



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 30 May 2018

Time: 10.15am

Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Present: R Graham - Chairman
P Bailey
R Barker
P Beaven
T Belford
A J Dick
D Hewitt
N Kirton

In Attendance: M Mohi – Chairman – Maori Committee
J Palmer – Chief Executive
T Skerman – Group Manager Strategic Planning
J Ellerm – Group Manager Corporate Services
L Hooper – Principal Governance Advisor
B O'Keeffe – HBRIC Ltd Chief Executive

1. Welcome/Prayer/Apologies/Notices

The Chairman welcomed everyone to the meeting and asked Mr Mohi to formally welcome Roger and Diane Alexander and their family.

Mr Mohi welcomed the Alexander family to the meeting and offered a karakia.

The Chairman welcomed the Alexander family, attending to receive an HBRC award thanking them for their environmental achievements on their Puketapu property. Mr Roger Alexander accepted the award, explaining the environmental and planting work the family has carried out on their properties in Puketapu over the last 50 years, and outlining the history of what is now called Puketapu Lake; carried on by his children and their families as well.

The meeting adjourned at 10.25am and reconvened at reconvened at 10.35am, with Councillor Barker assuming the Chair.

Resolution

RC67/18 Resolution

That the apologies for absence from Councillor Wilson be accepted.

**Kirton/Belford
CARRIED**

2. Conflict of Interest Declarations

There were no conflict of interest declarations.

3. Confirmation of Minutes of the Regional Council Meeting Held on 24 April 2018

RC68/18 Resolutions

Minutes of the Regional Council Meeting held on Wednesday 24 April 2018, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

Secretarial note: request for page 7 amendment made in error as contained within minutes of 2 May 2018 Regional Planning Committee meeting, not minutes of 24 April 2018 Regional Council meeting.

**Belford/Kirton
CARRIED**

4. Follow-up Items from Previous Regional Council Meetings

Councillor Hewitt requested that a follow-up be added, for provision of the detail of Tukituki and Lake Whatuma hotspots funding allocations (as requested at 24 April meeting during discussions on *item 6 Recommendations from the Environment & Services Committee*).

There was a further request for an update on applications for Tranche 2 water – which will go to the Environment and Services committee.

RC69/18 Resolution

That the Council receives and notes the **“Follow-up Items from Previous Meetings”** staff report.

**Bailey/Beaven
CARRIED**

5. Call for Items of Business Not on the Agenda

Recommendations

That Council accepts the following “Items of Business Not on the Agenda” for discussion as Item 11

| Item | Topic | Raised by: |
|------|---------------------|------------|
| 1. | Wastewater consents | Cr Belford |

Councillor Rex Graham re-joined the meeting at 10.40am

7. Recommendations from the Regional Planning Committee

The item was taken as read, with Tom Skerman providing additional information for clarification sought by councillors including:

- Dates for upcoming workshops are 6 June for councillors only session to discuss the RPC review and, pending confirmation by Co-Chairs and Deputy Co-Chairs, a workshop for all members of RPC to discuss the Terms of Reference will take place on 20 June after the RPC meeting. The 6 June workshop will seek an agreed process for Council’s review, to enable councillors to arrive at a collective view of RPC’s performance
- Dr Cole has been engaged by Council’s Strategic Planning Group to undertake a social and cultural assessment of the implications of the TANK plan change and will present his findings to the TANK stakeholder group at its June meeting
- Outcome measures in the 2018-28 LTP will be based on Council’s strategic plan, while the RRMP is the mechanism to deliver those outcome measures and are reviewed and developed through plan change processes, to tie in to Council’s updated strategic outcomes.

RC70/18

Resolutions

The Regional Planning 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.

List of Candidate Outstanding Water Bodies in Hawke’s Bay – Cultural and Spiritual Value Set

2. Agrees that the following list of candidate outstanding water bodies will be subject to a secondary analysis for the cultural and spiritual value set for potential incorporation in the outstanding water body plan change:
 - 2.1. Te Whanganui ā Orotu (Ahuriri Estuary)
 - 2.2. Porangahau River
 - 2.3. Upper Mōhaka River
 - 2.4. Karamu River
 - 2.5. Lake Waikaremoana
 - 2.6. Lake Waikareiti
 - 2.7. Ngaruroro River

- 2.8. Taruarau River
- 2.9. Ruakituri River
- 2.10. Lake Whakakī
- 2.11. Mangahauanga Stream
- 2.12. Wairoa River
- 2.13. Heretaunga aquifer
- 2.14. Ruataniwha aquifer
- 2.15. Lake Whatuma
- 2.16. Tukituki River
- 2.17. Waipawa River
- 2.18. Lake Tūtira (including Papakiri and Waikōau/Arapawani streams)
- 2.19. Makirikiri River
- 2.20. Waipunga River
- 2.21. Aropaoanui River.

Reports Received

- 3. Notes that the following reports were provided to the Regional Planning Committee.
 - 3.1. **Hawke's Bay Regional Planning Committee Terms of Reference for Adoption** (*Resolved: That the item is left to lie on the table, for referral of a version with minor technical amendments agreed by the Co-Chairs and Deputy Co-Chairs to a workshop session for all Committee members to attend.*)
 - 3.2. HB RPC Act 2015, Schedule S.10(2)(A) Review (*resolved: Confirms, subject to amendments made at the meeting, the letter from the RPC Co-Chairs to the tangata whenua appointing bodies seeking their written feedback on the performance of the Regional Planning Committee; and Notes the timeline for feedback during the review process, with the next item on the review to be brought to the Regional Planning Committee meeting on 1 August 2018.*)
 - 3.3. TANK Plan Change Pathways Part 2 (*resolved: 1. Receives and notes the “TANK Plan Change Pathways Part 2” staff report, particularly: formal handover of the Draft Plan Change from TANK members to RPC; and attendance at two workshops and a field trip to become familiar with the key components of the Draft Plan Change (prior to consideration of the content); and 2. Recognises the option to refer matters back to the TANK Group for further advice/recommendation prior to recommending a TANK plan change to Council for public notification as a proposed plan.*)
 - 3.4. Dr Anthony Cole Presentation - Economic Theory and Accounting methods to support the goal of Māori Cultural survival
 - 3.5. RMA Planning Projects update and RRMP Effectiveness Review follow-up
 - 3.6. May 2018 Statutory Advocacy Update

**Bailey/Beaven
CARRIED**

Councillor Barker relinquished the Chair, and Councillor Rex Graham assumed the Chair at 10.55am

6. HBRIC Ltd Draft 2018-19 Statement of Intent

Mrs Jessica Ellerm introduced the item, which provides a draft Statement of Intent and seeks feedback for incorporation into the document that will go to C&S on 13 June for recommendation to Council on 27 June for adoption as final.

Councillor Rex Graham declared his and Peter Beaven's interest in the item as

directors of HBRIC Ltd

Blair O’Keeffe (HBRIC CE) introduced the draft Statement of Intent, advising the main change is the role of HBRIC as more of a holding company, rather than a trading company. Discussions and queries covered:

- Environmental and social considerations for inclusion in Council business cases for potential investment in commercial forestry
- Requirements of the Port Companies Act (PCA) in relation to Napier Port and HBRC being bound by those provisions in ensuring that there are no requirements placed on the Port that would contravene its legal responsibilities under the PCA
- The long term future of HBRIC Ltd as a vehicle for Council investments is a future decision for Council to make
- Silent on potential Napier Port capital raising options and any HBRIC role in that process
- Sale of RWSS IP is a process that is under way, led by HBRIC CE Blair O’Keeffe
- Query in relation to advising Council of subsidiary company’s material capital expenditure, and whether approval should be sought. View that it could make sense for HBRIC itself however being that Napier Port is its own commercial enterprise with its own board and should not be expected to ask permission of Council for investments unless they would affect the dividend.
- Admin and financial staff functions of HBRIC have been outsourced to HBRC, with EA no longer employed by HBRIC and the Financial advisor remaining until after year end reporting and Audit requirements have been met.
- Napier Port will report to HBRIC quarterly and to Council at least twice yearly
- At the completion of the business case for investment in commercial forestry, Council will put the investment case out for public consultation
- To insure independence in the RWSS IP sale process, directors of HBRIC are completely independent of the process and being carried out by Blair O’Keeffe

RC71/18

Resolutions

That the Hawke’s Bay Regional Council:

1. Receives and notes the **“HBRIC Ltd draft 2018-19 Statement of Intent”** staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council’s adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
3. Provides the following agreed feedback for incorporation into the HBRIC Ltd 2018-19 Statement of Intent.
 - 3.1. update Council’s vision to wording as in the Strategic Plan
 - 3.2. under *Board appointments*, change ‘commercial’ to ‘appropriate relevant’ expertise
4. Requests that the HBRIC Ltd 2018-19 Statement of Intent, amended in accordance with the feedback provided above, be provided to the 13 June 2018 Corporate and Strategic Committee meeting for consideration and recommendation to the 27 June 2018 Regional Council meeting for adoption.

**Kirton/Barker
CARRIED**

Item - 7. Recommendations from the Regional Planning Committee - was considered immediately following item 5.

8. Affixing of Common Seal

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

| | | Seal No. | Date |
|------------|---|--------------|--|
| 1.1 | Leasehold Land Sales | | |
| | 1.1.1 Lot 1 DP 17786 CT K3/58 - Transfer | 4219 | 20 April 2018 |
| | 1.1.2 Lot 94 DP 10121 CT C3/1182 - Transfer | 4220 | 1 May 2018 |
| | 1.1.3 Lot 36 DP 10632 CT B3/801 - Agreement for Sale and Purchase - Transfer | 4221 4222 | 1 May 2018 1 May 2018 |
| | 1.1.4 Lot 52 DP 13039 CT E2/122 - Agreement for Sale and Purchase | 4225 | 14 May 2018 |
| | 1.1.5 Lot 54 DP 12226 CT D2/159 - Agreement for Sale and Purchase - Transfer | 4226 4228 | 14 May 2018 22 May 2018 |
| | 1.1.6 Lot 155 DP 6598 CT C2/356 - Agreement for Sale and Purchase | 4227 | 16 May 2018 |
| 1.2 | 1.2.1 J. Barber <i>(Delegations under Resource Management Act 1991; Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908 and Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174))</i> | 4224 | 8 May 2018 |
| | 1.2.2 R. Makin J. Barber <i>(Delegations under Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174))</i> | 4223 4224 | 1 May 2018 8 May 2018 |

RC72/18

Resolutions

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 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
2. Confirms the action to affix the Common Seal.

**Barker/Beaven
CARRIED**

9. 2018 Navigation and Safety Bylaw

James Palmer introduced the item, for Council's information only as previously adopted by Council and this is advice that Maritime NZ as final approver has made one minor amendment. Councillors extended their thanks to the Harbourmaster, Martin Moore for his work on reviewing and updating the Bylaw.

RC73/18

Resolution

That the Hawke's Bay Regional Council receives and notes the **"2018 Navigation and Safety Bylaw"** staff report.

**Barker/Beaven
CARRIED**

10. Significant HBRC Staff Projects and Activities through June 2018

Queries and discussions covered:

- Explanation of the point source land stability project was sought
- Dam break engineering study of Glazebrook's dam to investigate the viability of the site for a larger dam as an option for TANK
- Pilot project to develop indices to measure ecosystem health, is to find indicator species that can be monitored and used to highlight ecosystem health in the community
- PC6 implementation and continuing education for farmers in relation to FEMPs and landuse practice
- Shane Gilmer has been appointed as FEMP project manager – updated figures as of this morning 692 properties have met FEMP requirements and expect that 830 properties will have met the requirements by 31 May, translating to 90% of the eligible area in the catchment completed.
- Lake Mangapoike landslide situation stabilised with ongoing monitoring by Gisborne District Council – any future developments will be provided via the Environment & Services Committee.
- In response to a query, Tom Skerman advised that HBRC provided update to the WCO tribunal via memorandum 16 May, including scientific reports, what's been achieved by TANK stakeholder group and discussions with co-applicants ahead of Stage 2 hearings. All parties have been invited to a teleconference with the tribunal on Friday 1 June and HBRC will await tribunal's further questions and/or instructions.

RC74/18

Resolution

That Council receives and notes the **Significant HBRC Staff Projects and Activities through June 2018** report.

**Barker/Belford
CARRIED**

11. Discussion of Items Not on the Agenda

| Item | Topic | Raised by: |
|------|---|------------|
| 1. | Wastewater consent applications Seeking information requirements for resource consent applications for discharges of wastewater or stormwater – a briefing on AEE and other info requirements to be provided | Cr Belford |
| 2. | Arsenic in groundwater Briefing provided by Jeff Smith informing councillors about the situation in Hawke's Bay, including implications for health and drinking water guideline levels, investigations carried out by the Science team and public communications planned advising to test private groundwater supplies | J Palmer |

Closure:

There being no further business the Chairman declared the meeting closed at 12.10pm on Wednesday, 30 May 2018.

Signed as a true and correct record.

DATE:

CHAIRMAN: