of a notice in the New Zealand Gazette stating that the Governor-General has approved the direction.

## 3. INTERPRETATION

1. In this national policy direction, unless the context otherwise requires:

“Act” means the Biosecurity Act 1993.

“Exacerbator” means a person who contributes to the creation, continuance, or exacerbation of the problems proposed to be resolved by a pest or pathway management plan.

“Subject”

- (a) in relation to a proposal for a pest management plan, means the organism or organisms proposed to be specified as a pest or pests under the plan; and
- (b) in relation to a pest management plan, means the pest to which the plan applies; and
- (c) in relation to a proposal for a pathway management plan, or to a pathway management plan, means the pathway or pathways to which the proposal for a plan, or to which the plan, applies; and
- (d) in relation to a small-scale management programme, means the unwanted organism specified in the programme.

2. Any term or expression that is defined in the Act and used, but not defined, in this national policy direction has the same meaning as in the Act.

## 4. DIRECTIONS ON SETTING OBJECTIVES

Pest management plan

- (1) For each subject in a proposal for a pest management plan, or in a pest management plan, the objectives in the plan must:
  - (a) state the particular adverse effect or effects of the subject on the matters listed in section 54(a) of the Act that the plan addresses; and
  - (b) state the pest management intermediate outcomes that the plan is seeking to achieve, being one or more of the following intermediate outcomes:
    - (i) “exclusion” which means to prevent the establishment of the subject that is present in New Zealand but not yet established in an area;
    - (ii) “eradication” which means to reduce the infestation level of the subject to zero levels in an area in the short to medium term;
    - (iii) “progressive containment” which means to contain or reduce the geographic distribution of the subject to an area over time;

- (iv) “sustained control” which means to provide for ongoing control of the subject to reduce its impacts and its spread to other properties;
- (v) “protecting values in places” which means that the subject that is capable of causing damage to a place is excluded or eradicated from that place, or is contained, reduced, or controlled within the place to an extent that protects the values of that place; and
- (c) for each applicable outcome in sub clause (1)(b)(i) to (iv), specify –
  - (i) the geographic area to which the outcome applies; and
  - (ii) the extent to which the outcome will be achieved (if applicable); and
  - (iii) the period within which the outcome is expected to be achieved; and
- (d) for the outcome in sub clause (1)(b)(v) (if applicable), specify –
  - (i) one of the following:
    - (A) the geographic area to which the outcome applies (if practicable); or
    - (B) a description of a place to which the outcome applies; or
    - (C) the criteria for defining the place to which the outcome applies; and
  - (ii) the extent to which the outcome will be achieved (if applicable); and
  - (iii) the period within which the outcome is expected to be achieved; and
- (e) In relation to sub clause (1)(d)(i)(B) and (C), if a description or criteria is used to describe places to which an outcome applies, the description or criteria must give sufficient certainty, in the view of the relevant regional council (in the case of regional pest or pathway management plans) or the Minister responsible for the plan (in the case of national pest or pathway management plans), to land owners and occupiers so that they are aware that the outcome applies to them; and
- (f) if the period within which the pest management intermediate outcome is expected to be achieved is more than 10 years, state what is intended to be achieved in the first 10 years of the plan, or during the current term of the plan prior to next review (as applicable).

#### Pathway management plan

- (2) For each subject in a proposal for a pathway management plan, and in a pathway management plan, the objectives in the plan must:
  - (a) state the particular adverse effect or effects of the harmful organism(s) on the matters listed in section 54(a) of the Act that the plan addresses; and
  - (b) state any key known organisms that are to be managed; and
  - (c) state the pest management intermediate outcomes to which the plan is seeking to contribute, being one or more of the following intermediate outcomes:
    - (i) “exclusion” (if applicable) which means to prevent the establishment of an organism, being spread by the subject, that is present in New Zealand but not yet established in an area;
    - (ii) “eradication” (if applicable) which means to reduce the infestation level of an organism, being spread by the subject, to zero levels in an area in the short to medium term;
    - (iii) “progressive containment” (if applicable) which means to contain or reduce the geographic distribution of an organism, being spread by the subject, to an area over time;
    - (iv) “sustained control” (if applicable) which means to provide for the ongoing control of an organism, being spread by the subject, to reduce its impacts and its spread to other properties;



- (v) “protecting values in places” (if applicable) which means that an organism being spread by the subject, that is capable of causing damage to a place, is excluded or eradicated from that place, or is contained, reduced, or controlled within the place to an extent that protects the values of that place; and
- (d) if none of the outcomes in sub clause (2)(c)(i) to (v) is applicable, include a “Pathway Programme” in which the intermediate outcome for the programme is to reduce the spread of harmful organisms; and
- (e) for each applicable outcome in sub clause (2)(c)(i) to (iv), specify –
  - (i) the geographic area to which the outcome applies; and
  - (ii) the extent to which the outcome will be achieved (if applicable); and
  - (iii) the period within which the outcome is expected to be achieved; and
- (f) for the outcome in sub clause (2)(c)(v) (if applicable), specify –
  - (i) one of the following:
    - (A) the geographic area to which the outcome applies (if practicable); or
    - (B) a description of a place to which the outcome applies; or
    - (C) the criteria for defining the place to which the outcome applies; and
  - (ii) the extent to which the outcome will be achieved (if applicable); and
  - (iii) the period within which the outcome is expected to be achieved; and
- (g) In relation to sub clause (2)(f)(i)(B) and (C), if a description or criteria is used to describe places to which an outcome applies the description or criteria must give sufficient certainty, in the view of the relevant regional council (in the case of regional pest or pathway management plans) or the Minister responsible for the plan (in the case of national pest or pathway management plans), to land owners and occupiers so that they are aware that the outcome applies to them; and
- (h) if the period within which the pest management intermediate outcome is expected to be achieved is more than 10 years, state what is intended to be achieved in the first 10 years of the plan, or during the current term of the plan prior to next review (as applicable).

#### Small-scale management programme

- (3) For each subject of a small-scale management programme the objectives in the programme must:
  - (a) state the particular adverse effect or effects of the subject on the matters listed in section 54(a) of the Act that the programme addresses; and
  - (b) state the pest management intermediate outcomes that the programme is seeking to achieve, being one or more of the following outcomes:
    - (i) “exclusion” which means to prevent the establishment of the subject that is present in New Zealand but not yet established in an area;
    - (ii) “eradication” which means to reduce the infestation level of the subject to zero levels in an area in the short to medium term;
    - (iii) “progressive containment” which means to contain and reduce the geographic distribution of the subject to an area over time;
    - (iv) “sustained control” which means to provide for the ongoing control of the subject to reduce its impacts on values and its spread to other properties; and
  - (c) for each applicable outcome in sub clause (3)(b), specify –
    - (i) the geographic area to which the outcome applies; and
    - (ii) the extent to which the outcome will be achieved (if applicable); and

(iii) the period within which the outcome is expected to be achieved.

## 5. DIRECTIONS ON PROGRAMME DESCRIPTION

- (1) For each subject in a pest management plan or pathway management plan, the plan must contain one or more of the following programmes, and may not contain any other types of programmes:
  - (a) “Exclusion Programme” (if applicable) in which the intermediate outcome for the programme is to prevent the establishment of the subject, or an organism being spread by the subject, that is present in New Zealand but not yet established in an area:
  - (b) “Eradication Programme” (if applicable) in which the intermediate outcome for the programme is to reduce the infestation level of the subject, or an organism being spread by the subject, to zero levels in an area in the short to medium term:
  - (c) “Progressive Containment Programme” (if applicable) in which the intermediate outcome for the programme is to contain or reduce the geographic distribution of the subject, or an organism being spread by the subject, to an area over time:
  - (d) “Sustained Control Programme” (if applicable) in which the intermediate outcome for the programme is to provide for ongoing control of the subject, or an organism being spread by the subject, to reduce its impacts on values and spread to other properties:
  - (e) “Site-led Pest Programme” (if applicable) in which the intermediate outcome for the programme is that the subject, or an organism being spread by the subject, that is capable of causing damage to a place is excluded or eradicated from that place, or is contained, reduced, or controlled within the place to an extent that protects the values of that place:
  - (f) for pathway management plans, if none of the programmes in subclause (a) to (e) are applicable, the plan must contain a “Pathway Programme” in which the intermediate outcome for the programme is to reduce the spread of harmful organisms.
- (2) The specific names for programmes as set out in sub clause (1)(a) to (f) must be used as appropriate in all pest management plans and pathway management plans.
- (3) The programme selected for a subject in a plan under sub clause (1) must be consistent with the pest management intermediate outcome stated for the subject in the plan under clause 4 of this national policy direction.

## 6. DIRECTIONS ON ANALYSING BENEFITS AND COSTS

Pest management plan and pathway management plan

- (1) When determining the appropriate level of analysis of the benefits and costs of the plan for each subject for the purposes of a proposal for a pest management plan or pathway management plan, a proposer must consider:
  - (a) the level of uncertainty of the impacts of the subject, or an organism being spread by the subject, and of the effectiveness of measures; and
  - (b) the likely significance of the subject, or an organism being spread by the subject, or of the proposed measures, in terms of stakeholder interest and contention, and total costs of the proposed plan; and

- (c) the likely costs of the programme relative to the likely benefits; and
  - (d) the level of certainty and the quality of the available data.
- (2) In the proposal for a pest management plan or pathway management plan, an analysis of the benefits and costs of the plan for each subject must:
  - (a) identify, and quantify (if practicable), the impacts of the proposed subject or an organism being spread by the subject; and
  - (b) identify two or more options for responding to the subject or an organism being spread by the subject (one option must be either taking no action or taking the actions that would be expected in the absence of a plan); and
  - (c) identify, and quantify (if practicable), the benefits of each option; and
  - (d) identify, and quantify (if practicable), the costs of each option; and
  - (e) state the assumptions (if any) on which the impacts, benefits and costs are based; and
  - (f) be at an appropriate level of detail as determined in accordance with sub clause (1); and
  - (g) take into account any risks that each option will not achieve its objective; and
  - (h) identify any realistic mitigation options for the risks identified in sub clause (2)(g); and
  - (i) adjust the benefits and costs for each option as appropriate to take account of sub clause (2)(g) and (h); and
  - (j) clearly identify which option is preferred.
- (3) When taking into account any risks that each option will not achieve its objective under sub clause (2)(g), a proposer must consider:
  - (a) the technical and operational risks of the option; and
  - (b) the extent to which the option will be implemented and complied with; and
  - (c) the risk that compliance with other legislation will adversely affect implementation of the option; and
  - (d) the risk that public or political concerns will adversely affect implementation of the option; and
  - (e) any other material risk.
- (4) When taking into account any risks that each option will not achieve its objective under sub clause (2)(g), a proposer must:
  - (a) for analyses where the benefits are fully quantified, either:
    - (i) estimate the residual risks as a probability of success and calculate the expected benefits of the option by multiplying the benefits by the probability of success; or
    - (ii) state the residual risks to the programme and calculate what the probability of success would need to be to make the expected benefits equal the costs; and
  - (b) for all other analyses (where the benefits are not fully quantified):
    - (i) state the residual risks to the programme and, where practicable, give an indication of likelihood and impact; and
    - (ii) specify which of the benefits are most likely to be affected if the risk eventuated.
- (5) The proposer of a pest management plan or pathway management plan must document the assessments made in sub clauses (1), (3) and (4) and make them publicly available with the proposal for a pest or pathway management plan.



## 7. DIRECTIONS ON PROPOSED ALLOCATION OF COSTS FOR PEST AND PATHWAY MANAGEMENT PLANS

### Pest management plan and pathway management plan

- (1) If a proposer of a pest or pathway management plan is determining an appropriate grouping of subjects, or organisms being spread by the subject, for cost allocation analysis, the proposer must consider:
  - (a) whether the subjects, or organisms being spread by the subject, have similar groups of beneficiaries and exacerbators; and
  - (b) whether the exacerbators have similar existing legislative responsibilities and rights; and
  - (c) if applicable, whether the organisms in a proposed pest management plan are at a similar stage of infestation and whether the proposer has similar management objectives for the organisms.
- (2) When determining the appropriate cost allocation to be proposed for a pest management plan or pathway management plan, a proposer must:
  - (a) identify and estimate the direct costs of the plan and identify the indirect costs of the plan; and
  - (b) where possible, identify the beneficiaries of the plan; and
  - (c) where possible, identify the active and passive exacerbators; and
  - (d) determine whether the best cost allocation method is to have beneficiaries or exacerbators or a mixture of both bearing the costs of the plan and determine the appropriate cost allocation by considering all of the following matters:
    - (i) the legislative responsibilities and rights of beneficiaries and exacerbators;
    - (ii) the management objectives of the plan and the stage of infestation;
    - (iii) the most effective agents to undertake the control to meet the objectives of the plan;
    - (iv) if proposing that beneficiaries bear any of the costs of the plan, how much each group of beneficiaries will benefit from the plan and whether each group of beneficiaries will benefit more than the amount of costs that it is proposed that it bear;
    - (v) if proposing that exacerbators bear any of the costs of the plan, how much each group of exacerbators is contributing to the problem addressed by the plan;
    - (vi) the degree of urgency to make the plan;
    - (vii) efficiency and effectiveness of the cost allocation method and proposed cost allocation;
    - (viii) practicality of the cost allocation method and proposed cost allocation;
    - (ix) administrative efficiency of the cost allocation method and proposed cost allocation;
    - (x) security of funding of the cost allocation method and proposed cost allocation;
    - (xi) fairness of the cost allocation method and proposed cost allocation;
    - (xii) whether the proposed cost allocation is reasonable;
    - (xiii) the parties who will bear the indirect costs of the plan;
    - (xiv) the need for any transitional cost allocation arrangements;
    - (xv) the mechanisms available to impose the cost allocation; and
  - (e) consider what is the best mechanism(s) to impose the cost allocation, taking into account the cost allocation method chosen, the most effective control tools and agents to undertake the control to meet the objectives of the plan, practicality, administrative efficiency, security of funding and any statutory requirements; and

- (f) document the steps and assessments carried out under sub clause (a) to (e) and the rationale for the proposed allocation of costs, and make them publicly available with the proposal for a pest or pathway management plan.

## 8. DIRECTIONS ON GOOD NEIGHBOUR RULES

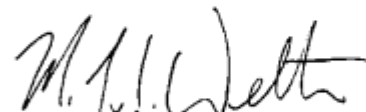
### Regional pest management plan

- (1) Before a rule can be identified as a good neighbour rule in a regional pest management plan, the regional council must be satisfied of the matters in sub clause (a), (c), and (d) and must comply with the requirements in sub clause (b) and (e):
- (a) In the absence of the rule, the pest would spread to land that is adjacent or nearby within the life of the plan and would cause unreasonable costs to an occupier of that land.
  - (b) In determining whether the pest would spread as described in sub clause (a) the regional council must consider the proximity and characteristics of the adjacent or nearby land and the biological characteristics and behaviour of the particular pest.
  - (c) The occupier of the land that is adjacent or nearby, as described in sub clause (a), is taking reasonable measures to manage the pest or its impacts.
  - (d) The rule does not set a requirement on an occupier that is greater than that required to manage the spread of the pest to adjacent or nearby land as described in sub clause (a).
  - (e) In determining the rules to be set to manage the costs to an occupier of land that is adjacent or nearby, of the pest spreading, the regional council must consider:
    - (i) the biological characteristics and behaviour of the particular pest; and
    - (ii) whether the costs of compliance with the rule are reasonable relative to the costs that such an occupier would incur, from the pest spreading, in the absence of a rule.

## 9. DIRECTIONS ON TIMING OF INCONSISTENCY DETERMINATION

### Pest management plan and pathway management plan

- (1) The Minister or regional council must make a determination under section 100E of the Act, as to whether a pest management plan or pathway management plan is inconsistent with the national policy direction, within 18 months of the Governor-General approving the making, revocation, or replacement, of the national policy direction.

  
Clerk of the Executive Council



Part 5 s 68

Biosecurity Act 1993

Reprinted as at  
1 July 2016*Regional pest management plans*

Heading: inserted, on 18 September 2012, by section 39 of the Biosecurity Law Reform Act 2012 (2012 No 73).

**1 Definitions for sections 69 to 78**

For the purposes of sections 69 to 78,—

**council** means a regional council

**management agency** means a management agency responsible for implementing a regional pest management plan

**plan** means a regional pest management plan

**proposal** means a proposal for a regional pest management plan

**rule** means a rule in a regional pest management plan.

Section 68: replaced, on 18 September 2012, by section 39 of the Biosecurity Law Reform Act 2012 (2012 No 73).

**2 Relationship of rules with law**

- (1) To the extent to which a regulation made under this or any other Act is inconsistent with a rule, the regulation prevails.
- (2) To the extent to which a rule in a national pest management plan is inconsistent with a rule, the rule in the national pest management plan prevails.
- (3) To the extent to which a rule in a national pathway management plan is inconsistent with a rule, the rule in the national pathway management plan prevails.
- (4) To the extent to which a bylaw of a local authority is inconsistent with a rule applying to the same locality, the rule prevails.
- (5) A good neighbour rule in a plan, or action taken under a plan to enforce a good neighbour rule in the plan, are the only ways in which a plan may cause the Crown to become liable to meet obligations or costs.

Section 69: replaced, on 18 September 2012, by section 39 of the Biosecurity Law Reform Act 2012 (2012 No 73).

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Part 5 s 70

### 3 First step: plan initiated by proposal

- (1) The first step in the making of a plan is a proposal made by—
  - (a) the council; or
  - (b) a person who submits the proposal to the council.
- (2) The proposal must set out the following matters:
  - (a) the name of the person making the proposal;
  - (b) the subject of the proposal, which means—
    - (i) the organism proposed to be specified as a pest under the plan or the organisms proposed to be specified as pests under the plan; or
    - (ii) the class or description of organism proposed to be specified as a pest under the plan or the classes or descriptions of organisms proposed to be specified as pests under the plan;
  - (c) for each subject,—
    - (i) a description of its adverse effects;
    - (ii) the reasons for proposing a plan;
    - (iii) the objectives that the plan would have;
    - (iv) the principal measures that would be in the plan to achieve the objectives;
    - (v) other measures that it would be reasonable to take to achieve the objectives, if there are any such measures, and the reasons why the proposed measures are preferable as a means of achieving the objectives;
    - (vi) the reasons why the plan is more appropriate than relying on voluntary actions;
    - (vii) an analysis of the benefits and costs of the plan;
    - (viii) the extent to which any persons, or persons of a class or description, are likely to benefit from the plan;
    - (ix) the extent to which any persons, or persons of a class or description, contribute to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan;
    - (x) the rationale for the proposed allocation of costs;
    - (xi) if it is proposed that the plan be funded by a levy under section 100L, how the proposed levy satisfies section 100L(5)(d) and what matters will be specified under section 100N(1);
    - (xii) whether any unusual administrative problems or costs are expected in recovering the costs allocated to any of the persons whom the plan would require to pay the costs;



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- (d) any other organism intended to be controlled:
- (e) the effects that, in the opinion of the person making the proposal, implementation of the plan would have on—
  - (i) economic wellbeing, the environment, human health, enjoyment of the natural environment, and the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga:
  - (ii) the marketing overseas of New Zealand products:
- (f) if the plan would affect another pest management plan or a pathway management plan, how it is proposed to co-ordinate the implementation of the plans:
- (g) the powers in Part 6 that it is proposed to use to implement the plan:
- (h) each proposed rule and an explanation of its purpose:
- (i) the rules, if any, that are intended to be good neighbour rules:
- (j) the rules whose contravention is proposed to be an offence under this Act:
- (k) the management agency:
- (l) the means by which it is proposed to monitor or measure the achievement of the plan's objectives:
- (m) the actions that it is proposed local authorities, local authorities of a specified class or description, or specified local authorities may take to implement the plan, including contributing towards the costs of implementation:
- (n) the basis, if any, on which the management agency is to pay compensation for losses incurred as a direct result of the implementation of the plan:
- (o) information on the disposal of the proceeds of any receipts arising in the course of implementing the plan:
- (p) whether the plan includes portions of road adjoining land it covers, as authorised by section 6, and, if so, the portions of road proposed to be included:
- (q) the anticipated costs of implementing the plan:
- (r) how it is proposed that the costs be funded:
- (s) the period for which it is proposed the plan be in force:
- (t) the consultation, if any, that has occurred on the proposal and the outcome of it:
- (u) any matter that the national policy direction requires be specified in a plan:
- (v) the steps that have been taken to comply with the process requirements in the national policy direction, if there were any.

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Section 70: replaced, on 18 September 2012, by section 39 of the Biosecurity Law Reform Act 2012 (2012 No 73).

#### 4 Second step: satisfaction on requirements

If the council is satisfied that section 70 has been complied with, the council may take the second step in the making of a plan, which is to consider whether the council is satisfied—

- (a) that the proposal is not inconsistent with—
  - (i) the national policy direction; or
  - (ii) any other pest management plan on the same organism; or
  - (iii) any pathway management plan; or
  - (iv) a regional policy statement or regional plan prepared under the Resource Management Act 1991; or
  - (v) any regulations; and
- (b) that, during the development of the proposal, the process requirements for a plan in the national policy direction, if there were any, were complied with; and
- (c) that the proposal has merit as a means of eradicating or effectively managing the subject of the proposal, which means—
  - (i) the organism proposed to be specified as a pest under the plan or the organisms proposed to be specified as pests under the plan; or
  - (ii) the class or description of organism proposed to be specified as a pest under the plan or the classes or descriptions of organisms proposed to be specified as pests under the plan; and
- (d) that each subject is capable of causing at some time an adverse effect on 1 or more of the following in the region:
  - (i) economic wellbeing;
  - (ii) the viability of threatened species of organisms;
  - (iii) the survival and distribution of indigenous plants or animals;
  - (iv) the sustainability of natural and developed ecosystems, ecological processes, and biological diversity;
  - (v) soil resources;
  - (vi) water quality;
  - (vii) human health;
  - (viii) social and cultural wellbeing;
  - (ix) the enjoyment of the recreational value of the natural environment;
  - (x) the relationship between Māori, their culture, and their traditions and their ancestral lands, waters, sites, wāhi tapu, and taonga;

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- (xi) animal welfare; and
- (e) that, for each subject, the benefits of the plan would outweigh the costs, after taking account of the likely consequences of inaction or other courses of action; and
- (f) that, for each subject, persons who are required, as a group, to meet directly any or all of the costs of implementing the plan—
  - (i) would accrue, as a group, benefits outweighing the costs; or
  - (ii) contribute, as a group, to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan; and
- (g) that, for each subject, there is likely to be adequate funding for the implementation of the plan for the shorter of its proposed duration and 5 years; and
- (h) that each proposed rule—
  - (i) would assist in achieving the plan's objectives; and
  - (ii) would not trespass unduly on the rights of individuals; and
- (i) that the proposal is not frivolous or vexatious; and
- (j) that the proposal is clear enough to be readily understood; and
- (k) that, if the council rejected a similar proposal within the last 3 years, new and material information answers the council's objection to the previous proposal.

Section 71: replaced, on 18 September 2012, by section 39 of the Biosecurity Law Reform Act 2012 (2012 No 73).

## **5 Third step: satisfaction with consultation or requirement of more consultation**

- (1) If the council is satisfied of the matters in section 71, the council may take the third step in the making of a plan, which is for the council to consider whether the council is satisfied—
  - (a) that, if Ministers' responsibilities may be affected by the plan, the Ministers have been consulted; and
  - (b) that, if local authorities' responsibilities may be affected by the plan, the authorities have been consulted; and
  - (c) that the tangata whenua of the area who may be affected by the plan were consulted through iwi authorities and tribal runanga; and
  - (d) that, if consultation with other persons is appropriate, sufficient consultation has occurred.
- (2) In considering whether the council is satisfied as required by subsection (1)(d), the council must have regard to the following:
  - (a) the scale of the impacts on persons who are likely to be affected by the plan; and

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- (b) whether the persons likely to be affected by the plan or their representatives have already been consulted and, if so, the nature of the consultation; and
  - (c) the level of support for, or opposition to, the proposal from persons who are likely to be affected by it.
- (3) If the council is satisfied as required by subsection (1), the council must apply section 73.
- (4) If the council is not satisfied as required by subsection (1), the council may require consultation to be undertaken on the proposal.
- (5) If the council requires consultation to be undertaken, the council must determine the way or ways in which the consultation must be undertaken, including, but not limited to, ways such as—
  - (a) consultation with persons likely to be affected by the plan or with their representatives;
  - (b) the appointment by the council of 1 or more persons to carry out an independent inquiry into the proposal on terms of reference set by the council;
  - (c) public notification of the proposal and the receipt of submissions.
- (6) After the consultation required by the council has been undertaken, the council must apply subsection (1) again.

Section 72: replaced, on 18 September 2012, by section 39 of the Biosecurity Law Reform Act 2012 (2012 No 73).

#### **6 Fourth step: approval of preparation of plan and decision on management agency**

- (1) If the council is satisfied as required by section 72(1) and is satisfied that the issues raised in all the consultation undertaken on the proposal have been considered, the council may take the fourth step in the making of a plan, which is to approve the preparation of a plan.
- (2) If the council approves the preparation of a plan, the council must apply section 100 to decide which body is to be the management agency.

##### *Matters to be specified*

- (3) A plan must specify the following matters:
  - (a) the pest or pests to be eradicated or managed;
  - (b) the plan's objectives;
  - (c) the principal measures to be taken to achieve the objectives;
  - (d) the means by which the achievement of the plan's objectives will be monitored or measured;
  - (e) the sources of funding for the implementation of the plan;

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- (f) the limitations, if any, on how the funds collected from those sources may be used to implement the plan:
- (g) the powers in Part 6 to be used to implement the plan:
- (h) the rules, if any:
- (i) the rules, if any, that are good neighbour rules:
- (j) the management agency:
- (k) the actions that local authorities, local authorities of a specified class or description, or specified local authorities may take to implement the plan, including contributing towards the costs of implementation:
- (l) the portions of road, if any, adjoining land covered by the plan and, as authorised by section 6, also covered by the plan:
- (m) the plan's commencement date and termination date:
- (n) any matters required by the national policy direction.

*Compensation*

- (4) A plan—
  - (a) may provide for the payment of compensation for losses incurred as a direct result of the implementation of the plan:
  - (b) must not provide for the payment of compensation for the following losses:
    - (i) loss suffered because a person's income derived from feral or wild organisms is adversely affected by the implementation of the plan:
    - (ii) loss suffered before an inspector or authorised person establishes the presence of the pest on the place of the person suffering the loss:
    - (iii) loss suffered by a person who fails to comply with the plan.

*Rules*

- (5) A plan may include rules for all or any of the following purposes:
  - (a) requiring a person to take specified actions to enable the management agency to determine or monitor the presence or distribution of the pest or a pest agent:
  - (b) requiring a person to keep records of actions taken under the rules and to send to the management agency specified information based on the records:
  - (c) requiring the identification of specified goods:
  - (d) prohibiting or regulating specified methods that may be used in managing the pest:
  - (e) prohibiting or regulating activities that may affect measures taken to implement the plan:



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- (f) requiring audits or inspections of specified actions:
  - (g) specifying, for the purposes of section 52(a), the circumstances in which the pest may be communicated, released, or otherwise spread:
  - (h) requiring the occupier of a place to take specified actions to eradicate or manage the pest or a specified pest agent on the place:
  - (i) requiring the occupier of a place to take specified actions to eradicate or manage the habitat of the pest or the habitat of a specified pest agent on the place:
  - (j) prohibiting or regulating specified activities by the occupier of a place if the activities are of the kind that would promote the habitat of the pest on the place:
  - (k) requiring the occupier of a place to carry out specified activities to promote the presence of organisms that assist in the control of the pest on the place:
  - (l) prohibiting or regulating specified activities by the occupier of a place, which deter the presence on that place of organisms that assist in the control of the pest:
  - (m) requiring the occupier of a place to carry out specified treatments or procedures to assist in preventing the spread of the pest:
  - (n) requiring the owner or person in charge of goods to carry out specified treatments or procedures to assist in preventing the spread of the pest:
  - (o) requiring the destruction of goods if the goods may contain or harbour the pest or otherwise pose a risk of spreading the pest:
  - (p) prohibiting or regulating specified uses of goods that may promote the spread or survival of the pest:
  - (q) prohibiting or regulating the use or disposal of organic material:
  - (r) prohibiting or regulating the use of specified practices in the management of organisms that may promote the spread or survival of the pest:
  - (s) prohibiting or regulating the movement of goods that may contain or harbour the pest or otherwise pose a risk of spreading the pest.
- (6) A rule may—
- (a) apply generally or to different classes or descriptions of persons, places, goods, or other things:
  - (b) apply all the time or at 1 or more specified times of the year:
  - (c) apply throughout the region or in a specified part or parts of the region with, if necessary, another rule on the same subject matter applying to another specified part of the region:
  - (d) specify that a contravention of the rule creates an offence under section 154N(19).

Section 73: replaced, on 18 September 2012, by section 39 of the Biosecurity Law Reform Act 2012 (2012 No 73).

## **7 Fifth step: satisfaction on contents of plan and requirements**

If the council is satisfied that section 73 has been complied with, the council may take the fifth step in the making of a plan, which is for the council to consider whether the council is satisfied, in relation to the plan prepared under section 73,—

- (a) that the plan is not inconsistent with—
  - (i) the national policy direction; or
  - (ii) any other pest management plan on the same organism; or
  - (iii) any pathway management plan; or
  - (iv) a regional policy statement or regional plan prepared under the Resource Management Act 1991; or
  - (v) any regulations; and
- (b) that, for each subject of the plan, the benefits of the plan outweigh the costs, after taking account of the likely consequences of inaction or other courses of action; and
- (c) that, for each subject of the plan, persons who are required, as a group, to meet directly any or all of the costs of implementing the plan—
  - (i) will accrue, as a group, benefits outweighing the costs; or
  - (ii) contribute, as a group, to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan; and
- (d) that, for each subject of the plan, there is likely to be adequate funding for the implementation of the plan for the shorter of its proposed duration and 5 years; and
- (e) that each rule—
  - (i) will assist in achieving the plan's objectives; and
  - (ii) will not trespass unduly on the rights of individuals.

Section 74: replaced, on 18 September 2012, by section 39 of the Biosecurity Law Reform Act 2012 (2012 No 73).

## **8 Sixth step: decision on plan**

- (1) When the council is satisfied of the matters in section 74, the council must prepare a written report on the plan.
- (2) If the council has received submissions on the proposal, the council must—
  - (a) set out in the report the council's reasons for accepting or rejecting the submissions; and
  - (b) give a copy of the report to every person who made a submission.
- (3) The report must give the council's decision on the plan.

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1 July 2016

Biosecurity Act 1993

Part 5 s

- (4) The council must give public notice—
- (a) stating the council's decision on the plan; and
  - (b) stating where the plan resulting from the council's decision can be read.
- Section 75: replaced, on 18 September 2012, by section 39 of the Biosecurity Law Reform Act 2012 (2012 No 73).

## **9 Application to Environment Court about plan**

- (1) This section applies to the plan resulting from the council's decision under section 75(3).
- (2) The following matters may be the subject of an application to the Environment Court:
- (a) any aspect of the plan;
  - (b) whether the plan is inconsistent with the national policy direction;
  - (c) whether the process requirements for a plan in the national policy direction, if there were any, were complied with.
- (3) If consultation on the proposal for the plan was undertaken by way of public notification of the proposal and the receipt of submissions, a person who made a submission on the proposal may make an application to the Environment Court.
- (4) If consultation on the proposal was undertaken other than by way of public notification of the proposal and the receipt of submissions, the following persons may make an application to the Environment Court:
- (a) a person who participated in consultation during the preparation of the proposal and whose views were provided or recorded in writing;
  - (b) a person who participated in consultation on the proposal and whose views were provided or recorded in writing;
  - (c) a person who is likely to be affected by the plan and did not participate in consultation only because the person was not given an opportunity to participate.
- (5) The application must be made within 15 working days after the date of the public notice.
- (6) The application is made under section 291 of the Resource Management Act 1991 and regulations made under the Resource Management Act 1991.
- (7) The court must hold a public hearing on the application.
- (8) The court must—
- (a) dismiss the application; or
  - (b) direct the council to modify the plan, delete a provision from the plan, or insert a provision in the plan.

Section 76: replaced, on 18 September 2012, by section 39 of the Biosecurity Law Reform Act 2012 (2012 No 73).



Part 5 s 77

Biosecurity Act 1993

Reprinted as at  
1 July 2016**10 Making of plan**

- (1) A plan is made by the council fixing the council's seal to the plan.
- (2) If no person makes an application under section 76, the council must make the plan.
- (3) If a person makes an application under section 76, the council must—
  - (a) decide whether the matter dealt with in the application is severable from the rest of the plan; and
  - (b) take 1 of the courses of action described in subsection (4).
- (4) The courses of action are as follows:
  - (a) if the matter dealt with in the application is severable from the rest of the plan, the council must make the plan without the matter in it and, after the Environment Court's decision, do the applicable 1 of the following:
    - (i) if the Environment Court dismisses the application under section 76(8)(a), make the part of the plan that deals with the matter;
    - (ii) if the Environment Court gives a direction under section 76(8)(b), comply with the direction before making the part of the plan that deals with the matter;
  - (b) if the matter dealt with in the application is not severable from the rest of the plan and the Environment Court dismisses the application under section 76(8)(a), the council must make the plan;
  - (c) if the matter dealt with in the application is not severable from the rest of the plan and the Environment Court gives a direction under section 76(8)(b), the council must comply with the direction before making the plan.
- (5) The council must give public notice of—
  - (a) the making of the plan; and
  - (b) the plan's commencement date or dates, as follows:
    - (i) the commencement date of a plan made in the circumstances described in subsection (2) or (4)(b) or (c) is the date on which the council fixes the council's seal to the plan;
    - (ii) the commencement dates of the parts of a plan made in the circumstances described in subsection (4)(a) are, for the part of the plan made first, the date on which the council fixes the council's seal to that part and, for the part of the plan made after the Environment Court's decision, the date on which the council fixes the council's seal to that part.

Section 77: replaced, on 18 September 2012, by section 39 of the Biosecurity Law Reform Act 2012 (2012 No 73).

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Part 5 s 78

## 11 Exemptions from rules

- (1) The council may exempt a person from a requirement in a rule, without conditions or on conditions that the council considers appropriate.
- (2) The council may grant an exemption under subsection (1) only if—
  - (a) the council is satisfied that granting the exemption will not significantly prejudice the attainment of the plan's objectives; and
  - (b) the council is satisfied that 1 or more of the following applies:
    - (i) the requirement has been substantially complied with and further compliance is unnecessary;
    - (ii) the action taken on, or provision made for, the matter to which the requirement relates is as effective as, or more effective than, compliance with the requirement;
    - (iii) the requirement is clearly unreasonable or inappropriate in the particular case;
    - (iv) events have occurred that make the requirement unnecessary or inappropriate in the particular case.
- (3) The council may exempt all persons, a specified class of persons, persons in a specified place, or persons responsible for specified goods or things from a requirement in a rule, without conditions or on conditions that the council considers appropriate.
- (4) The council may grant an exemption under subsection (3) only if the council is satisfied that events have occurred that make the requirement unnecessary or inappropriate.
- (5) Conditions on which the council grants an exemption must be consistent with the purpose of this Part and must be no more onerous than the requirement from which the exemption is granted.
- (6) The council must determine the period of an exemption that the council grants.
- (7) The council must provide a register that—
  - (a) records, for each exemption granted,—
    - (i) a description of the exemption; and
    - (ii) the reasons for the exemption; and
    - (iii) the period of the exemption; and
  - (b) is available for the public to read free of charge—
    - (i) at the council's offices during the council's normal office hours; or
    - (ii) on an Internet site maintained by or on behalf of the council.
- (8) The following apply to the extension of the period of an exemption:
  - (a) the council may grant an extension of the period; and
  - (b) the extension must be granted before the end of the period; and

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	(c) the extended period becomes the period of the exemption; and	
	(d) the council may exercise the power in paragraph (a) more than once.	
	Section 78: replaced, on 18 September 2012, by section 39 of the Biosecurity Law Reform Act 2012 (2012 No 73).	



# HAWKE'S BAY REGIONAL COUNCIL

Tuesday 24 April 2018

## Subject: AFFIXING OF COMMON SEAL

Item 8

### 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 109 DP 6598 CT E1/142 - Agreement for Sale and Purchase - Transfer	4213 4218	3 April 2018 17 April 2018
1.1.2	Lot 1 DP 17786 CT K3/58 - Agreement for Sale and Purchase	4214	6 April 2018
1.1.3	Lot 1 DP 13693 CT F2/189 - Agreement for Sale and Purchase - Transfer	4216 4217	12 April 2018 12 April 2018
1.2	1.2.1 N. Cottier (Delegations under Resource Management Act 1991; Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908 and Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174)	4215	11 April 2018

2. As a result of sales, the current numbers of Leasehold properties owned by Council are:
  - 2.1. 0 cross lease properties were sold, with 83 remaining on Council's books
  - 2.2. 2 single leasehold properties were sold, with 123 remaining on Council's books.

### Decision Making Process

3. 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:
  - 2.1 Sections 97 and 88 of the Act do not apply
  - 2.2 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
  - 2.3 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 Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
2. Confirms the action to affix the Common Seal.

### **Authored by:**

**Trudy Kilkolly  
FINANCIAL ACCOUNTANT**

**Diane Wisely  
EXECUTIVE ASSISTANT**

### **Approved by:**

**Jessica Ellerm  
GROUP MANAGER  
CORPORATE SERVICES**

**James Palmer  
CHIEF EXECUTIVE**

## **Attachment/s**

There are no attachments for this report.

# HAWKE'S BAY REGIONAL COUNCIL

Tuesday 24 April 2018

## SUBJECT: FINANCIAL REPORT TO 31 MARCH 2018 AND REFORECAST FOR FINANCIAL YEAR ENDING 30 JUNE 2018

Item 9

### Reason for Report

1. This report provides an update of the reforecasting exercise for the financial year ending 30 June 2018 (2017-18) and the financial report for the nine months to 31 March 2018.

### Reforecasting Exercise to 30 June 2018

2. The reforecasting exercise summarised in this financial report is based on expenditure and revenue analysis for the nine months to 31 March 18 of the current financial year and has been amended where necessary to reflect the anticipated position at 30 June 2018.
3. The review included all operating and capital projects, cost centres and investment income. There were a number of adjustments but overall, increased expenditure has been mostly offset by reductions in other areas.
4. The most significant variation is the work committed to the submission opposing the Ngaruroro Water Conservation Order (WCO). It is estimated that the cost of this unbudgeted item will total approximately \$400,000 in external expenditure in the 2017-18 financial year. All internal staff cost has been absorbed by existing budgets, due to staff being reassigned from other planned work.
5. The Strategic Policy team have been heavily involved in this project and therefore have been unable to proceed with planned core work resulting in savings of \$150,000 which will be offset against the WCO costs. This leaves an increased overall deficit of \$250,000.
6. HBRC must always try to demonstrate prudent financial management, and fund current year activities from within the revenue provided in the Annual Plan for that year where possible.
7. A decision on how to fund the year end deficit is to be resolved by council at the conclusion of the 2017-18 financial year, some of the options for funding this increased deficit are as below:
  - 7.1. Council could consider reducing any requests for carry forwards that come through the staff submissions to the LTP, if there are any.
  - 7.2. Borrow internally for the deficit and pay this back over future years as a cost towards the TANK plan change process.
  - 7.3. Leave the deficit to hit the bottom line and fund through operating reserves. Keeping in mind that using this reserve too often will reduce it completely.
8. Reforecasting movements with explanations on variances are set out in **Attachment 1**.

### Summary of Financial Position to 31 March 2018

9. The financial position to 31 March 2018 has been reviewed against the revised full year forecast. Based on the revised numbers, the year to date performance is in line with full year reforecast expectations.

### Financial Results for Nine Months to 31 March 2018

10. The financial reporting is covered in **Attachment 1** under:
  - 10.1. Section A – Reforecast and Operating
  - 10.2. Section B – Balance Sheet and Capital

### Decision Making Process

11. 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 ***"Financial Report to 31 March 2018 and Reforecast for Financial Year ending 30 June 2018"*** staff report.

#### Authored by:

**Manton Collings**  
**CORPORATE ACCOUNTANT**

#### Approved by:

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

### Attachment/s

[!\[\]\(e1c624d4757f08486e89482c18364c17\_img.jpg\)1](#) Financial Reports



# SECTION A

## REFORECAST

A summary table of reforecasting movements is shown below, followed by detailed explanations of these variances. It should be noted that unfavourable variances are largely offset by favourable variances with the exception of \$250,000 for the WCO.

<b>HAWKE'S BAY REGIONAL COUNCIL</b> <b>REFORECASTING EXERCISE</b> <b>Nine Months Ended 31 March 2018 (Pd 09)</b>			
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	A	B	VARIANCE	Favourable/ Unfavourable
	ANNUAL BUDGET \$,000	REFORECAST Mar-18 \$,000	A - B \$,000	
<b>GROUPS OF ACTIVITIES</b>				
Strategic Planning	(2,433)	(2,683)	(250)	U
Land Drainage & River Control	(1,243)	(1,260)	(17)	U
Regional Resources	(8,397)	(8,527)	(130)	U
Regulation	(1,885)	(1,885)	-	F
Biosecurity	(1,030)	(1,030)	-	
Emergency Management	(627)	(484)	144	F
Transport	(117)	(117)	-	
Governance & Community Engagement	(2,637)	(2,573)	64	F
Overhead Cost Centre Adjustments		(68)	(68)	U
	<b>(18,371)</b>	<b>(18,628)</b>	<b>(257)</b>	U
<b>CAPITAL PROJECTS</b>				
Strategic Planning	8	8	-	F
Land Drainage & River Control	(513)	(513)	-	F
Regional Income	(21)	(22)	-	F
	<b>(526)</b>	<b>(526)</b>	<b>-</b>	F
<b>NET OPERATIONS GROUP ACTIVITIES</b>	293	293	-	F
<b>NET FUNDING REQUIREMENT</b>	<b>(18,604)</b>	<b>(18,861)</b>	<b>(257)</b>	U
<b>REGIONAL INCOME</b>				
<b>Investment Company</b>				
HBRIC Dividends (Napier Port & RWSS)	10,029	10,000	(29)	U
Ngaruroro Water Investment	50	-	(50)	
<b>Other Investments</b>				
HBRC Forestry Estate	271	271	-	
Restricted Leasehold Land Rental	290	290	-	
Investment Property Rental	833	833	-	F
Interest	2,360	2,360	-	F
Interest on Loans for Investment	(22)	-	22	
<b>Other Funding</b>				
General Rate/Uniform Annual General Charge	4,194	4,255	61	F
Other Income	131	135	4	F
<b>TOTAL REGIONAL INCOME</b>	<b>18,136</b>	<b>18,144</b>	<b>8</b>	F
<b>OPERATING SURPLUS /( DEFICIT)</b>	<b>(468)</b>	<b>(718)</b>	<b>(250)</b>	U

**Groups of Activities****1. Strategic Planning**

Area	Explanation	Costs
WCO Costs	The unfavourable variance is a result of the \$400,000 of unbudgeted costs for the submission opposing the Ngaruroro Water Conservation Order (WCO). These have been partially offset by the reduction in consultancy expenditure for the rest of the Strategic Planning group which have been unable to be progressed due to involvement in the WCO and staff vacancies. Actual costs for the year to date are \$278,000 with a further \$122,000 expected by 30 June 2018.	(\$250,000) unfavourable
<b>TOTAL</b>		<b>(\$250,000) unfavourable</b>

**2. Land Drainage and River Control**

Area	Explanation	Costs
Westshore	Increase in contract rates for the Westshore renourishment. Half of the costs are met by NCC.	(\$30,000) unfavourable
Wairoa	Increase in unbudgeted works and time spent alongside the Hotspot team.	(\$6,000) unfavourable
Central	This project will be underspent due to a lack of specific projects identified for action but a range of tree clearing and land purchase initiatives will be progressed in the 2018-19 year.	+\$19,000 favourable
<b>TOTAL</b>		<b>(\$17,000) unfavourable</b>

**3. Regional Resources**

Area	Explanation	Costs
Coastal Processes	Overall costs for this project have increased significantly through the public consultation and panel meeting process. These costs are jointly funded by HDC and NCC.	(\$70,000) unfavourable
Regional Parks	Increased costs in Tutira in regards to the Hotspot work and increased maintenance and repair at the Waipatiki Camp Ground.	(\$60,000) unfavourable
<b>TOTAL</b>		<b>(\$130,000) unfavourable</b>

## 4. Emergency Management

Area	Explanation	Costs
Flood Risk & Flood & Hydrology Flow Management	The favourable variance is a result of reduction in costs in the Flood Risk and Flood and Hydrology Flow Management projects. These are driven by staff vacancies and staff commitments to other projects.	+\$140,000 favourable
<b>TOTAL</b>		<b>+\$140,000 favourable</b>

## 5. Governance

Area	Explanation	Costs
Community Representation	Communication costs for the LTP have exceeded traditional levels due to a change in delivery format from newspapers to direct mail and the creation of a summary LTP and videos.	(\$50,000) unfavourable
Napier Port Development Communications	It has been necessary to obtain outside assistance for the communications around the Napier Port Development.	(\$40,000) unfavourable
Capital Structure Review	Unspent budget from the original \$100,000 set aside for the review.	+\$25,000 favourable
Contingency Funding	The full contingency budget of \$100,000 is available to use for funding unfavourable balances.	+\$100,000 favourable
Targeted Partnerships	Unallocated funding not required.	+\$20,000 favourable
Solar Hot Water Scheme	Administration costs not required	+\$9,000 favourable
<b>TOTAL</b>		<b>+\$64,000 favourable</b>

## 6. Overhead Cost Centre Adjustments

Area	Explanation	Costs
Insurance	General increases and new cyber liability insurance	(\$15,000) unfavourable
	Salary protection and life insurance cover increases due to staff numbers	(\$10,000) unfavourable
Internal Reviews	Compliance Monitoring	(\$20,000) unfavourable

Attachment 1

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	Comms	(\$13,000) unfavourable
	ICT	(\$30,000) unfavourable
	Reorganisation	(\$25,000) unfavourable
Travel	Exec Team increasing commitments that require travel	(\$10,000) unfavourable
Treasury Support	Review costs for Treasury Reporting	(\$15,000) unfavourable
Training	Workshop for staff	(\$15,000) unfavourable
Reorganisation	Realignments, HR assistance, vacancy timing etc	(\$65,000) unfavourable
Salary Costs	Staff Vacancies and Timing of Replacements	+\$150,000 favourable
<b>TOTAL</b>		<b>(\$68,000) unfavourable</b>

#### 7. Regional Income

Area	Explanation	Costs
HBRIC Ltd Dividends	The 2017-18 Annual Plan assumed the use of the dividend equalisation reserve to the value of \$29,000. This reserve was used up completely at the end of the 2016-17 year and so is no longer available to use.	(\$29,000) unfavourable
Ngaruroro Water Investment	The 2017-18 Annual Plan assumed the investment into the Ngaruroro Water scheme. These funds have not been invested and therefore no return on funds.	(\$50,000) unfavourable
Interest on Loans for Investment	The 2017-18 Annual Plan assumed that HBRC would borrow to invest into the RWSS rather than selling the Wellington Leasehold property. These borrowing costs were a cost to investment but are no longer required as the RWSS ceased and the borrowing was never drawn down.	+\$22,000 favourable
General Rates & Other	General rates have generated \$11,000 more rates than initially budgeted due to growth in the region and there will \$50,000 more rate penalties received than budgeted.	+\$65,000 favourable
<b>TOTAL</b>		<b>+\$8,000 favourable</b>

## OPERATING POSTION

HAWKE'S BAY REGIONAL COUNCIL							
OPERATING STATEMENT							
Nine Months Ended 31 March 2018 (Pd 09)							
GROUPS OF ACTIVITIES	NET FUNDING REQUIREMENT After 9 Months				ANNUAL BUDGET \$,'000	FULL YEAR REFORECAST \$,'000	ACTUAL / BUDGET (%)
	ACTUAL \$,'000	PRO RATA REFORECAST \$,'000	ACTUAL / REFORECAST \$,'000	Favourable/ Unfavourable			
Strategic Planning	(1,925)	(1,916)	(9)	U	(2,433)	(2,683)	72%
Land Drainage & River Control	(1,180)	(1,165)	(15)	U	(1,243)	(1,260)	94%
Regional Resources	(5,930)	(5,941)	10	F	(8,397)	(8,527)	70%
Regulation	(1,560)	(1,597)	36	F	(1,885)	(1,885)	83%
Biosecurity	(880)	(858)	(21)	U	(1,030)	(1,030)	85%
Emergency Management	(435)	(429)	(6)	U	(627)	(484)	90%
Transport	(45)	(19)	(26)	U	(117)	(117)	38%
Governance & Community Engagement	(1,986)	(1,988)	2	F	(2,637)	(2,573)	77%
Overhead Cost Centre Adjustments	-	-	-		-	(68)	0%
	(13,940)	(13,912)	(28)	U	(18,371)	(18,628)	75%
CAPITAL PROJECTS							
Strategic Planning	-	-	-	F	8	8	0%
Land Drainage & River Control	(310)	(351)	41	F	(513)	(513)	60%
HBRC Forestry Estate	(4)	(16)	12	F	(21)	(22)	20%
	(314)	(367)	53	F	(526)	(526)	60%
NET OPERATIONS GROUP ACTIVITIES	230	220	10	F	293	293	78%
NET FUNDING REQUIREMENT	(14,024)	(14,059)	35	F	(18,604)	(18,861)	74%
REGIONAL INCOME							
Investment Company							
HBRC Dividends (Napier Port & RWSS)	3,000	3,000	-	F	10,029	10,000	30%
Ngaruroro Water Investment	-	-	-	F	50	-	
Other Investments							
HBRC Forestry Estate	169	203	(34)	U	271	271	62%
Restricted Leasehold Land Rental	217	218	(0)	U	290	290	75%
Investment Property Rental	617	625	(7)	U	833	833	74%
Interest	1,806	1,770	36	F	2,360	2,360	77%
Interest on Loans for Investment	-	-	-	F	(22)	-	
Other Funding							
General Rate/Uniform Annual General Charge	3,189	3,191	(2)	U	4,194	4,255	75%
Other Income	155	137	18	F	131	135	115%
TOTAL REGIONAL INCOME	9,154	9,144	10	F	18,136	18,144	50%
OPERATING SURPLUS /( DEFICIT)	(4,870)	(4,915)	45	F	(468)	(718)	

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Attachment 1

## 8. Operating Position for Nine Months Ending 31 March 2018

- 8.1. This is the third financial report for the 2017-18 year and includes actual results against the reforecast budgets.
- 8.2. The financial summary shows a net funded deficit of \$4,870,000 against the reforecast pro-rata deficit of \$4,915,000, giving a favourable variance of \$45,000. The reason for the significant deficit at the conclusion at this reporting date is primarily due to timing of income received specifically the PONL dividend.
- 8.3. Overall we forecast a full year deficit of \$718,000 which incorporates the carry forward items of \$418,000 from 2016-17 and the \$250,000 for the WCO.

**HAWKE'S BAY REGIONAL COUNCIL**  
**MOVEMENT ON SPECIAL SCHEME RESERVES**  
**Nine Months Ended 31 March 2018 (Pd 09)**

	Scheme Reserve Opening Balances	Movement On Scheme Reserve Year to Date	Scheme Reserve Closing Balances 31/03/2018	Pro-Rata Closing Balances 31/03/2018	Variance	Comments
	\$'000	\$'000	\$'000	\$'000	\$'000	
<b>Flood Protection &amp; Drainage Schemes</b>						
<b>Separate Schemes</b>						
Makara	10	19	29	12	17	F
Paeroa	120	(12)	109	129	(20)	U
Porangahau	141	21	163	164	(1)	U
Poukawa	64	4	68	61	7	F
Ohuia-Whakaki	(22)	(5)	(27)	(16)	(10)	U
Esk	104	(4)	100	102	(2)	U
Whirinaki	26	(4)	22	25	(3)	U
Maraetotara	13	3	16	20	(4)	U
Te Ngarue Stream	17	(4)	13	13	0	F
Kopuawhara	2	(0)	2	3	(1)	U
Opoho	17	6	23	27	(4)	U
Kairakau Community Scheme	10	7	17	8	8	F
<b>Total Separate Rating Schemes</b>	<b>503</b>	<b>32</b>	<b>534</b>	<b>548</b>	<b>(13)</b>	<b>U</b>
<b>Larger Schemes</b>						
Upper Tukituki	197	119	316	315	1	F
Wairoa Rivers & Streams Scheme	10	(47)	(38)	(17)	(20)	U
Central & Sthn Areas Scheme	47	19	66	19	48	F
HPFCS Rivers Scheme	654	45	699	743	(44)	U
HPFCS Drainage Schemes	2,341	274	2,615	2,579	36	F
<b>Total Larger Schemes</b>	<b>3,248</b>	<b>410</b>	<b>3,659</b>	<b>3,639</b>	<b>20</b>	
<b>Total Flood Protection &amp; Drainage</b>	<b>3,751</b>	<b>442</b>	<b>4,193</b>	<b>4,186</b>	<b>7</b>	
<b>Other Schemes</b>						
Healthy Homes Initiatives	1,614	1,679	3,293	3,048	245	F 1
Gravel Management	(369)	99	(270)	(460)	190	F 2
Tangoio Soil Conservation Res.	3,370	(142)	3,228	3,256	(28)	U
Soil Conservation Nursery	(112)	18	(94)	(114)	20	F
Water Initiatives	116	(271)	(155)	(146)	(9)	U
Biosecurity - Noxious Plants	103	50	153	140	13	F
Biosecurity - Animal Pest Control	(30)	280	251	51	199	F 3
Emergency Management	3	(50)	(47)	(63)	16	F
Land Transport Administration	(67)	214	148	82	66	F 4
<b>Total Other Schemes</b>	<b>4,629</b>	<b>1,877</b>	<b>6,506</b>	<b>5,793</b>	<b>712</b>	
<b>Total Schemes</b>	<b>8,380</b>	<b>2,319</b>	<b>10,699</b>	<b>9,980</b>	<b>719</b>	<b>F</b>

**Management Comments on variances**

1. The Healthy Homes Initiatives Scheme reserve is under budget as the public have been repaying loans more than anticipated.
2. Gravel Management currently has more income than expected at this time of year.
3. Cape to City funding received earlier than expected
4. Land Transport currently under budget due to the timing of income and expenditure.



## SECTION B

Item 9

Attachment 1

HAWKE'S BAY REGIONAL COUNCIL			
CONSOLIDATED BALANCE SHEET			
	Actual 31-Mar-18 \$'000	Actual 31-Mar-17 \$'000	Actual 30-Jun-17 \$'000
<b>Non Current Assets</b>			
Property, plant & equipment	20,992	20,308	21,270
Infrastructure assets	172,061	152,603	172,234
Investment property	46,289	45,159	49,047
Intangible assets	4,742	3,120	4,470
Financial assets	2,299	1,182	2,413
Investment in Council-controlled organisations	235,224	235,224	235,224
Advances to home owners (Heat Smart)	7,399	7,851	8,119
Forestry assets	9,773	7,321	9,769
	<b>498,780</b>	<b>472,768</b>	<b>502,546</b>
<b>Current Assets</b>			
Inventories	50	114	35
Accounts receivable	3,325	3,574	6,222
Advances to HBRIC Limited	0	14,348	0
Loan to HBRIC Limited	0	6,000	0
Prepayments	229	66	275
Accrued income	2,284	2,304	2,175
Work in progress	134	123	141
Financial assets	78,312	72,723	74,473
Advances to home owners (Heat Smart)	822	872	902
Cash & cash equivalents	5,209	7,595	10,261
	<b>90,366</b>	<b>107,719</b>	<b>94,484</b>
<b>TOTAL ASSETS</b>	<b>589,146</b>	<b>580,488</b>	<b>597,030</b>
<b>Equity</b>	<b>539,904</b>	<b>529,475</b>	<b>544,476</b>
<b>Non Current Liabilities</b>			
Borrowings	20,100	20,440	19,225
Employee entitlements	568	534	584
Other liabilities	15,927	18,607	18,105
	<b>36,594</b>	<b>39,580</b>	<b>37,914</b>
<b>Current Liabilities</b>			
Accounts payable	569	843	3,694
Accrued expenses	42	263	3,660
Deposits and retentions / Income in advance	6,448	5,060	1,894
Employee entitlements	913	1,024	977
Borrowings	3,900	3,300	3,640
Other liabilities	775	941	775
Intrabusiness payables	0	0	0
	<b>12,647</b>	<b>11,432</b>	<b>14,640</b>
<b>TOTAL LIABILITIES</b>	<b>49,241</b>	<b>51,012</b>	<b>52,554</b>
<b>TOTAL EQUITY &amp; LIABILITIES</b>	<b>589,146</b>	<b>580,488</b>	<b>597,030</b>

**HAWKE'S BAY REGIONAL COUNCIL**  
**OTHER INFORMATION**  
**Nine Months Ended 31 March 2018 (Pd 09)**

INTEREST RATE	31-Mar-18 \$'000	31-Mar-17 \$'000	30-Jun-17 \$'000
Average Interest Rate on Liquid Investments	3.47%	3.65%	3.60%

ACCOUNTS RECEIVABLE	31-Mar-18 \$'000	31-Mar-17 \$'000	30-Jun-17 \$'000
Rates Receivable	2,125	1,635	1,444
Payments in Advance	(1,299)	(647)	(1,569)
Rate Receivables	826	988	(125)
Other Receivables	2,522	2,609	4,648
Provision for Impaired Receivables	(23)	(23)	(23)
<b>TOTAL ACCOUNTS RECEIVABLE</b>	<b>3,325</b>	<b>3,574</b>	<b>4,500</b>

ACCOUNTS PAYABLE	31-Mar-18 \$'000	31-Mar-17 \$'000	30-Jun-17 \$'000
<b>Aged Accounts Payable</b>			
1-30 days	568	798	4,019
31-60 days	0	0	0
31-90 days	0	0	0
Over 91	1	45	13
<b>TOTAL ACCOUNTS PAYABLE</b>	<b>569</b>	<b>843</b>	<b>4,032</b>

**HAWKE'S BAY REGIONAL COUNCIL**  
**EXTERNAL AND INTERNAL LOANS**  
**Nine Months Ended 31 March 2018 (Pd 09)**

EXTERNAL LOANS	ACTUAL to 31 JANUARY 2018				REFORECAST to 30 JUNE 2018				ANNUAL PLAN to 30 JUNE 2018			
	Balance	Repayments	Borrowing	Balance	Balance	Repayments	Borrowing	Balance	Balance	Repayments	Borrowing	Balance
	1/07/2017			31/03/2018	1/07/2017			30/06/2018	1/07/2017			30/06/2018
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Sawfly Remediation	140	(140)	-	0	140	(140)	-	0	140	(140)	-	0
Regional Infrastructure	2,365	(295)	100	2,170	2,365	(395)	100	2,070	2,365	(395)	100	2,070
Regional Parks	1,794	(261)	-	1,533	1,794	(348)	-	1,446	1,794	(348)	-	1,446
Systems Integration	1,764	(268)	1,245	2,741	1,764	(378)	1,245	2,631	1,764	(355)	1,245	2,654
Heat Smart	13,562	(1,542)	2,655	14,675	13,562	(2,100)	2,655	14,117	13,562	(2,105)	2,766	14,223
Upper Tukituki Flood Control	100	(23)	-	78	100	(30)	-	70	100	(30)	-	70
Karamu & Tributaries Flood Control & Drainage	120	(30)	-	90	120	(40)	-	80	120	(40)	-	80
Monitoring Bores	40	(8)	-	33	40	(10)	-	30	40	(10)	-	30
HPFCS Flood Protection & River Control	205	(34)	-	171	205	(45)	-	160	205	(45)	-	160
Dalton Street Building Remediation	397	(46)	-	351	397	(61)	-	336	397	(22)	-	375
Science Equipment	1,719	(157)	-	1,562	1,719	(210)	-	1,509	1,719	(267)	-	1,452
Solar Hot Water	0	-	-	0	0	-	-	0	0	(32)	630	598
Energy Futures	150	(15)	-	135	150	(20)	-	130	150	(20)	-	130
Air Quality Site Loan	60	(3)	-	57	60	(4)	-	56	60	(6)	-	54
Investment Projects	0	-	-	0	0	-	-	0	0	-	6,500	6,500
Operations Group Office Extension	450	(45)	-	405	450	(60)	-	390	450	(60)	-	390
<b>TOTAL</b>	<b>22,865</b>	<b>(2,866)</b>	<b>4,000</b>	<b>24,000</b>	<b>22,865</b>	<b>(3,841)</b>	<b>4,000</b>	<b>23,024</b>	<b>22,865</b>	<b>(3,875)</b>	<b>11,241</b>	<b>30,231</b>

INTERNAL LOANS	ACTUAL to 31 JANUARY 2018				REFORECAST to 30 JUNE 2018				ANNUAL PLAN to 30 JUNE 2018			
	Balance	Repayments	Borrowing	Balance	Balance	Repayments	Borrowing	Balance	Balance	Repayments	Borrowing	Balance
	1/07/2017			31/03/2018	1/07/2017			30/06/2018	1/07/2017			30/06/2018
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Transport Electronic Ticketing	-	-	-	0	-	-	250	250	-	(25)	250	225
Computer Equipment	500	(60)	-	440	580	(80)	-	500	500	(80)	-	420
Science Equipment	1,140	(120)	-	1,020	1,190	(160)	315	1,345	1,140	(165)	315	1,290
Tangoio Easements	0	-	-	0	-	-	100	100	0	-	100	100
Makara Scheme Loan	206	(5)	-	201	213	(7)	-	206	206	(7)	-	199
<b>TOTAL</b>	<b>1,846</b>	<b>(185)</b>	<b>0</b>	<b>1,661</b>	<b>1,983</b>	<b>(246)</b>	<b>665</b>	<b>2,402</b>	<b>1,846</b>	<b>(277)</b>	<b>665</b>	<b>2,234</b>

### Management Comments on Borrowings

The external loan requirements for the 2017/18 financial year were drawn down in December 2017. The amount that can be borrowed internally (as per HBRC liability management policy) is limited to the funds held in the Infrastructure Asset Depreciation Reserve and the Asset Replacement Reserve.

<b>HAWKE'S BAY REGIONAL COUNCIL</b> <b>CAPITAL ACTIVITY SUMMARY</b> <b>Nine Months Ended 31 March 2018 (Pd 09)</b>							
	ACTUAL	REFORECAST	ACTUAL /	Favourable /	Management	ANNUAL	
	\$,000	BUDGET	REFORECAST	Unfavourable	Comments	BUDGET	REFORECAST
		\$,000	\$,000		on Variance	\$,000	\$,000
<b>CAPITAL EXPENDITURE</b>							
Operating Assets	2,860	4,393	(1,532)	F	1	4,430	4,393
Strategic Planning	15	20	(5)	F		20	20
Land Drainage & River Control	1,181	2,142	(961)	F	2	2,142	2,142
Regional Resources - Healthy Homes	2,340	3,425	(1,086)	F	3	4,271	3,425
Regional Resources - Open Spaces	373	348	25	U		348	348
Governance & Community Leadership - Regional Infrastructure	293	395	(103)	F	4	395	395
Governance & Community Leadership - Solar	0	0	0	F		662	0
Investment - Forestry	4	22	(17)	F		22	22
Investment - NGR	9	10	(1)	F		91	10
Investment - RWSS	0	0	0	F		60,000	0
Investment - NWSS	0	0	0	F		1,666	0
	<u>7,074</u>	<u>10,754</u>	<u>(3,680)</u>	F		<u>74,046</u>	<u>10,754</u>

#### Management Comments on variances

1. Operating assets projects still to be completed including the IRIS System, Bus Ticketing and Hydro Assets. Depending on the timing these may be required to be carried forward at the end of the year.
2. Land Drainage and River control projects are progressing but around \$600,000 will be required to be carried forward due to resource and seasonal constraints.
3. Healthy homes capital requirements have been reforecast down and are on track for the end of the year given the colder months to come.
4. Regional Infrastructure still has a payment to make for Te Mata Park for \$100,000 once reporting requirements are met.

## HAWKE'S BAY REGIONAL COUNCIL

## Reserves Funding

AT 31 MARCH 2018

	Total \$'000	Operating Reserves \$'000	Project Schemes \$'000 *	Port Dividend Equalisation \$'000 *	Infrastructure Asset Depreciation \$'000	Wairoa Rivers & Streams \$'000	Asset Replace- ment \$'000	Council Disaster Damage \$'000	Scheme Disaster Damage \$'000	Clive River Dredging \$'000	Tangoio Reserve Fund \$'000	Maungaharuru Tangitu Reserve \$'000	Ngati Pahauwera Reserve Fund \$'000	Sale of Land Invmt \$'000	Sale of Land Non-Invmt \$'000	Rabbit Reserve \$'000	Napier Mussel Farm \$'000	Effective Interest Rate (%)
Publicly Listed Shares	331							331										N/A
Government Stock	1,288							1,288										3.02%
Bank Deposits [Maturity > 365 days]	0																	0.00%
Bank Deposits [Maturity 92 - 365 days]	78,314	1,594	7,825		2,103	917	918	627	3,301	865	3,128		144	56,044	763	67	18	3.48%
Cash & Cash Equivalents [Maturity < 92 days]	5,209	657									0	287	0	4,265				2.25%
	<u>85,142</u>	<u>2,251</u>	<u>7,825</u>	<u>0</u>	<u>2,103</u>	<u>917</u>	<u>918</u>	<u>2,246</u>	<u>3,301</u>	<u>865</u>	<u>3,128</u>	<u>287</u>	<u>144</u>	<u>60,309</u>	<u>763</u>	<u>67</u>	<u>18</u>	<u>3.47%</u>

## Reconciliation to Balance Sheet:

Non Current Financial Assets	1,619
Current Financial Assets	78,312
Cash & Cash Equivalents	5,211
	<u>85,142</u>

\* These balances are used to finance Council's operating activity

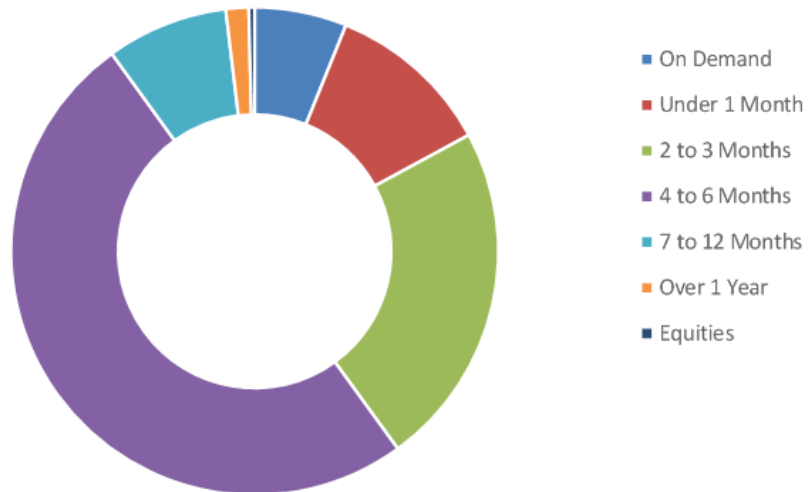
Attachment 1

Item 9

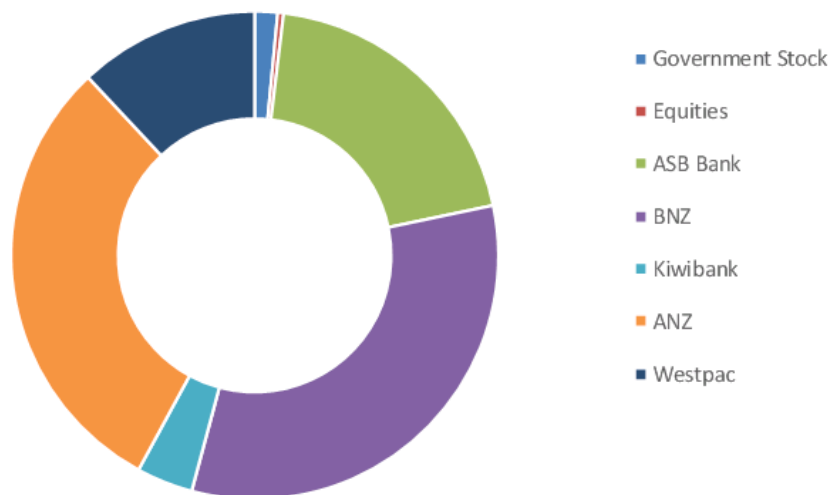
## HAWKE'S BAY REGIONAL COUNCIL

FINANCIAL ASSETS AT 31 MARCH 2018

### MATURITY PROFILE



### ALLOCATION BY INSTITUTION





# HAWKE'S BAY REGIONAL COUNCIL

Tuesday 24 April 2018

## SUBJECT: REPORT FROM THE 10 APRIL 2018 MAORI COMMITTEE MEETING

Item 10

### Reason for Report

1. To provide the opportunity for the Māori Committee Chairman to provide detailed context and feedback in relation to the discussions that took place at the Māori Committee meeting on 10 April 2018.
2. Agenda items included:
  - 2.1. Verbal updates on the Māori Committee Tangata Whenua Remuneration Review, Current Issues from HBRC Chairman, feedback from the four Taiwhenua, and from Māori Committee representatives on Council's standing committees.
  - 2.2. Long-Term Plan 2018-2028 Submission
  - 2.3. An update on Council's Statutory Advocacy activities.

### Decision Making Process

3. These items have been specifically considered at the Committee level.

### Recommendations

That Council receives and notes the ***"Report from the 10 April 2018 Māori Committee Meeting"***.

### Authored by:

**Joyce-Anne Raihanian**  
**SENIOR PLANNER**  
**GOVERNANCE AND IWI LIAISON**

### Approved by:

**Liz Lambert**  
**GROUP MANAGER**  
**EXTERNAL RELATIONS**

### Attachment/s

There are no attachments for this report.



# HAWKE'S BAY REGIONAL COUNCIL

Tuesday 24 April 2018

## SUBJECT: HBRC STAFF PROJECTS AND ACTIVITIES THROUGH MAY 2018

Item 11

### Reason for Report

- The table below is provided for Councillors' information, to inform them of significant issues and activities over the next couple of months.

Project	Team /Section	Description	Activity Status Update
<b>2018-2028 Long Term Plan</b>	Governance & Project Leader	Submissions	<ol style="list-style-type: none"> <li>Submissions period closes 23 April, after which time staff will be collating submissions for provision to councilors and staff responsible for Officers' Response reports and preparing for the LTP Hearings on 22, 23 &amp; 24 May.</li> <li>As of 16 April, 270 submissions were registered and 20 of those wish to Speak</li> </ol>
<b>Hawke's Bay Drinking Water</b>	Policy	Joint staff level Working Group	<ol style="list-style-type: none"> <li>Meeting scheduled for 27 April</li> <li>Providing secretarial and technical support to the JWG, through: <ol style="list-style-type: none"> <li>monitoring of the Action Plan and White Paper to ensure actions are being progressed</li> <li>acting as 'link' between JWG and other related projects, such as TANK.</li> </ol> </li> </ol>
	Governance	HB Drinking Water Governance Joint Committee	<ol style="list-style-type: none"> <li>Joint Committee meeting scheduled 10 May</li> </ol>
<b>TANK</b>	Groundwater Science	<p>Heretaunga groundwater age and tracer study</p> <p>Heretaunga Plains groundwater flow model</p>	<ol style="list-style-type: none"> <li>GNS Science has completed the Heretaunga groundwater age and tracers report and delivery is expected before 20 April. This report will be considered by the Water Safety Joint Working Group meeting, 27 April.</li> <li>Integrated groundwater - surface water modelling to inform TANK decisions is completed. Uncertainty analysis is now underway, along with reporting for the groundwater (MODFLOW) and surface water (SOURCE) modelling.</li> </ol>

Project	Team /Section	Description	Activity Status Update
<b>TANK</b>	Water Quality & Ecology		8. Modelling for optimal shading architecture to help design riparian planting configurations is ongoing. A mapping approach is being designed by Darrel Hall which will incorporate predictions based on science modelling (Kit Rutherford). 9. Monitoring options for tracking progress towards water quality limits are being developed for the TANK plan 10. Karamu faecal source tracking is ongoing 11. Continuing with documentation to support proposed estuarine water quality goals. 12. Review of storm water and sediment draft rules. 13. A Patiki survey was undertaken in the lower Tutaekuri to explore habitat requirements of this species
	Land Science	Sediment modelling	14. Ongoing sediment and erosion scenario modelling
		Wetland monitoring	15. 12 Wetland monitoring sites set up in the TANK area and monitoring commencing
		High flow sediment measurement	16. ISCO sediment samplers beginning to be deployed across main river outlets to record sediment concentrations during high flow events
	Air Quality	Napier hazardous air pollutant monitoring	17. Sampling will be completed at Marewa Park in May. Analysis and reporting by GNS is due for completion in September 2018.
	Policy	Stakeholder Engagement for Policy Development	18. Next TANK Group meeting is 15 May. 19. Recap and briefing was presented to Regional Planning Committee meeting 21 March, outlining matters that RPC will be presented with as a result of the TANK Group's discussions. Further briefing about next steps to be given to RPC at meeting on 2 May.
<b>PC6 Implementation</b>	Land Science		20. Continue to Collecting data from 10 wetland monitoring sites established in 2017. 21. Priority subcatchment water quality runs have begun in the Tukipo subcatchment 22. Compiling water quality results and reporting for Porangahau/Maharakeke and Kahahakuri subcatchments
<b>Clifton to Tangoio Coastal Hazards Strategy 2120</b>	Asset Management	Developing coastal hazard options and solutions for priority cells, along with funding considerations for consultation	23. Panel final report with recommended pathways presented to councils in March/ April. Additional workshops are programmed for NCC and HDC through May to complete approval process with the adoption of the strategies to proceed with Stage 4 – implementation.

Project	Team /Section	Description	Activity Status Update
Engineering	Asset Management	Esk Valley and Mangaone Floods	24. A significant flood event occurred on 8 March 2018 in the Esk and Mangaone catchments, with well over a 100 year return period rainfall recorded. A flood report is being prepared and a Liaison Committee meeting was held with the Esk/ Whirinaki committee on the 10 <sup>th</sup> April. Work is now focusing on repair and reinstatement works in accordance with committee members approval.
		Gisborne District Council Stopbank upgrade	25. Calibration report, modelling various scenarios for climate change and costing process is nearing completion and will be provided to GDC by late April/ early May.
		Consent Evaluation and stormwater analysis	26. Continue to assist HBRC Consents section with advice for subdivision consents including Mission Hills, Awatoto Industrial, Iona Triangle, Howard St.
		Awanui Stopbank Construction – Left Bank	27. Construction in progress. Expected completion date Friday 20 April.
		WAL - Pakowhai Regional Park Carpark Closure	28. Pakowhai Regional Park carpark will be closed from late May 2018 to December 2018 while the WAL Pakowhai Rd roundabout is constructed. A temporary carpark is being established downstream of the Chesterhope Bridge off Farndon Rd. Staff are working with HDC staff to review options for a carpark upgrade while the carpark is closed.
Biosecurity	Biodiversity		29. Preparation for a range of activities including a May launch of Guardians of Hawke's Bay biodiversity, call for nominations for the Regional Biodiversity Foundation (RBF), submission of funding applications to funders, Presentations by RBF to Regional and District Council Long Term Plan processes.
	Animal pest management		30. Tendering of regional animal pest contracts. 31. Preparation for the Regional Pest Management Plan including preparing material for submitters to the RPMP and hearings committee.
	Cape to City		32. A range of activities across work streams including the trap checking, early childhood education teacher training day and Hapu Hikoi to Poutiri Ao o Tane. 33. Finalising 17-18 research programme reports
	Plant pest		34. Continuing urban Woolly nightshade programme. 35. Completing the annual phragmites work programme and reporting to MPI on that work programme

Project	Team /Section	Description	Activity Status Update
Resource Consents		Applications processing/pending	<p>36. Te Mata Mushrooms Air discharge remains on hold pending application for related consents required from HDC.</p> <p>37. HBRC Gravel extraction Ngaruroro Tukituki, Waipawa and Tutaekuri. Further information has been requested and is to be provided before the end of May.</p> <p>38. PanPac coastal discharge. A prehearing was held on 20 March and Environment Court mediation is re-scheduled for 3 May.</p> <p>39. Landcorp Ahuriri stormwater discharge application. On hold while parties discuss this and related NCC stormwater discharge consent applications.</p> <p>40. Port of Napier wharf extension and dredging application lodged and further information has been requested.</p> <p>41. Clifton coastal protection works application. Hearing postponed at applicants request while HDC notify a related resource consent. Hearing late May at earliest.</p> <p>42. NCC stormwater discharge consent applications lodged and in process.</p>
Resource Use		Te Mata Mushrooms	<p>43. Enforcement action has been initiated in relation to continued offensive and objectionable odour being discharged beyond the boundary. The Court will be asked to make a determination on whether or not appropriate action is being taken by the company while the application for new resource consent is underway and delayed.</p> <p>44. A public meeting has been notified for Wednesday 2 May. Residents near the Havelock North site and submitters have been advised.</p>
Transport Planning	Transport	Draft Regional Land Transport Plan: 2018 Review	<p>45. The draft Regional Land Transport Plan: 2018 Review is now out for targeted consultation with road safety stakeholders. The draft Government Policy Statement on Land Transport has refocussed expenditure for the next three years, with more emphasis on providing access and road safety. The Plan will need to be reviewed against this prior to adoption.</p>
Road Safety	Transport	HB Road Safety Expo	<p>46. The Road Safety Expo for all Year 11 and 12 students in HB will take place this year between 7 and 11 May at Pettigrew Arena</p>

### 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 Council receives and notes the *HBRC Staff Projects and Activities through May 2018* report.

### Authored by:

**Paul Barrett**  
**PRINCIPAL CONSENTS PLANNER**

**Steve Cave**  
**TEAM LEADER OPEN SPACES**

**Gary Clode**  
**MANAGER REGIONAL ASSETS**

**Rina Douglas**  
**SENIOR PLANNER**

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**TERRESTRIAL ECOLOGIST**

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**TEAM LEADER/PRINCIPAL SCIENTIST -**  
**WATER QUALITY AND ECOLOGY**

**Leeanne Hooper**  
**GOVERNANCE MANAGER**

**Gavin Ide**  
**MANAGER, STRATEGY AND POLICY**

**Dr Kathleen Kozyniak**  
**PRINCIPAL SCIENTIST**  
**CLIMATE AND AIR**

**Campbell Leckie**  
**MANAGER LAND SERVICES**

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**TEAM LEADER**  
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**Malcolm Miller**  
**MANAGER CONSENTS**

**Anne Redgrave**  
**TRANSPORT MANAGER**

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**Oliver Wade**  
**SCIENTIST**

**Thomas Wilding**  
**SENIOR SCIENTIST**

**Wayne Wright**  
**MANAGER RESOURCE USE**

### Approved by:

**Graeme Hansen**  
**GROUP MANAGER**  
**ASSET MANAGEMENT**

**Liz Lambert**  
**GROUP MANAGER**  
**EXTERNAL RELATIONS**

**Iain Maxwell**  
**GROUP MANAGER**  
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**Tom Skerman**  
**GROUP MANAGER**  
**STRATEGIC DEVELOPMENT**

### Attachment/s

There are no attachments for this report.





# HAWKE'S BAY REGIONAL COUNCIL

Tuesday 24 April 2018

## Subject: DISCUSSION OF ITEMS NOT ON THE AGENDA

### Reason for Report

1. This document has been prepared to assist Councillors note the Items of Business Not on the Agenda to be discussed as determined earlier in Agenda Item 5.

1.1. **Urgent** items of Business (*supported by tabled CE or Chairpersons's report*)

	Item Name	Reason not on Agenda	Reason discussion cannot be delayed
1.			
2.			

1.2. **Minor** items (*for discussion only*)

Item	Topic	Councillor / Staff
1.		
2.		
3.		

Item 12



# HAWKE'S BAY REGIONAL COUNCIL

Tuesday 24 April 2018

Item 13

**SUBJECT:** Confirmation of Public Excluded Minutes of the Regional Council Meeting held on 28 March 2018

That the Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes of the Regional Council Meeting held on 28 March 2018 Agenda Item 13 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	FOUNDATIONS UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Final Capital Structure Review Report	<p>7(2)(b)(ii) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of that information is necessary to protect information which otherwise would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>7(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>	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Authored by:**

**Leeanne Hooper**  
**GOVERNANCE MANAGER**

**Approved by:**

**Liz Lambert**  
**GROUP MANAGER**  
**EXTERNAL RELATIONS**