



Meeting of the Hawke's Bay Regional Council

Date: Wednesday 25 July 2018
Time: 10.15am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

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2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Regional Council Meeting held on 27 June 2018	
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6.	Presentation of "Protecting Existing Shallow Drinking Water Source for Residents of Ongaonga and Tikokino" Petition	11
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Information or Performance Monitoring		
11.	Significant HBRC Staff Projects and Activities through August 2018	49
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Decision Items (Public Excluded)		
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HAWKE'S BAY REGIONAL COUNCIL

Wednesday 25 July 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 Council receives and notes the "Follow-up Items from Previous Meetings" staff report.

Authored by:

Leeanne Hooper
PRINCIPAL GOVERNANCE ADVISOR

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

- [↓](#) 1 Follow-ups for July Council meeting

Follow-ups from previous Regional Council Meetings

Environment & Services Committee 4 July 2018

	Agenda Item	Action	Responsible	Status Comment
1	Follow-ups from Previous E&S meetings	Update on the Mangapoike Landslide / Dam	S Swabey	<p>The landslide damming the Mangapoike River is estimated to be 3.8 million m³ of soil and rock.</p> <p>By early April, the water level in the landslide-dammed lake was within 1.4 m of the level of the bridge deck on Mangapoike Station. On 3 April water in the upper part of the lake was released into the lower part of the lake, and water began to leave the upper lake. The constructed trench subsequently enlarged and upper lake levels began to fall.</p> <p>On 9 April the lower part of the landslide dam began to overflow through a constructed trench and lake levels fell significantly.</p> <p>A flood on 13 April did not raise the lake level any higher than 5 m below the bridge. Daily monitoring by Gisborne District Council then reduced to weekly from 16 April.</p> <p>In May 2018 Ian Brown and Associates reported that the landslide dam was likely to remain stable. The landslide has created 2 new lakes, about 28 ha in size, provisionally named Lake Mangapoike (the larger, upper lake) and Lake Tukimokihi (the smaller, lower lake). The lakes have affected access to farm blocks in the area.</p> <p>During a subsequent heavy rainfall event in mid-June, the landslide dam remained stable, but the overflow channels adjusted to the inflowing water and general lake levels fell. This sort of adjustment may continue in the future.</p> <p>Gisborne DC is preparing a full report on the outcome of the hazard event.</p>

Meeting held 27 June 2018

	Agenda Item	Action	Responsible	Status Comment
2	Recommendations from Corporate & Strategic Committee	Ethical Investments policy to be revisited to clarify what industries are included on the list of industries Council will not invest in	J Ellerm	Item on 3 October Corporate and Strategic Committee meeting agenda
3	Adoption of the LTP	Review of the LTP development processes	J Palmer	Review to be carried out by staff and an item on the 3 October Corporate & Strategic Committee meeting agenda for consideration.
4	Report from 12 June Maori Committee	Letter to Minister of Fisheries advocating for a rahui on commercial eel fishing in HB – for Chairman's signature	J Palmer	Draft letter provided to Chairman for finalising
5	Significant activities through July	Forestry slash management – consent conditions effectiveness review	E Lambert	Item for 5 September Environment & Services Committee meeting agenda

	Agenda Item	Action	Responsible	Status Comment
6	Significant activities through July	Liaise with WDC re stock movement in areas where yellow bristle grass is an issue	I Maxwell/ D Underhill	<p>Scientific identification of Yellow Bristle grass mid-March 2018</p> <ul style="list-style-type: none"> • Before and after scientific identification of Yellow bristle grass (YBG) an extensive road survey conducted of all Transit and WDC roads in the Wairoa area. • All affected roads identified and YBG positions on roads taken with GPS waypoints. • Maps provided of affected roads to Transit and WDC. • Most plants at this time March/April were still carrying 70% seed. • Both Transit and WDC asked to stop mowing affected roadsides immediately and both organisations complied. • Communication between Road authorities and HBRC continued while voluntary mowing ban was on, roadsides became over-grown, contractors needed their contracts adjusted. • Enough seed fall from YBG had occurred by mid May 2018 that Transit and WDC were asked to please wait for a further two weeks till the end of May before continuing with mowing, and to clean mowers after completion of each road section. • Over the next few months, Transit, WDC and HBRC, will hold discussions to co-ordinate next seasons approach to YBG control.
7	Significant activities through July	Present the report on the high level assessment of four of HB's shallow lakes (Poukawa, Whatuma, Oingo and Runanga)	I Maxwell	Item for 5 September Environment & Services Committee meeting agenda
8	Significant activities through July	Briefing on the NCC stormwater strategy to be provided to interested councillors	E Lambert	Napier City Council invited to present an update of their strategy to the 5 September Environment and Services Committee.

LGOIMA Requests Received between 22 June and 19 July 2018

Request Date	Request ID	Request Status	Request Summary	Requested By
17/07/2018	OIR-18-037	Active	List of all current resource consents from the abutting land at Te Awa and suburb behind Marine Parade in Napier along the abutting coastal land southward to the legal boundary between Hawkes Bay and the Wairarapa	Mark Derby, contractor to the Office of Treaty Settlements
11/07/2018	OIR-18-036	Active	most recent annual report on domestic wastewater discharge consent compliance	Mark Daniels, Action Coach Business Coaching
10/07/2018	OIR-18-035	Active	1. Is on-site greywater re-use a permitted activity? 2. If yes, how many houses in the region have systems in place (e.g. Subsurface irrigation systems)? 3. If no, & a home/business owner came to council with a request to install a system, how would this be dealt with? 4. What (if any) limitations does council have to increased uptake of greywater recycling systems?	Amber Garnett, BRANZ
5/07/2018	OIR-18-034	Completed	all info relating to or provided by Thompson & Clark Private Investigators between 2014 and now	Alex
3/07/2018	OIR-18-033	Completed	Detailed summary of all breach notices, abatement notices, infringement notices (fines) & prosecutions taken against Tegel Foods Limited &/or Tegel Group Holdings	Isaac Mutu
3/07/2018	OIR-18-032	Completed	for property at 159 Old Coach Road, Te Pohue - provide information in relation to: Riparian Planting Resource Consents Bridge information Water requirements	Gina Nesbit, Edmonds Judd Lawyers

Attachment 1

Item 4

Request Date	Request ID	Request Status	Request Summary	Requested By
2/07/2018	OIR-18-031	Completed	In relation to the sale/purchase of RWSS assets & IP: 1. Any correspondence (letters, emails, texts, & records of phone calls) between 1a- HBRIC staff &/or board members with Water Holdings CHB Ltd board members or their respective legal representatives 1b. HBRC & Water Holdings CHB Ltd board members or their respective legal representatives. 2. Any correspondence (letters, emails, texts, & records of phone calls) between HBRC or HBRIC & Water Holdings CHB Ltd board members or their respective legal representatives, in relation to the establishment of Water Holdings CHB Ltd. 3. Clarification -were any expiring resource consents renewed before sale.	Tom Kay, Royal Forest & Bird Protection Society of NZ
23/06/2018	OIR-18-030	Completed	1. How many compliant wood burners are there in Hastings district 2. How many non-compliant wood burners are there in Hastings district 3. How many compliant wood burners are there in the Napier city 4. How many non-compliant wood burners are there in the Napier city 5. What specific action has HBRC taken (other than grants/subsidises) to ensure owners of non-compliant burners meet their legal obligations 6. How many warnings have been sent threatening an infringement notice 7. How many infringement notices have been issued 8. A breakdown of the number of air quality exceedences in Napier & Hastings by year since 2009. 9. Percentage of the improvement in total emissions from wood burners since 2009 to 2018 10. Specific steps HBRC is now taking or planning to take to ensure that air quality standards are no longer breached, and the timeframe to achieve this	Glenn Marshall

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 25 July 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 "minor Items of Business Not on the Agenda" for discussion as Item 12:

Item	Topic	Councillor / Staff
1.		
2.		
3.		

Leeanne Hooper
PRINCIPAL GOVERNANCE ADVISOR

James Palmer
CHIEF EXECUTIVE

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 25 July 2018

Item 6

Subject: PRESENTATION OF "PROTECTING EXISTING SHALLOW DRINKING WATER SOURCE FOR RESIDENTS OF ONGAONGA AND TIKOKINO" PETITION

Reason for Report

1. To provide the opportunity for Mr Bill Stevenson to present a petition on behalf of the residents of Ongaonga and Tikokino.
2. In accordance with Standing Order 16.2 Mr Stevenson is allowed 5 minutes to speak to the petition (not including questions) unless the meeting resolves otherwise.

Decision Making Process

3. 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:
 - 3.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 3.2. The use of the special consultative procedure is not prescribed by legislation.
 - 3.3. The decision does not fall within the definition of Council's policy on significance.
 - 3.4. The persons affected by this decision are the residents of Central Hawke's Bay.
 - 3.5. The decision is not inconsistent with an existing policy or plan.
 - 3.6. 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 Hawke's Bay Regional Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
2. Receives the "Protecting Existing Shallow Drinking Water Source for Residents of Ongaonga and Tikokino" petition.

Authored by:

Leeanne Hooper
PRINCIPAL GOVERNANCE ADVISOR

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

- [!\[\]\(a16a19bbc0e991a431a3f945e52ea4ee_img.jpg\) 1](#) Protecting Existing Shallow Drinking Water Source for Residents of Ongaonga and Tikokino

Concerned Residents of Ongaonga and Tikokino
C/-66 Mill Street, Ongaonga, Central Hawke's Bay

18 June 2018

Chairman Rex Graham
Hawke's Bay Regional Council
Private Bag 6006 Napier 4142



CC: Councillors, Chief Executive
James Palmer, ~~Niki Harper~~

Dear Sir

Protecting Existing Shallow Drinking Water Source for Residents Ongaonga and Tikokino

We the undersigned residents of Ongaonga and Tikokino are extremely disturbed with the apparent lack of concern by the Hawke's Bay Regional Council (HBRC) over the existing and proposed consents for water take from the Ruataniwha Basin Groundwater (Tranche).

Before setting out the relevant facts, it is appropriate to say something about the regime in place in the Hawke's Bay region for the over allocation of rights in respect of water, which reflects the scarcity of the resource.

The residents of Ongaonga and Tikokino rely on water for our health and our lifestyle. In addition, for Māori, water is an important spiritual and cultural resource that is regarded as a taonga. The existing and proposed consents for water take from the Ruataniwha Basin Groundwater (Tranche) interfere with our property rights, specifically our right to access safe and reliable drinking water from the existing shallow bores and wells in the communities of Ongaonga and Tikokino.

The Hawke's Bay Regional Council needs to protect the shallow groundwater resources of the Ruataniwha basin to ensure that there is enough access to safe and reliable drinking water from the existing bores and wells in Ongaonga and Tikokino for now and for the future.

Background

The residents of Ongaonga and Tikokino have been under stress over being able to access drinking water sources since 2004. In 2012 we had 5 houses run out of water on the 28th December and the Hawke's Bay Regional Council were rung and Mr Maxwell said he would look into it and ring Mr Bill Stevenson back. Mr Stevenson's stated our communities would be better served if he came to Ongaonga for a meeting.

Mr Maxwell arrived at the property at 10:00 am and in attendance were the former Mayor of Central Hawke's Bay Peter Butler, Councillor Debbie Hewitt and reporter Niki Harper and four local residents who had lost access to water from their existing bores and wells. Those present were told that the consent process for a water take from the Ruataniwha Basin Groundwater was complete and that there would be no more consents granted.

Many households in the villages of Ongaonga and Tikokino have had to modify existing bores at considerable personal expense in order to be able to access and secure shallow groundwater from existing bores and wells for drinking water and domestic use.

In addition, any further water take from the Ruataniwha Basin Groundwater (Tranche) means that individuals will be unable to supply water to their households and as such they will be forced to seek consents to drill new or extend the depth of their existing bores in order to be able to draw water for drinking and domestic household use.

Our Concerns

In our view, it is essential that shallow Ruataniwha basin groundwater resources are protected and well managed. The way the Hawke's Bay Regional Council has and continues to not address the rapidly emerging issue of the over-allocation of groundwater resources, is affecting the ability of residents in Ongaonga and Tikokino to be able to access this critical natural resource.

If the Hawke's Bay Regional Council exceeded the allocation of water by a small amount, we could understand that the issue could be considered as minor. However, if we lose our water access, we will not be able to survive. Shallow ground water is the only alternative that would be able to supply the required quantity and provide a reliable and clean supply for both drinking and domestic household use.

Protecting the loss of groundwater recharge on shallow bores and limited surface water is possibly the most important step the Hawke's Bay Regional Council can take in meeting our community needs and delivering sustainable drinking water supplies for the residents of Ongaonga and Tikokino.

Whilst alternative sources of potable water have been sourced and trucked in by several residents in Ongaonga and Tikokino over recent years as a direct result of the availability of groundwater to recharge their shallow bores due to the water take by local agriculture and dairy farm consent holders.

Furthermore, the maximum allowable rate of take per consent holder could, theoretically, provide for the drinking needs of all but, perhaps, but for those residents in Ongaonga and Tikokino the proposed consents for a water take from the Ruataniwha Basin Groundwater (Tranche's) would appear to be inequitable.

All of which raises the question, that it seems like a blatant disregard for the finite availability of groundwater to recharge the existing shallow bores and wells of residents of Ongaonga and Tikokino, and the Regional Council seems to have been complicit in allowing this to continue.

In our view, there is an additional issue with the consents for a water take from the Ruataniwha Basin Groundwater (Tranche 1, 2 & ?) in that it is uncertain how much water is available, given this the take or use must be reasonable, and the taking or use must not, or must not be likely to, have an adverse effect on the availability of drinking water from the existing shallow bores and wells of residents of Ongaonga and Tikokino.

Conclusion

To summarise briefly, in our view the Hawke's Bay Regional Council needs to exercise its regulatory functions to protect the Ruataniwha basins shallow groundwater resources for the residents of Ongaonga and Tikokino.

If there are, or are likely to be, adverse environmental effects caused by a particular take, then water takes from the Ruataniwha basin must ensure that there is enough access to safe and reliable drinking water from the existing shallow groundwater bores and wells in Ongaonga and Tikokino for now and for the future.

In addition, if access to shallow groundwater via existing bores and wells in Ongaonga and Tikokino cannot be not protected, then the Hawke's Bay Regional Council needs to make provision to provide a convenient and suitable alternative solution at the cost of commercial consent holders so that our communities may continue to access to safe and reliable drinking water from the existing shallow groundwater bores and wells in Ongaonga and Tikokino for now and for the future.

Yours sincerely

Undersigned residents of Ongaonga and Tikokino

E: info@hbrc.govt.nz

P.O. Box 57, Ongaonga, Central Hawke's Bay 4244

P: 068566874

E: beonga66@xtra.co.nz

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petition by the Residents of Ongaonga and Tikokino - Protecting shallow water bore and well drinking water source for the residents Ongaonga and Tikokino

No.	Full Name	Address	Email	Signature
1	SIMON OSBORNE	56 MILL ST ONGAONGA	simon@val-fire.com	<i>Simon Osborne</i>
2	Pauline Mackie	33 Mill St Ongaonga	paulinemackie@xtra.co.nz	<i>Pauline Mackie</i>
3	Nancy Neal	1483 Ongaonga Road	taitoi.n206@gmail.com	<i>Nancy Neal</i>
4	MIKE HORVATH	77 BRIDGE ST ONGA		<i>Mike Horvath</i>
5	Morley DAVIS	62 MILL ST. ONGA	mor.orrless.leg@gmail.com	<i>Morley Davis</i>
6	Fran R. Franklin	55 Bridge St Ongaonga	franklin@xtra.co.nz	<i>Fran Franklin</i>
7	Piers Greenaway	55 Bridge St Ongaonga	hephaestusclub@hotmail.com	<i>Piers Greenaway</i>
8	MARY ANNE REGIDY	67 Bridge St Ongaonga	maryanne@xtra.co.nz	<i>Maryanne Regidy</i>
9	GIVEN + SHARON EXTON	15 Bridge St Ongaonga	angie@xtra.co.nz	<i>Angie Exton</i>
10	GARRY + JAN BAKER	37 MILL ST Ongaonga		<i>Garry + Jan Baker</i>
11	DEAN BAKER	64 MILL ST Ongaonga		<i>Dean Baker</i>
12	DENISE WAA	11 "	farmonf66@gmail.com	<i>Denise Waa</i>
13	ALISTER + JULINE HUNTER	64 BRIDGE ST ONGAONGA	alister.hunter@gmail.com	<i>Alister + Juline Hunter</i>
14	Dale Campbell	47 Bridge St		<i>Dale Campbell</i>
15	Karen + Nic Bedogni	49 Bridge St. Onga	bedogex@xtra.co.nz	<i>Karen + Nic Bedogni</i>
16	Nic Bedogni	50-52 Mill St, Onga	bedogex@xtra.co.nz	<i>Nic Bedogni</i>
17	Gareth Mackie	25 MILL STREET		<i>Gareth Mackie</i>
18	Glady's Mackie	25 Mill St,		<i>Glady's Mackie</i>
19	Viv Doherty	17 Mill St		<i>Viv Doherty</i>
20	P. Macintosh	8 Mill St		<i>P. Macintosh</i>
21	George Wilkinson	17 BRIDGE ST ONGAONGA		<i>George Wilkinson</i>
22	Mairi Lennox	11 BRIDGE ST ONGAONGA		<i>Mairi Lennox</i>
23	Donley Hagan	59 Bridge St Ongaonga		<i>Donley Hagan</i>
24	MIRIAM SQUIRE	59 Mill Street, Ongaonga		<i>Miriam Squire</i>
25	Shona Pye	46 Mill Street Ongaonga		<i>Shona Pye</i>
26	Alethea Pye	46 Mill Street Ongaonga		<i>Alethea Pye</i>

Attachment 1

Item 6

ONGAONGA

Petition by the Residents of Ongaonga and Tikokino - Protecting shallow water bore and well drinking water source for the residents Ongaonga and Tikokino

No.	Full Name	Address	Email	Signature
53	RAY LEOAT	25 BRIDGE ST		
54	NOVINA KING	25 Bridge St		
55	Tom Taylor	16 Bridge St		
56	Kelsie Squire	60 Mill St	kelsie-squire@yahoo.com or kelsie@carlonsen.co.nz	
57	Carl Owen	69 Bridge St	CARL OWEN@KID.BUN.DI.NG.CO.NZ	
58	Natasha Oliver	69 Bridge St		
59	Craig Minto	73 Bridge St	craigminto1@gmail.com	
60	Sonya Minto	73 Bridge St	sonya.squires@gmail.com	
61	Jason Baker/Madelaine O'Donovan	41 Bridge St	jasonbak7@gmail.com	
62	Anie & Tish Groenveld	56 Bridge St	anie.g1@outlook.com	
63	N.A. & E.H. STEVENSON	66 Mill St		
64	ANDREW & JACQUE HARRIS	61 BRIDGE ST	andrew22.harris@virgin.net.nz	
65	Brent Vansen	65 Bridge St	Onga Motors@hotmail.com	
66	LAURENCE GORDON	444 BRIDGE ST	onga.gordons@hotmail.com	
67	Diane Taylor	35 Bridge St	bj.taylor@ktra.co.nz	
68	Sally Charlton	902 GNAVAS RD 4 Waipawa	Sallybouse@gmail.com	
69	Aaron West	40 Bridge St		
70	JULIE WEAVER	24 Mill Street		
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Residents of Ongaonga and Tikokino: **TIKOKINO**

Full Name	Address	Email	Signature
CORAL HOOK	37 PHILLIPS ST TIKOKINO	coralhook@gmail.com	[Signature]
Cressy Muller	84 OWEN ST TIKOKINO	[Signature]	[Signature]
Peter Morris	41 Lyalet St Tikokino	[Signature]	[Signature]
Catherine Tilby	Brickland ST, Tikokino	catherine.tilby@xtra.co.nz	[Signature]
Terahen Tilby	Brickland ST, Tikokino	[Signature]	[Signature]
J RUMBAL	26 Owen St Tikokino	[Signature]	[Signature]
J HARRISON	35 MURCHISON ST	[Signature]	[Signature]
K. Fraser	60 Phillips St	sparkie332@xtra.co.nz	[Signature]
Cathy Bentley	13 Owen St.	willben@xtra.co.nz	[Signature]
Tony Slater	31 MURCHISON ST TIKOKINO	TONY FROM TIKOKINO MAIL	[Signature]
Diane Ridge	2 Holden Road	[Signature]	[Signature]
Alan Ridge	2 Holden Road	[Signature]	[Signature]
Chris Adams	510 Smedley Road Tiko	[Signature]	[Signature]
CASE ADAMS	170 Smedley Rd TIKOKINO	[Signature]	[Signature]
G WAGST	169 Smedley Rd	[Signature]	[Signature]
WENJIAN	61 OWEN ST TIKOKINO	[Signature]	[Signature]
J. FROGANS	" " "	[Signature]	[Signature]
DW COOKE	55 OWEN ST TIKOKINO	[Signature]	[Signature]
Vicky Swinbanks	47 Murchison St	[Signature]	[Signature]
Simon Derbridge	67 Owen St Tikokino	[Signature]	[Signature]
Pip Derbridge	" "	[Signature]	[Signature]
Kerry Tong	86 Owen St Tikokino	[Signature]	[Signature]
GRARY TONG	86 OWEN ST TIKOKINO	[Signature]	[Signature]
Tony Tyson	SANVEES ARMS, TIKO	[Signature]	[Signature]
Terahen Tilby	399 HWY 50, R.O.3, Tiko	[Signature]	[Signature]
Ted O'Brien	24 Phillips Street Tiko	[Signature]	[Signature]

Item 6

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Item 6

TIKOKINO

NAME	ADDRESS	SIGNATURE
Elizabeth Bentley	13 Owen St, Tikokino	E. Bentley
Alicia Narns	41 Lyall St Tikokino	A. Narns
Michelle Birrell	6 Owen St, Tikokino	Michelle Birrell
Mike Harrison	35 Murchison Street Tikokino	Mike Harrison
Lark Prince	32 Owen Street Tikokino	Lark Prince
Ke O'Brien	69 Mantell Street Tikokino	Ke O'Brien
Bob Vallance	42 Phillips Street Tikokino	Bob Vallance
Therese Hobbs-Turner	33 Lyall Street Tikokino	Therese Hobbs-Turner
Donna Pike	79 Owen Street Tikokino	Donna Pike
Donna Pike	79 Owen Street Tikokino	Donna Pike
Therese Hobbs-Turner	33 Lyall Street Tikokino	Therese Hobbs-Turner
Mike Swinbanks	47 Murchison St Tikokino	Mike Swinbanks
Becca Watt	78 Owen St Tikokino	Becca Watt
Aig Barkle	30 Lyall St, Tikokino	Aig Barkle
Aren Barkle	30 Lyall St, Tikokino	Aren Barkle
Ruby Beagle	19 Phillips St, Tikokino	Ruby Beagle
Julie Reid	19 Phillips St Tikokino	Julie Reid
Jane Benson	114 State Highway 50, Tikokino	Jane Benson
Hardwick-Smith	388 Highway 50, Tikokino	Hardwick-Smith

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 25 July 2018

SUBJECT: REPRESENTATION REVIEW FOR THE 2019 LOCAL GOVERNMENT ELECTIONS

Item 7

Reason for Report

1. Provides Council with two options for consideration and adoption of an initial representation arrangement proposal for public notification and consultation as required by the Local Electoral Act 2001.

Background

2. Council is required to review its representation arrangements at least once every six years; that being this year (to take effect for the 2019 local body elections). The last review was carried out in 2012 for the 2013 elections.
3. In conducting the representation review the key components Council must determine by resolution are:
 - 3.1. The proposed number of constituencies – having given consideration to, and identified, communities of interest.
 - 3.2. The proposed name and the proposed boundaries of each constituency – ensuring, as far as practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.
 - 3.3. The number of members proposed to be elected by the electors of each constituency – a regional council is required to have between 6 and 14 members.
4. At the 20 September 2017 Corporate and Strategic Committee meeting, staff advised the Committee of the need for the representation review and asked that consideration be given to a proposed timeline for that. That meeting resolved:
 - 4.1. The Corporate and Strategic Committee recommends that, in principle, Council retains the current representation arrangements; being five constituencies represented by 9 elected representatives as the basis for the representation Review process subject to further advice from the Māori Committee on behalf of the Māori community on the subject of Māori constituencies.
5. The subsequent 27 September 2017 Council meeting resolved the Corporate and Strategic Committee's recommendation without change.
6. Following a series of hui-ā-iwi held with taiwhenua throughout the region, Council considered the establishment of one or more Māori constituencies at a special meeting held on 15 November 2017, resolving:
 - 6.1. In accordance with s.19Z of the Local Electoral Act 2001, to not establish Māori constituencies for the Hawke's Bay Region for the 2019 local body elections.
7. In relation to the Council's ability to resolve the establishment of one or more Māori constituencies, this opportunity is available at any time, but to apply for the next election the resolution must be made within the timeframe described in the *Local Electoral Act 2001* (2 years before the election). The next opportunity for Council to make such a resolution will therefore be in September-November 2020.
8. If such a resolution is made (and not overturned by a poll of electors) and the region is required to be divided into Māori constituencies at the next election, Council is required to undertake a representation review (whether or not it conducted a review before the previous election).

9. The other means by which Māori constituencies can be established is through the favourable outcome of a poll of electors, either demanded by electors or the result of a Council resolution. Again, a Council resolution to hold a poll, or a valid poll demand (by 5% of electors) may be made at any time, but to apply for the next election they must be made within the timeframes described in the *Local Electoral Act 2001 (LEA)*.
10. LEA timeframes for electoral matters have been set to ensure the correct processes are followed, in the correct order, with those being:
 - 10.1. the choice of electoral system, which may influence
 - 10.2. a decision on the establishment of Māori constituencies, preceding
 - 10.3. a representation review.
11. At the Regional Council meeting held on 27 June 2018, Council passed the following resolutions to initiate the Representation Review and provide staff with direction in relation to representation arrangement options for consideration.
 - 11.1. That Council initiates the review of the Hawke's Bay Regional Council's representation arrangements as required by the Local Electoral Act 2001 (LEA) and the Local Government Act 2002
 - 11.2. Council requests that staff present a proposal for Council's consideration and resolution of the HBRC initial proposal for public notification to the 25 July 2018 Regional Council meeting, based on the Council's current representation arrangements with the inclusion of the meshblock changes from the Ngaruroro Constituency to the Hastings Constituency as aligned with the Hastings District Council ward boundary changes.
12. As a result of previous Council and Committee resolutions, the following two options are presented for Council to consider as its preferred representation arrangement for public notification and open for submissions.

Option 1

13. The proposal is for retention of nine councillors representing the five constituencies of:
 - 13.1. **Central Hawke's Bay**; the constituency boundary being the same as that for the Central Hawke's Bay District Council area.
 - 13.2. **Hastings**; the constituency boundary being that area which encompasses the wards of Flaxmere, Hastings-Havelock North and most of Heretaunga within the Hastings District Council area.
 - 13.3. **Napier**; the constituency boundary being the same as that for the Napier City Council area.
 - 13.4. **Ngaruroro**; the constituency boundary being that area which encompasses the wards of Mohaka, Kahuranaki and parts of Heretaunga within the Hastings District Council area as well as area units within the regional boundary belonging to Rangitikei and Taupo District councils.
 - 13.5. **Wairoa**; the constituency boundary being the same as that for the Wairoa District Council area.
14. The boundaries of the current Hastings and Ngaruroro constituencies have been altered to align with Hastings District Council ward boundary changes in accordance with LEA s.19U(b).
15. The constituency population statistics for this option are shown following.

Table 1. Option 1 Constituency Population Statistics

Constituency	Population	Reps	Population per Rep	Difference from average	Percentage difference
Central Hawke's Bay	13,850	1	13,850	-4,380	-24.03%
Hastings	59,150	3	19,700	+1,470	+8.06%
Napier	62,000	3	20,700	+2,470	+13.37%
Ngaruroro	20,850	1	20,850	+2,620	+14.4%
Wairoa	8,220	1	8,220	-10,010	-54.91%
Total	164,070	9	18,230		

* The populations used are the estimated resident population as at 30 June 2017 provided by Statistics NZ.

The % difference column shows the calculation applied when determining whether an area complies with the +/- 10% rule in section 19V(2) of the LEA. Where this difference falls outside the +/-10% range it is shown in **bold**.

Option 2

16. This proposal has been developed to enable Council to consider whether increasing or decreasing the total number of elected representatives will achieve compliance with LEA s19V(2) +/- 10% to the greatest extent possible, and therefore better provide for "fair representation" as defined by the legislation.
17. Staff calculated the population statistics for a reduction of the number of Councillors to 7, with the resulting figures representing significantly more non-compliance with LEA s19V(2) +/- 10%, with all 5 of the Hawke's Bay constituencies being non-compliant. Therefore staff are not proposing the reduction as a viable proposal for Council's consideration.
18. The calculation for an increased total number of councillors to 11 does result in better compliance with LEA s19V(2) +/- 10% and "fair representation" as defined in the legislation, with exemption required for only 2 constituencies, and forms the basis of Option 2 following.
19. Option 2 is for eleven councillors representing Hawke's Bay's five identified communities of interest; those being the constituencies (*same as for Option 1*) of:
 - 19.1. **Central Hawke's Bay**; the constituency boundary being the same as that for the Central Hawke's Bay District Council area.
 - 19.2. **Hastings**; the constituency boundary being that area which encompasses the wards of Flaxmere, Hastings-Havelock North and most of Heretaunga within the Hastings District Council area.
 - 19.3. **Napier**; the constituency boundary being the same as that for the Napier City Council area.
 - 19.4. **Ngaruroro**; the constituency boundary being that area which encompasses the wards of Mohaka, Kahuranaki and parts of Heretaunga within the Hastings District Council area as well as area units within the regional boundary belonging to Rangitikei and Taupo District councils.
 - 19.5. **Wairoa**; the constituency boundary being the same as that for the Wairoa District Council area.
20. As with Option 1, the boundaries of the current Hastings and Ngaruroro constituencies have been altered to align with Hastings District Council ward boundary changes, and Option 2 constituency population statistics are shown following.

Table 2. Option 2 Constituency Population Statistics

Constituency	Population	Reps	Population per Rep	Difference from average	Percentage difference
Central Hawke's Bay	13,850	1	13,850	-1,066	-7.15%
Hastings	59,150	4	14,788	-128	-0.86%
Napier	62,000	4	15,500	584	+3.92%
Ngaruroro	20,850	1	20,850	+5,934	+39.78%
Wairoa	8,220	1	8,220	-6,696	-44.89%
Total	164,070	11	14,916		

* The populations used are the estimated resident population as at 30 June 2017 provided by Statistics NZ.

The % difference column shows the calculation applied when determining whether an area complies with the +/- 10% rule in section 19V(2) of the LEA. Where this difference falls outside the +/-10% range it is shown in **bold**.

Considerations for Council

21. The Local Electoral Act 2001 (LEA), together with the Local Government Act 2002 (LGA), specify the requirements for representation arrangements, including:
 - 21.1. LEA Part 1A states “... *the paramount consideration that local authorities, elected officers and other electoral officials must, in making decisions under the Act, adhere to is “fair and effective representation for individuals and communities”.*”
 - 21.2. LGA Section 3 states “*The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities...*”
22. Fair representation is defined as a democratic model where there is a reasonable ratio of elected members per head of population to assure elected members are in reasonable geographic proximity to their constituents for easy contact, and that there is sufficient opportunity for the representation and involvement of communities of interest. There should be a strong link between elected representatives and their constituencies so as to promote a healthy democracy, protect citizens’ rights and ensure that their views and opinions are heard.
23. As relates to the number of elected representatives considered to represent “fair and effective representation” and the requirements of LEA s19V(2), Council is also required to consider whether increasing the number of councillors is warranted to achieve representation that is as close as possible to the +/- 10%, as the benchmark set by the legislation as being “fair”.

Communities of Interest for Constituencies not Compliant with LEA s19V(2)

24. The Guidelines identify three dimensions for recognising communities of interest, being:
 - 24.1. Perceptual – a sense of belonging to an area or locality
 - 24.2. Functional – the ability to meet the community’s requirements for services
 - 24.3. Political – the ability to represent the interests and reconcile conflicts of the community.
25. Staff considered the key factors of effective and fair representation, and the previous LGC determinations for acceptance as communities of interest and have concluded that the applications for ‘community of interest’ exemptions for Ngaruroro and Wairoa (Option 2) will allow the key factors to be met.

Ngaruroro

26. The constituency was created to recognise the distinct communities of interest within Hastings District as subdivided into urban, and plains and rural, and aligned with the Hastings District Rural Community Board boundaries, to provide more effective representation for these communities. The Commission’s (2013) determination ruled:

- 26.1. *“...we have decided to adopt the urban-rural split proposed by the Hastings District Council. This also entails the addition of some meshblocks around the three urban wards which the Council identified as having commonalities in community of interest with the proposed Hastings Urban Constituency, such as Whakatu with its large industrial focus. We note the Hastings Rural Constituency (now **Ngaruroro**) does not comply with the ‘+/-10% rule’ but, as argued above, we believe this to be necessary for achievement of effective representation for the community of interest in this constituency.”*

Wairoa

27. The Wairoa constituency was previously accepted by the Local Government Commission in 2007 and 2013 as a ‘community of interest’, with the size and diversity of the constituency and reasonable access to representation having been proved. In releasing their 2012 decision, the Commission specifically ruled:
- 27.1. *“We first addressed the issue of the proposed Wairoa Constituency and its non-compliance with the +/- 10% rule. After carefully considering the points raised by the Council and also those made by the Mayor of Wairoa and the Wairoa Constituency Councillors, as set out earlier in this determination, we agree that a separate Wairoa Constituency is necessary to ensure effective representation of this community of interest. In summary we agree that:*
- 27.2. *Wairoa has a community of interest distinct from the rest of the region, both physically and socio-economically, and this presents particular challenges for community consultation and provision of services;*
- 27.3. *The physical realities of the area give rise to particular issues not experienced elsewhere including hill country erosion, pressure on coastal development, pest management, transport infrastructure, biodiversity protection, wetland enhancement, flooding and other natural hazards;*
- 27.4. *Effective representation is most unlikely to be achieved by merging Wairoa into another constituency in order to comply with the +/- 10% rule as this would result in a very large area (70% of the land area of the region) with few commonalities of interest and still eligible for only one councillor;*
- 27.5. *Effective representation would be compromised in terms of both access to a councillor and representation of the diversity of the constituency; and*
- 27.6. *The demands on a councillor servicing an enlarged area would be unreasonable.”*
28. Staff also considered the previous LGC determinations accepting ‘community of interest’ exemptions for Central Hawke’s Bay and Napier as reflected in Option 1 and outlined following.

Central Hawke’s Bay

29. The Central Hawke’s Bay constituency was previously accepted by the Local Government Commission in 2012 as a ‘community of interest’, as opposed to the 2007 decision which determined that *“the arguments were not strong for an exception to the +/-10% rule”* and accordingly added some areas of Hastings District to the Central Hawke’s Bay Constituency to ensure compliance with the ‘+/-10% rule’.
30. In releasing their 2012 decision, however, the Commission considered:
- 30.1. *that the addition of areas of Hastings District to the Central Hawke’s Bay Constituency had caused confusion for residents living relatively close to the Hastings urban area but voting within Central Hawke’s Bay Constituency. Those within Hastings District identified with Hastings District Councillors, and had no significant connections with Central Hawke’s Bay; as demonstrated by a Council consultation process on potential off-river water storage for the Ngaruroro River.*
- 30.2. *The area of Central Hawke’s Bay Constituency, based on Central Hawke’s Bay District, is already a significantly large area for one councillor to service, and given the long distances having to be travelled to have face to face meetings with constituents, or to attend public meetings throughout the area.*

- 30.3. *The physical realities of the area give rise to particular issues of concern like hill country erosion, pressure on coastal development, biodiversity protection, flooding and other natural hazards.*
31. Specifically, the Commission ruled:
- 31.1. *We were satisfied, on the basis of the arguments put to us by the Council and supported by all of the objectors, that there was a case for reducing the size of Central Hawke's Bay Constituency to coincide with Central Hawke's Bay District, consistent with section 19U(c), notwithstanding it would not comply with the section 19V(2) fair representation requirement. We endorse the Council proposal in this respect accordingly."*

Napier

32. The Napier constituency was also previously accepted by the Local Government Commission in 2007 and 2012 as a 'community of interest', with the 2012 Commission commenting that:
- 32.1. *Given the numbers involved and the predominantly urban nature of the Napier Constituency, we note that a large segment of the outlying area of Napier City would have to be transferred to the adjoining Hastings Constituency. We also note that the neighbouring parts of the Hastings Community are primarily rural or semi-rural in nature. While it is guided by the principle of fair representation defined in the Act by the +/-10% rule, the Commission considers it is also appropriate to be guided by the requirement to ensure, so far as is practicable, constituency boundaries coincide with territorial authority boundaries. The Commission sees this as important as territorial authorities reflect communities of interest based on the delivery of a wide range of day-to-day services. Territorial authority districts are also areas that electors closely identify with which in turn encourages participation in local government such as by voting or standing as a candidate at local elections.*
33. Accordingly, the 2012 Commission specifically ruled:
- 33.1. *The situation remained very similar at this review in terms of the numbers needing to be transferred out of Napier Constituency in order to comply with section 19(V)(2) although the variation at +11.64% is less than in 2007 and even more marginal. Accordingly we also endorse the Council proposal in relation to this constituency.*

Conclusions

34. The details providing the basis for the proposals presented are contained in the attached "Details of basis for Representation Arrangement proposals" document.
35. It is the staff view that both options provided for Council to consider ultimately allow the key factors for 'fair representation' and 'communities of interest' to be met. The balance, for Council to decide and test through the submissions process, appears to staff to be which option is considered to provide the most "effective" representation arrangement for the Region.

Timelines

36. In order to meet legislative requirements for the Representation Review, the Council is required to adopt its initial proposal at this meeting.
37. Once that decision has been made, the proposed representation arrangements will be publicly notified (Saturday 4 August) and the public invited to make submissions. The submission period must remain open for at least one month after public notification as required, and is proposed to close on Monday 17 September.
38. If submissions are received on Council's initial proposal, the Corporate and Strategic Committee will consider those on 3 October before recommending a final proposal (which may be different in light of any submissions received) to the 24 October Council meeting. Council's final proposal must then be publicly notified by Saturday 27 October, allowing those who submitted on the initial proposal a period of at least one month to

submit an appeal or objection. If any objections or appeals are lodged (public appeals period proposed to close Monday 26 November), they are referred directly to the Local Government Commission for hearing and determination along with Council's final proposal.

39. Regardless of whether any appeals are received, Council's final proposed representation arrangements must be referred to the Local Government Commission for determination as any arrangements that include 'community of interest' considerations must be determined by the Commission in accordance with LEA 19(V)(4). Staff intend to lodge Council's final proposed representation arrangements, including any appeal documentation, prior to the 2018 Christmas break.
40. The upcoming timelines for representation matters and decisions are as follows.

Key Project Milestone	Description	Due date
1. Council resolves Initial Proposal Within 14 days -	Council selects preferred option as Initial Proposal for notification	25 July 2018
	Public notice of Initial Proposal and open submissions	4 Aug 18
	Close of submissions on Initial Proposal	17 Sept 18
2. Respond to Submissions	If submissions received, C&S to consider those and recommend Final Proposal to Council	3 Oct 18
	If no submissions received, the proposal becomes final and Council gives public notice to that effect and forwards	29 Sept 18
3 Final Proposal	If submissions received, Council to Resolve Final Proposal as recommended by C&S	24 Oct 18
	Public Notice of Final Proposal	On or before Sat 27 Oct 2018
4. Appeals/Objections	Period of 1 month allowed for s190 appeals /19P objections	Close 26 Nov 18
5. Lodge Final Proposal with LGC	- If no appeals/objections – Council confirms as final + gives public notice of final proposed arrangements	28 Nov 18 1 Dec 18
	Forward all documentation to LGC for final determination (not all constituencies meet +/-10% rule)	By 21 Dec 18
	- If appeals/objection are received, advise 28 November Council meeting and forward all documentation to LGC for determination	By 21 Dec 18

Decision Making Process

41. Once Council has made a decision on what the proposed representation arrangement will be, that proposal will be subject to the consultative procedures under the Local Electoral Act (LEA) sections 19M and 19N, which include a full public notification process and then the opportunity for submissions to be received from any member of the public on the proposal, with an ultimate right of appeal to the Local Government Commission. Therefore the specific requirements of the Local Government Act 2002 in respect to decision making are fully accounted for through the process specified in the LEA.

Recommendations

That the Hawke's Bay Regional Council:

1. Receives and notes the "Representation Review for the 2019 Local Government Elections" staff report.
2. Acknowledges the consultation procedures required for Representation Reviews under the Local Electoral Act (sections 19M and 19N).

And either

3. Agrees to (Option 1) retain five constituencies, as the identified communities of interest in Hawke's Bay, the proposed names and boundaries of each of the five being:

- 3.1. **Central Hawke's Bay**; the constituency boundary being the same as that for the Central Hawke's Bay District Council area.
- 3.2. **Hastings**; the constituency boundary being that area which encompasses the wards of Flaxmere, Hastings-Havelock North and most of Heretaunga within the Hastings District Council area.
- 3.3. **Napier**; the constituency boundary being the same as that for the Napier City Council area.
- 3.4. **Ngaruroro**; the constituency boundary being that area which encompasses the wards of Mohaka, Kahuranaki and parts of Heretaunga within the Hastings District Council area as well as meshblocks within the Regional boundary belonging to Rangitikei and Taupo District councils.
- 3.5. **Wairoa**; the constituency boundary being the same as that for the Wairoa District Council area.
4. Agrees to include the following meshblocks from the Ngaruroro Constituency into the Hastings Constituency in order to align with Hastings District Council ward boundaries in accordance with LEA, and resulting in an increase in population in the Hastings Constituency (350) and a decrease in population in the Ngaruroro Constituency (-350):
 - 4.1. 1465506 and 1465601 (100)
 - 4.2. 1466710 (250).
5. Agrees to retain the number of elected members at nine (9), those being:
 - 5.1. One (1) member elected by the Central Hawke's Bay Constituency
 - 5.2. Three (3) members elected by the Hastings Constituency
 - 5.3. Three (3) members elected by the Napier Constituency
 - 5.4. One (1) member elected by the Ngaruroro Constituency
 - 5.5. One (1) member elected by the Wairoa Constituency.
6. Notes that this proposal does not fully comply with the *Local Electoral Act 2001* section 19V(2), but that the proposal is considered the most appropriate solution for Hawke's Bay.
7. Applies to the Local Government Commission for approval to retain the Central Hawke's Bay, Napier, Ngaruroro and Wairoa constituencies as "communities of interest" with effective representation warranting non-compliance with the LEA, section 19V(2) +/-10% fair representation requirement as shown following.

Constituency Population Statistics

Constituency	Population	Reps	Population per Rep	Difference from average	Percentage difference
Central Hawke's Bay	13,850	1	13,850	-4,380	-24.03%
Hastings	59,150	3	19,700	+1,470	+8.06%
Napier	62,000	3	20,700	+2,470	+13.37%
Ngaruroro	20,850	1	20,850	+2,620	+14.4%
Wairoa	8,220	1	8,220	-10,010	-54.91%
Total	164,070	9	18,230		

* The populations used are the estimated resident population as at 30 June 2017 provided by Statistics NZ.

The % difference column shows the calculation applied when determining whether an area complies with the +/- 10% rule in section 19V(2) of the LEA. Where this difference falls outside the +/-10% range it is shown in **bold**.

OR

8. Agrees to (Option 2) retain five constituencies, as the identified communities of interest in Hawke's Bay, the proposed names and boundaries of each of the five being:

- 8.1. **Central Hawke's Bay**; the constituency boundary being the same as that for the Central Hawke's Bay District Council area.
- 8.2. **Hastings**; the constituency boundary being that area which encompasses the wards of Flaxmere, Hastings-Havelock North and most of Heretaunga within the Hastings District Council area.
- 8.3. **Napier**; the constituency boundary being the same as that for the Napier City Council area.
- 8.4. **Ngaruroro**; the constituency boundary being that area which encompasses the wards of Mohaka, Kahuranaki and parts of Heretaunga within the Hastings District Council area as well as meshblocks within the Regional boundary belonging to Rangitikei and Taupo District councils.
- 8.5. **Wairoa**; the constituency boundary being the same as that for the Wairoa District Council area.
9. Agrees to include the following meshblocks from the Ngaruroro Constituency into the Hastings Constituency in order to align with Hastings District Council ward boundaries in accordance with LEA, and resulting in an increase in population in the Hastings Constituency (350) and a decrease in population in the Ngaruroro Constituency (-350):
 - 9.1. 1465506 and 1465601 (100)
 - 9.2. 1466710 (250).
10. Agrees to increase the number of elected members to eleven (11), to better comply with LEA s19V(2) +/- 10% and "fair representation" as defined in the legislation, those being:
 - 10.1. One (1) member elected by the Central Hawke's Bay Constituency
 - 10.2. Three (4) members elected by the Hastings Constituency
 - 10.3. Three (4) members elected by the Napier Constituency
 - 10.4. One (1) member elected by the Ngaruroro Constituency
 - 10.5. One (1) member elected by the Wairoa Constituency.
11. Notes that this proposal does not fully comply with the *Local Electoral Act 2001* section 19V(2), but that the proposal is considered the most appropriate solution for Hawke's Bay.
12. Applies to the Local Government Commission for approval to retain the Ngaruroro and Wairoa constituencies as "communities of interest" with effective representation warranting non-compliance with the LEA, section 19V(2) +/-10% fair representation requirement as shown following.

Constituency Population Statistics

Constituency	Population	Reps	Population per Rep	Difference from average	Percentage difference
Central Hawke's Bay	13,850	1	13,850	-1,066	-7.15%
Hastings	59,150	4	14,788	-128	-0.86%
Napier	62,000	4	15,500	584	+3.92%
Ngaruroro	20,850	1	20,850	+5,934	+39.78%
Wairoa	8,220	1	8,220	-6,696	-44.89%
Total	164,070	11	14,916		

* The populations used are the estimated resident population as at 30 June 2017 provided by Statistics NZ.

The % difference column shows the calculation applied when determining whether an area complies with the +/- 10% rule in section 19V(2) of the LEA. Where this difference falls outside the +/-10% range it is shown in **bold**.

And

13. Agrees to publicly notify the initial proposal on 4 August 2018 to comply with the *Local Electoral Act 2001*.

Authored by:

**Leeanne Hooper
PRINCIPAL GOVERNANCE ADVISOR**

Approved by:

**Liz Lambert
GROUP MANAGER REGULATION**

Attachment/s

[!\[\]\(c694a3ff3b077d76910920a6a1593ab4_img.jpg\) 1](#) Details of Basis for Representation Arrangement Proposals

Details of basis for Representation Arrangement proposals

Local Electoral Act 2001

19I Review of representation arrangements for elections of regional councils

(1) A regional council must determine by resolution, and in accordance with this Part,—

- (a) the proposed number of constituencies; and
- (b) the proposed name and the proposed boundaries of each constituency; and
- (c) the number of members proposed to be elected by the electors of each constituency.

Stats for Status Quo constituency boundaries for HBRC (from LGA website)

REGIONAL	CONSTITUENCY	Population	Members	Population- member ratio	Difference from quota	% Difference from quota
Hawke's Bay Region	Wairoa	8,220	1	8,220	-10,010	-54.91%
	Napier	62,000	3	20,667	2,437	13.37%
	Ngaruroro	21,200	1	21,200	2,970	16.29%
	Central Hawke's Bay	13,850	1	13,850	-4,380	-24.03%
	Hastings	58,800	3	19,600	1,370	7.52%
	Total	164,070	9	18,230		

The populations used are the estimated resident population as at 30 June 2017 provided by the Statistics NZ.

The % difference column shows the calculation applied when determining whether an area complies with the +/-10% rule in section 19V(2) of the LEA. Where this difference falls outside the +/-10% range it is shown in **bold**.

LEA s.19U Requirement for effective representation and other factors in determination of membership and basis of election of regional council

In determining the matters specified in paragraphs (a) to (c) of [section 19I\(1\)](#), the regional council and, where appropriate, the Commission must ensure—

- (a) that the number and boundaries of constituencies will provide effective representation of communities of interest within the region; and
- (b) that constituency boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and
- (c) that, so far as is practicable, constituency boundaries coincide with the boundaries of 1 or more territorial authority districts or the boundaries of wards.

To meet 19U(b) requirements, the changes proposed to constituency boundaries are:

Lyndhurst (Meshblock 1471202) – Heretaunga to Hastings Havelock North (+850) no change - already within the Hastings Constituency

- Lyndhurst is a green field currently under development with the potential for over 300 residential units. It is currently within Heretaunga ward and on the outskirts of Hastings.

Williams Street (Meshblock 1471401) – Heretaunga to Hastings Havelock North (+500) no change - already within the Hastings Constituency

- Northwood is another greenfield site which is in the process of being developed for residential dwellings and further extends the urban limit of Hastings City. 220 residential units are proposed for this area

Howard Street (Meshblock 1472900) - Heretaunga to Hastings Havelock North (+60) no change - already within the Hastings Constituency

- Howard Street is a development on the edge of Hastings between Hastings and Havelock North – It is envisaged that there will be in the region of 260 residential units in this area.

Iona – (Meshblocks 1465506 and 1465601) Heretaunga to Havelock North (+100) shifts into Hastings Constituency, result -100 from Ngaruroro

- These meshblocks are also earmarked for residential development of 320 units which better identifies with the urban area of Havelock North.

Te Mata Hills (meshblock 1466710) – Kahuraniki to Hastings Havelock North (+250) shifts into Hastings Constituency, result -250 from Ngaruroro

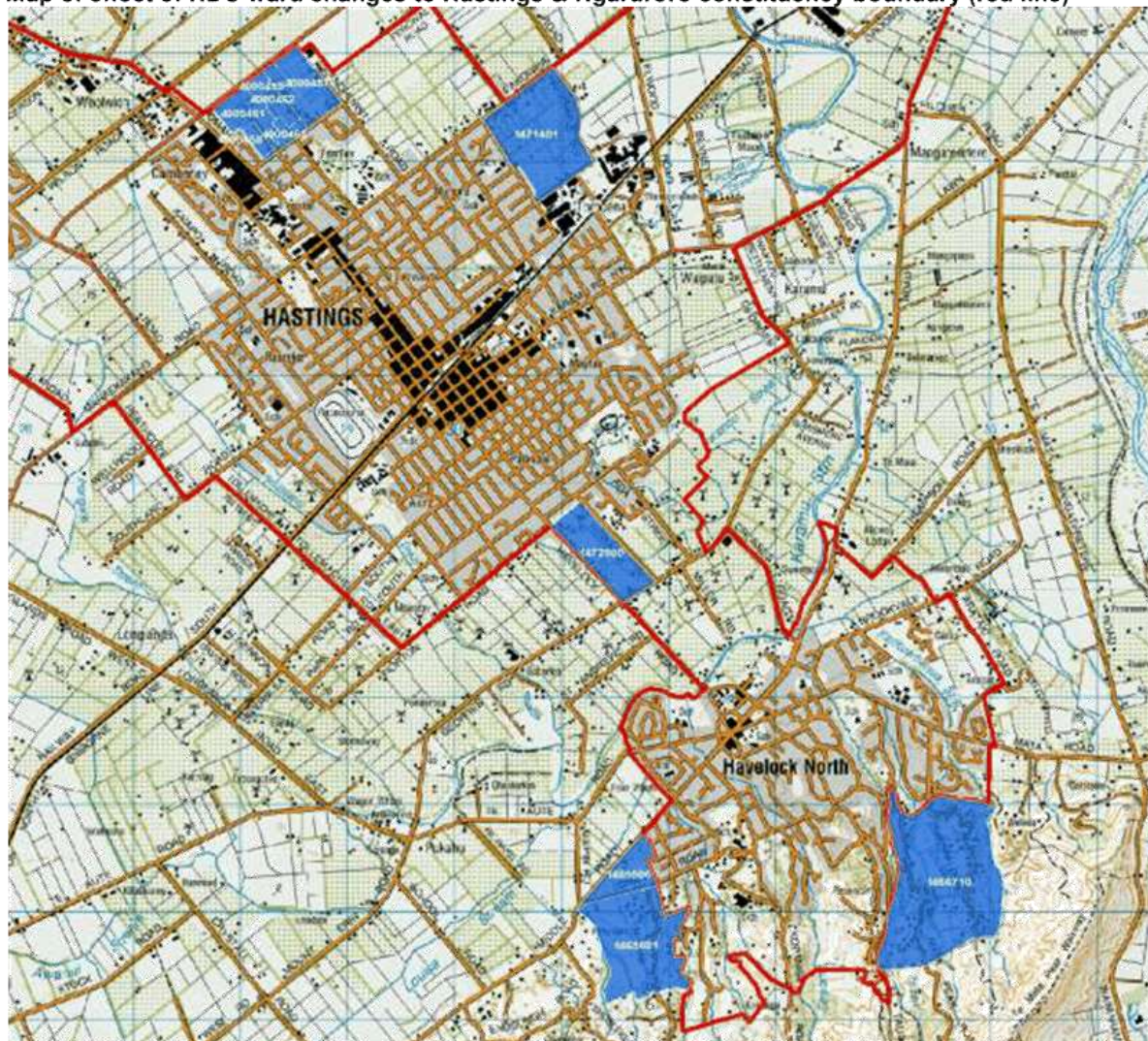
Net result is **-350** from Ngaruroro Constituency move into the Hastings Constituency

Updated stats for Status Quo with HDC meshblock changes calculated (+/- 350)

Constituency	Population	Reps	Population per Rep	Difference from average	Percentage difference
Wairoa Constituency	8,220	1	8,220	-10,010	-54.91%
Napier Constituency	62,000	3	20,700	2,470	13.37%
Ngaruroro Constituency	20,850	1	20,850	2,620	14.4%
Central Hawke's Bay Constituency	13,850	1	13,850	-4,380	-24.03%
Hastings Constituency	59,150	3	19,700	1,470	8.06%
Total	164,070	9	18,230		

The populations used are the estimated resident population as at 30 June 2017 provided by the Statistics NZ.

Map of effect of HDC ward changes to Hastings & Ngaruroro constituency boundary (red line)



LEA s.19V Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions

(1) In determining the number of members to be elected by the electors of any ward or constituency or subdivision, the territorial authority or regional council and, where appropriate, the Commission must ensure that the electors of the ward or constituency or subdivision receive fair representation, having regard to the population of every district or region or local board area or community and every ward or constituency or subdivision within the district or region or local board area or community.

(2) For the purposes of giving effect to subsection (1), the territorial authority or regional council and, where appropriate, the Commission must ensure that the population of each ward or constituency or subdivision, divided by the number of members to be elected by that ward or constituency or subdivision, produces a figure no more than 10% greater or smaller than the population of the district or region or local board area or community divided by the total number of elected members.

(3) Despite subsection (2),—

(a) ... territorial authority ...

(b) if the regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with subsection (2).

(4) A territorial authority or regional council that decides under subsection (3) not to comply with subsection (2) must refer that decision to the Commission together with the information specified in [section 19Q\(a\) to \(e\)](#).

(5) A reference under subsection (4) must be treated as if it were an appeal against the decision of the territorial authority or regional council ...

(6) On receiving a reference under subsection (4), the Commission must determine, under [section 19R\(1\)](#), whether—

(a) to uphold the decision of the territorial authority or regional council; or

(b) to alter that decision.

To consider 19V(2) and 19I(1)(c)**Population stats calculated for 7 councillors total**

Constituency	Population	Reps	Population per Rep	Difference from average	Percentage difference
Central Hawke's Bay Constituency	13,850	1	13,850	-9,590	-40.91%
Hastings Constituency	59,150	2	29,575	+6,135	+26.17%
Napier Constituency	62,000	2	31,000	7,560	+32.25%
Ngaruroro Constituency	20,850	1	20,850	-2,590	-11.05%
Wairoa Constituency	8,220	1	8,220	-15,220	-64.93%
Total	164,070	7	23,440		

The populations used are the estimated resident population as at 30 June 2017 provided by the Statistics NZ.

Population stats calculated for 11 councillors total

Constituency	Population	Reps	Population per Rep	Difference from average	Percentage difference
Central Hawke's Bay Constituency	13,850	1	13,850	-1,066	-7.15%
Hastings Constituency	59,150	4	14,788	-128	-0.86%
Napier Constituency	62,000	4	15,500	584	3.92%
Ngaruroro Constituency	20,850	1	20,850	5,934	39.78%
Wairoa Constituency	8,220	1	8,220	-6,696	-44.89%
Total	164,070	11	14,916		

The populations used are the estimated resident population as at 30 June 2017 provided by the Statistics NZ.

For interest's sake – following population stats from 2013 LGC determination

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
Wairoa	8,430	1	8,430	-8,822	-51.14%
Napier	57,780	3	19,260	+2,008	+11.64%
Hastings Rural	19,905	1	19,905	+2,653	+15.38%
Hastings Urban	55,605	3	18,535	+1,283	+7.44%
Central Hawke's Bay	13,430	1	13,430	-3,822	-22.15%
Total	155,270	9	17,252		

* These figures do not exactly add to the total as the figures for the Hastings Rural (*now Ngaururoro*) and Hastings Urban Constituencies are calculated on 2006 meshblock totals while the other constituencies are 2011 estimates.

And from StatsNZ for 2016 elections

CONSTITUENCY	Population	Members	Population-Member Ratio	Difference from Quota	% Difference from Quota
Wairoa Constituency	8,180	1	8,180	-9,601	-54.00%
Napier Constituency	60,400	3	20,133	2,352	13.23%
Ngaururoro Constituency	20,700	1	20,700	2,919	16.42%
Central Hawke's Bay Constituency	13,450	1	13,450	-4,331	-24.36%
Hastings Constituency	57,300	3	19,100	1,319	7.42%
Total	160,030	9	17,781		

The estimated resident population of an area in New Zealand at 30 June 2015 is an estimate of all people who usually live in that area at that date.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 25 July 2018

Item 8

Subject: REPORT AND RECOMMENDATIONS FROM THE ENVIRONMENT AND SERVICES COMMITTEE

Reason for Report

1. The following matters were considered by the Environment and Services Committee meeting on 4 July 2018 and the recommendations agreed are now presented for Council's consideration.

Agenda Items

2. Catchment Grants Policy - presented a draft policy and criteria for staff to use to assess and approve financial assistance grant applications from landowners for Council's \$30 Million Erosion Control Scheme grant fund over the first 3 years of the current LTP.
3. Management of Council River Berm Land – provided an update on progress with the Public Use of River Berm investigations.
4. Zero Carbon Bill Consultation Document - provided the committee with the consultation document from Central Government and sought feedback on a potential Council submission. Due to submissions closing date of 19 July being prior to the next scheduled Council meeting, the meeting resolved that the Environment and Services Committee:
 - 4.1. Receives and notes the “Zero Carbon Bill Consultation Document” staff report
 - 4.2. Agrees to submit feedback on the Government's proposals set out in the Zero Carbon Bill Consultation Document, and that due to submission deadlines, accepts the following nominated members liaising with senior staff in the further drafting and finalising of a submission to be signed by the Chairman on Council's behalf and lodged by 19 July 2018.
 - 4.2.1. Cr Tom Belford
 - 4.2.2. Cr Rex Graham
 - 4.2.3. Cr Rick Barker.
5. Pandora Pond Update – provided an update on the science investigations and findings following on from contamination events over the summer.
6. Tukituki Tranche 2 Groundwater – provided an update on the status of the applications for the taking of groundwater, known as Tranche 2, from the Tukituki catchment.
7. At this point in the meeting, the quorum was lost and so the meeting lapsed, with the following items being discussed only and not resolved as received.
 - 7.1. Tukituki Plan Implementation Update – updated the Committee on work done to date, levels of compliance with the first regulatory deadline, and next steps for HBRC.
 - 7.2. Management Options to Protect Whitebait Species – was a follow-up from the previous presentation in April, and outlined whitebait related work that Council has been doing and options to map critical habitats and monitor improvements in whitebait populations.
 - 7.3. Future Farming Initiative –updated the Committee on progress toward establishing a Trust to execute activities through to its functioning independently of HBRC.
 - 7.4. Biosecurity Operational Plans – provided the Committee with the operational plans for Plant Pests, Phytosanitary and Animal Pests for the 2018-19 financial year.
 - 7.5. Enviroschools Update – provided the committee with an update on Toimata Foundation's funding partnerships, activities and highlights of the last six months.

- 7.6. July 2018 Hot Spot/Freshwater Improvement Projects Update – provided an update on the Freshwater Improvement funded and Hot Spot environmental projects.
- 7.7. July 2018 Operational Activities Update – provided an update on Council's operational activities.

Decision Making Process

8. The items for decision were specifically considered at the Committee level and recommendations to Council agreed.

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.

Catchment Grants Policy

2. Adopts the Erosion Control Scheme Policy as proposed, for administration of the \$30 million grant scheme adopted in the 2018 Long Term Plan.

Management of Council River Berm Land

3. Commits to considering provision in the next available Annual Plan and/or Long Term Plan round to fund a permanent ranger staff position to patrol HBRC open space areas and pathways.
4. Agrees that cattle grazing of river berm continues as the primary berm maintenance tool to manage vegetation growth until such time as affordable and viable alternatives are confirmed, and on the proviso that every precaution is taken to prevent cattle entering waterways.
5. Endorses developing the Ngaruroro Concept Development plan and pilot study area to identify, test and confirm affordable alternative berm maintenance technologies.

Zero Carbon Bill Consultation Document

6. Receives and notes the submission (tabled) on the "Zero Carbon Bill Consultation Document" as lodged 19 July 2018.

Reports

7. Notes that the following reports were provided to the Environment and Services Committee.
 - 7.1. Pandora Pond Update (*received*)
 - 7.2. Tukituki Tranche 2 Groundwater (*received*)
 - 7.3. Tukituki Plan Implementation Update
 - 7.4. Management Options to protect Whitebait species
 - 7.5. Future Farming Initiative
 - 7.6. Biosecurity Operational Plans
 - 7.7. Enviroschools Update
 - 7.8. July 2018 Hot Spot/Freshwater Improvement Projects Update
 - 7.9. July 2018 Operational Activities update

Authored by:

**Annelie Roets
GOVERNANCE ADMINISTRATION
ASSISTANT**

Approved by:

**Liz Lambert
GROUP MANAGER REGULATION**

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 25 July 2018

Item 9

Subject: KAHUTIA MEMORANDUM OF UNDERSTANDING WITH NGATI KAHUNGUNU

Reason for Report

1. To provide the Council with the draft Kahutia Accord Memorandum of Understanding with Ngati Kahungunu Iwi Incorporated (NKII) for consideration and feedback.

Background

2. In the development of the Council's 2018-2028 Long Term Plan it was identified that the Council held a vision for accelerated activity in regional reforestation that was strongly shared by regional tangata whenua, including Ngati Kahungunu Iwi Incorporated.
3. Like the Council, NKII sees the imperative for forest cover to be significantly increased in the Hawke's Bay region, in response to poor water quality from hill country and stream bank erosion and consequential sedimentation, low levels of indigenous biodiversity, and a lack of climate change resilience to increased frequency and intensity of heavy rainfall events.
4. Both Council and NKII have identified that regional reforestation can also bring social, cultural and economic benefits by creating new employment, recreational and investment opportunities. These opportunities have also been identified by Central Government and are being promoted through the One Billion Trees Policy led by the newly formed Te Uru Rakau and funded through the Provincial Growth Fund. The proposed partnership with NKII presents an opportunity to strengthen the case for funding and support from Central Government.

Proposed Partnership

5. Ngati Kahungunu Iwi Incorporated has expressed their intention to promote reforestation, particularly but not exclusively on Maori-owned land, which is disproportionately represented in the region's erosion prone hill country. Much of this land will be of interest to the Council's Integrated Catchment Management teams and the focus of regulatory and non-regulatory effort in time. A partnership with Ngati Kahungunu Iwi Incorporated presents an opportunity to assist the Council in working with Maori landowners.
6. Staff consider Ngati Kahungunu Iwi Incorporated's objectives to be well aligned to the Council's, and therefore there is considerable scope to identify opportunities for collaboration that can assist both parties to achieve more together than they might alone. The attached Memorandum of Understanding sets out a framework for this collaboration and a programme of technical work exploring these opportunities is presently being initiated.
7. Staff consider Ngati Kahungunu Iwi Incorporated's objectives to be well aligned to the Council's, and therefore there is considerable scope to identify opportunities for collaboration that can assist both parties to achieve more together than they might alone. The attached Memorandum of Understanding sets out a framework for this collaboration and a programme of technical work exploring these opportunities is presently being initiated. This technical work programme is aimed at providing advice back to Council and the Board of Ngati Kahungunu Iwi Incorporated on where both parties can apply resources to achieve the shared vision and objectives. The work will also form the basis of an investment case for the Council to consult the community on increased commercial forestry investment by Council. This investment may occur alongside Ngati Kahungunu Iwi Incorporated and central government, but this will be determined once the analysis is complete.

8. The programme of work will explore a wide range of afforestation types, both commercial and non-commercial, and aims to quantify the opportunities, barriers and priorities for accelerated reforestation of the region. A consortium of technical advisors is presently being assembled including the Crown Research Institute Scion, the University of Canterbury Forestry School, PF Olsen Limited, Comvita and the Dryland Forestry Research Consortium, of which Council is already a key player. The aim is to draw upon existing knowledge and research and this advice will be tested with an advisory group of local forestry experts.
9. The current timeline seeks to build a regional, spatially specific view of the investment opportunity by the end of the 2018 calendar year. It is proposed that staff report back to the Council's Environment and Services Committee with an update on this programme of work in early September.
10. The Board of Ngati Kahungunu Iwi Incorporated will be considering the draft Memorandum of Understanding in the same week as Council, and should it be approved a signing ceremony is proposed for early August.

Financial and Resource Implications

11. There are no direct financial costs arising from this Memorandum of Understanding. The Kahutia Accord involves expenditure already allocated under the 2018-2028 Long Term Plan and anticipates further investment activity, which will be the subject of further advice and public consultation in due course.

Decision Making Process

12. 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:
 - 12.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 12.2. The use of the special consultative procedure is not prescribed by legislation.
 - 12.3. The decision does not fall within the definition of Council's policy on significance.
 - 12.4. The decision is not inconsistent with an existing policy or plan.
 - 12.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That Hawke's Bay Regional Council:

1. 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. Receives and notes the "Kahutia Memorandum of Understanding with Ngati Kahungunu" staff report.
3. Authorises the Council Chairman to sign the attached memorandum of understanding, as presented or with minor amendments, on behalf of the Council.
4. Requests staff report back to the Council's Environment and Services Committee on 5 September with an update on the programme of work that gives effect to the intent of the Kahutia Accord.

Authored and Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

[!\[\]\(9dfdaff1d86ba3c1f8353b4d1b61b8c5_img.jpg\) 1](#) Draft Kahutia Memorandum of Understanding

[] July 2018

Ngāti Kahungunu Iwi Incorporated
Taikura House
304 Fitzroy Avenue
P.O. Box 2406
Hastings

Hawke's Bay Regional Council
159 Dalton Street
Private Bag 6006
Napier 4142

Kahutia Accord: Proposal to co-invest for transformation

1. Introduction and purpose

1.1 This letter (**Memorandum of Understanding**) sets out the terms on which Ngāti Kahungunu Iwi Incorporated and the Hawke's Bay Regional Council intend to co-invest, by way of both joint and aligned investment, in a programme of regional re-forestation for restoration of the mana of Tanē and Papatuanuku called the *Kahutia Accord*.

1.2 *Kahutia* involves the recloaking of the region's vulnerable landscapes through the planting of trees and shrubs, and where appropriate native reversion, across Te Matau a Māui / Hawke's Bay with the intention of improving the environment, particularly through:

- the reduction of erosion and silt in the region's waterways and coastal environments including reducing adverse impacts at harvest of production forests.
- increased resilience of landscapes to extreme weather events
- sequestration of carbon from the atmosphere
- increased regional biodiversity.

Ngāti Kahungunu Iwi Incorporated and the Hawke's Bay Regional Council aim for 100,000 hectares of land to be subject to reforestation efforts across Hawke's Bay by 2030. Economic and social outcomes by way of industry creation, skills development and employment are also key objectives. Reconnecting the community with the environment is also an intended co-benefit.

1.3 This Memorandum of Understanding:

- (a) is not intended to be legally binding (apart from in respect of clauses 5 to 12 inclusive), but represents a sincere statement of the parties' intentions; and
- (b) is personal to the parties and no party may assign any of its rights or obligations hereunder.

1.4 This Memorandum of Understanding will apply for the period between the date of its execution and the date of any superceding contractual agreement or arrangement, or when either party elects to withdraw.

2. Size and form of intended investment

Kahutia will include a broad range of initiatives delivered both jointly, and independently but aligned, by the parties. These include activities which are mainly environmental or social (i.e. limited or no financial return) in nature and commercial (which must deliver financial returns), which will also have positive environmental and social outcomes.

The parties to this agreement will seek to encourage further investment into *Kahutia* by other parties, including the Crown and other private and public entities.

Activities proposed include, but are not limited to:

- Joint Hawke's Bay Regional Council / Ngāti Kahungunu Iwi Incorporated commissioned research and analysis into the feasibility of afforestation regimes, including development of a business case for joint commercial investment across Hawke's Bay in exotic and native tree species.
- Identification of suitable land, and willing landowners, for forest establishment partnerships
- Hawke's Bay Regional Council investments in the reforestation (harvestable, exotics and natives) and commercial ventures across Hawke's Bay (up to \$100m, subject to public consultation)
- Ngāti Kahungunu Iwi Inc investments in reforestation (harvestable, exotics and natives) and commercial ventures across Hawke's Bay (up to \$100m subject to Board approval).
- Establishment of native vegetation, wetlands and erosion control plantings on Ngāti Kahungunu Iwi Incorporated and the Hawke's Bay Regional Council owned land, funded and administered independently by the parties
- Hawke's Bay Regional Council grants, administered and funded independently, to support landowners (private and Maori owned land) in the undertaking of riparian fencing and planting, wetland establishment and erosion control plantings
- Ngāti Kahungunu Iwi Incorporated grants, administered and funded independently, to support landowners (private and Maori owned land) in the undertaking of riparian fencing and planting, wetland establishment and erosion control plantings
- Co-ordination of preferred providers: silviculture, fencing, nursery suppliers, planting, pest control, epiculture and other associated services.

3. *Key terms of commercial investment*

- 3.1 **HAWKE'S BAY REGIONAL COUNCIL:** Expects to receive a pre-tax return of at least [x%] per annum on commercial investments.
- 3.2 **NGĀTI KAHUNGUNU IWI INC:** Expects to receive a pre-tax return of at least [x%] per annum on commercial investments.
- 3.3 Returns lower than those expressed in 3.1 and 3.2 will be considered for commercial investments where the parties agree the associated environmental and social dividends provide an acceptable return on investment.
- 3.4 We agree that none of Council, Ngāti Kahungunu Iwi Inc or any subsidiary or joint venture thereof, guarantees that any return will be received, or the return of any investment in whole or in part, in respect of *Kahutia*.

4. *Investment structure, ownership rights and oversight*

- 4.1 Both parties agree to develop investment structure(s) that will deliver the best outcomes for their individual entity and together/in partnership where this makes commercial sense. The parties will initiate exploration of these structures in the first instance via their respective investment companies, Kahungunu Assets Holding Company and Hawke's Bay Regional Investment Company.

- 4.2 Any ownership structures created will be clearly documented by way of contract or shareholder agreements to ensure the rights and interests of investing parties are protected.
- 4.3 Where a party invests individually in support of *Kahutia*, no rights are conferred or deemed to be transferred to the other party.
- 4.4 The parties agree that any activities entered into jointly require oversight structures which meet the requirements of the Local Government Act and the requirements or advice of the Auditor General. The form of oversight may vary on a case by case basis and include but not be limited to jointly funded project leadership, joint venture entities, contractual agreements.
- 4.5 The parties agree they will undertake to take reasonable steps to keep each other informed of their independently funded and administered activities provided for under this agreement.
5. *No Obligation*
- 5.1 Entry into this Memorandum of Understanding does not constitute a financial commitment.
6. *Confidentiality and status*
- 6.1 The parties acknowledge and agree that the contents and subject matter of this Memorandum of Understanding and any information obtained under this Memorandum of Understanding or concerning its existence, status or negotiations in relation to it are "Confidential Information" which can only be shared with the permission of both parties.
- 6.2 The parties agree to work together to draft a joint announcement in relation to our involvement in Kahutia.
7. *Entire understanding and agreements of Investor*
- 7.1 This Memorandum of Understanding constitutes the entire understanding of the parties and supersedes all prior agreements, if any, whether written or oral, concerning the Kahutia.
- 7.2 We agree that:
- (a) none of Council, Ngāti Kahungunu Iwi Inc, nor any of their respective directors, officers, employees, agents or advisers or subsidiaries makes any warranty or representation as to any matter in connection with Kahutia
 - (b) none of Council, Ngāti Kahungunu Iwi Inc, nor any of their respective directors, officers, employees, agents or advisers or subsidiaries is liable, and we covenant not to make any claim or commence or pursue any proceedings against any of them, for any loss or damage of any kind (including, without limitation, any consequential loss or loss of profits) in relation to Kahutia or any error, inaccuracy, incompleteness or similar defect in such information except for a breach of those provisions of this Memorandum of Understanding which are expressed to be binding and any breach of any other binding agreements.
8. *Notices*
- 8.1 Each notice or other communication under this Memorandum of Understanding is to be in writing and is to be made by email, facsimile, personal delivery or by registered post to the other party.
- 8.2 No communication is to be effective until received. A communication is deemed to be received by the addressee at the address, facsimile number or email address set out in (or advised in accordance with) clause 11.3:

- (a) in the case of a facsimile, on the business day on which it was sent or, if sent after 5.00pm (in the place of receipt) on a business day or, if sent on a non-business day, on the next business day after the date of sending;
- (b) in the case of personal delivery, when delivered;
- (c) in the case of a letter, on the second Business day after posting by registered post; and
- (d) if sent by email, on the date and time at which it enters the addressee's information system (as shown in a confirmation of delivery report from the sender's information system, which indicates that the email was sent to the email address of the addressee notified for the purposes of this clause).

- 8.3 Notices to be given under this Memorandum of Understanding shall be sufficiently given by either party if served personally on the relevant address for service detailed below, or sent by ordinary registered mail, or sent by facsimile or email to the numbers detailed below:

Ngati Kahungunu Iwi Incorporated
Taikua House
304 Fitzroy Avenue
P.O Box 2406
Hastings

Attention: []
Fax: []
Email: []

Hawke's Bay Regional Council
159 Dalton Street
Private Bag 6006
Napier 4142

Attention: []
Fax: []
Email: []

or to such other address, facsimile transmission number or email address for the receipt of communications as may be advised in writing by one party to the other from time to time.

9. *Costs*

Each party shall pay its own costs in relation to the preparation, negotiation and execution of this Memorandum of Understanding and the preparation and execution of all other documents, agreements or instruments as may be necessary to implement and to carry out its obligations under, and the intent of, this Memorandum of Understanding.

10. *Governing law and jurisdiction*

This Memorandum of Understanding shall be governed by, and construed in accordance with, the laws of New Zealand and the courts of New Zealand shall have sole jurisdiction over any action or proceeding arising out of or in connection with this Memorandum of Understanding.

11. *Counterparts*

This Memorandum of Understanding may be executed and delivered (including by facsimile transmission or email PDF) in one or more counterparts, each of which shall be an original, but when taken together shall constitute a single instrument.

12. GST

All figures quoted are GST exclusive.

Please indicate your acceptance of the above by signing in the space provided below.

[] as trustee/director of

Ngāti Kahungunu Iwi Incorporated

[]

Witness Signature

Print Name

Occupation

Address

[] As duly authorised signatory of **Hawke's Bay Regional Council**

[]

Witness Signature

Print Name

Occupation

Address

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 25 July 2018

Subject: AFFIXING OF COMMON SEAL

Reason for Report

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

		Seal No.	Date
1.1	Leasehold Land Sales		
1.1.1	Lot 2 DP 12414 CT D3/341 - Agreement for Sale and Purchase - Transfer	4237 4244	19 June 2018 4 July 2018
1.1.2	Lots1 and 2 DP 16385 & 11873 CT J1/822 - Transfer	4238	26 June 2018
1.1.3	Lot 1 DP 14447 CT G2/650 - Transfer	4239	26 June 2018
1.1.4	Lot 12 DP 10600 CT m2/827 - Agreement for Sale and Purchase - Transfer	4240 4241	28 June 2018 28 June 2018
1.1.5	Lot 35 DP 4488 CT 55/136 - Transfer	4242	28 June 2018
1.1.6	Lot 194 DP 11967 CT D1/84 - Agreement for Sale and Purchase	4243	4 July 2018
1.1.7	Lot 96 DP 13055 CT E2/128 - Transfer	4245	5 July 2018
1.1.8	Lots 2 & 3 DP 4318 CT 54/229 - Agreement for Sale and Purchase	4246	6 July 2018
1.1.9	Lot 244 DP 6421 CT E2/1437 - Agreement for Sale and Purchase	4247	13 July 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 79 remaining on Council's books, and
 - 2.2. 0 single leasehold properties were sold, with 115 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

Wednesday 25 July 2018

SUBJECT: SIGNIFICANT HBRC STAFF PROJECTS AND ACTIVITIES THROUGH AUGUST 2018

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
Ngaruroro WCO application hearings	Policy	WCO Special Tribunal hearings	<ol style="list-style-type: none"> 1. Special Tribunal and EPA yet to action its next steps to re-notify the WCO application. 2. WCO co-applicants will circulate a Version 3 of the draft Order by 14 September 2018, after they have completed consultation with other stakeholders and considered the TANK Group's report.
Hawke's Bay Drinking Water	Policy	Joint Working Group	<ol style="list-style-type: none"> 3. Meets monthly to. <ol style="list-style-type: none"> a) monitor the Action Plan & White Paper to ensure actions are progressed b) act as 'link' between JWG and other related projects, such as TANK. 4. To recommend draft rules, objectives and policies on drinking water safety for possible incorporation into the TANK plan change to the Joint Committee 15 August meeting.
	Governance	HB DW Governance Joint Committee	<ol style="list-style-type: none"> 5. Next Joint Committee meeting is scheduled on 15 August
TANK	Groundwater Science	Heretaunga Plains groundwater and surface water modelling	<ol style="list-style-type: none"> 6. TANK science and modelling reports remaining for publication: <ol style="list-style-type: none"> a. Addendum to fish habitat modelling (July) b. Heretaunga springs (July) c. Irrigation demand and recharge – Heretaunga Plains (July) d. Irrigation demand and recharge – Upper TANK catchments (July) e. MODFLOW 2 – Groundwater scenario modelling (August) f. SOURCE 2 – Surface water scenario modelling (August)
	Water Quality & Ecology		<ol style="list-style-type: none"> 7. Modelling for optimal shading architecture to help design riparian planting configurations has yielded predictions. A first draft map has been produced for the Heretaunga drainage scheme. Now working on illustrated guide to riparian planting 8. WQE input being fed into TANK targets and TANK plan implementation workstream 9. Review of sediment draft rules.

Item 11

Project	Team /Section	Description	Activity Status Update
TANK cont'd	Marine and Coast		10. M&C input being fed into TANK targets and TANK plan implementation workstream; 11. Continuing with documentation to support proposed estuarine water quality goals on a regional and national basis. 12. Review of stormwater draft rules and assistance with TANK stormwater consent applications.
	Policy	Stakeholder Engagement for Policy Development	13. Final TANK Group meeting scheduled 26 July ahead of hand-over of recommendations to 9 August RPC event. 14. Policy drafting nearing final stages. S32 evaluation report and draft Implementation Plan being prepared to accompany the TANK Plan Change itself.
State of the Environment	Land Science	Sediment modelling	15. Ongoing sediment and erosion scenario modelling
		High river flow sediment measurements to calibrate erosion modelling	16. ISCO sediment samplers being deployed across main river outlets to record sediment concentrations during high flow events
	Air Quality	Napier hazardous air pollutant monitoring	17. Sampling at Marewa Park is complete. Analysis and reporting by GNS is due in September 2018.
	Hydrology	Additional low flow monitoring devices	18. 2 additional flow monitoring devices will be installed in the Tutaekuri-Waimate and the Karamu rivers to provide better precision for low flow monitoring
Environmental Hotspots	Water Quality & Ecology		19. Working with the Whakaki community to confirm details for the Freshwater Improvement Fund application, which has been delayed for 12 months to allow council to obtain the necessary consents. Positive response at Whakaki AGM 14 th July. Enthusiastic engagement from 2N. 20. Produced community brochures to explain different components of the FIF proposed workstream at Whakaki and distributed to the community at various hui
	Marine and Coast		21. Work plans for the Marine and Ahuriri Hotspots being developed for 2018/19 year. 22. Work contracted for Ahuriri hydrology investigations and gaps analysis.
	Land Science		23. Point Source (land stability) project establishing baseline land condition across all hotspot areas. Final reports for Whakaki, Whangawehi, Tutira, Ahuriri and a whole of region report to be reviewed by Land Science Team Leader.

Project	Team /Section	Description	Activity Status Update
PC6 Implementation	Land Science & Land Management		<p>24. Continue to collect data from 10 wetland monitoring sites established across Tukituki Catchment.</p> <p>25. Ground testing a riparian monitoring programme developed for Tukituki catchment.</p> <p>26. Priority sub-catchment water quality runs continue in the Tukipo sub-catchment</p> <p>27. Compiling water quality results and reporting for Porangahau/Maharakeke and Kahahakuri sub-catchments</p>
Clifton to Tangoio Coastal Hazards Strategy 2120	Asset Management	Develop coastal hazard options & solutions for priority cells, along with funding considerations for consultation	28. Proposal to TAG is for HBRC to investigate and model the Stage 4 design options for the first stage of the coastal cell pathways options.
Engineering	Asset Management	Esk Valley, Mangaone, Tutaekuri Floods	29. A flood report is being prepared for the Esk flood, and now for the additional flood on 12 June. Investigation into river control work on Waipawa at Pendle Hill, and Ngaruroro at rail bridge.
		Gisborne District Council Stopbank upgrade	30. The design report is being prepared to show the effects of the proposal on specific landowners as part of the consent application requirements.
		Consent Evaluation and stormwater analysis	31. Continue to assist HBRC Consents section with advice for subdivision consents including Awatoto Industrial, Iona Triangle, Howard St.
		Glazebrook Dam	32. Finalise Dam-break study as part of a feasibility study for flow augmentation of the HP streams.
		Nuhaka River Road	33. Contract let to realign part of the Nuhaka River to enable road to be re-opened. Working with Wairoa District Council. Permission received from Iwi, DOC and F&G.
		Westshore beach renourishment	34. Repair work required after June storm restore level of protection to beach embankment. Scheduled for late July. Main 1819 renourishment programme scheduled for October 2018.
	Open Spaces	WAL - Pakowhai Regional Park Carpark Closure	35. Pakowhai Regional Park carpark is closed while the WAL Pakowhai Rd roundabout is constructed. A temporary carpark is established downstream of the Chesterhope Bridge off Farndon Rd. New carpark plan finalized. Joint HDC / HBRC project to refresh carpark.
		Hawea Park	36. Working with hapu on legal entity to form a trust for joint land ownership. Bulk earthworks complete and grassed ready for planting. Stream bank planting to begin at end of July. Draft park management plan to begin as draft to work with hapu.

Project	Team /Section	Description	Activity Status Update
Resource Use		Te Mata Mushrooms	38. Te Mata Mushrooms pleaded guilty to further odour discharges and awaiting sentencing.
Science		Ecosystem Health indices	39. A pilot project on developing ecosystem health indices is underway with Cawthron Research Institute and MfE (co-funding a council data collection exercise). All samples have now been collected and data sits with Cawthron.
		Land use mapping	40. Continuing regional winter forage crop mapping looking at areas of winter forage crops using remote sensing.
	Land Science	Heretaunga Plains wind erosion monitoring	41. Begin collection of wind blown dust/soil samples from across the Heretaunga Plains
	Land Science	Regional Peat mapping project	42. Final report due for review. Outlining changes in historical and current peat soil extent in areas such as Lake Poukawa.
	Land Science	Soil quality monitoring report for cropping (2018)	43. Publication of Soil Quality Monitoring Report for cropping land in Hawke's Bay.
	Land Science		44. Council's initial proposal resolved 25 July will be publicly notified 4 August and open for submissions until 17 September.
	Marine and Coast	HBMaC	45. Continued work on implementation of the HBMaC workstreams.

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 ***Significant HBRC Staff Projects and Activities through August 2018*** report.

Authored by:

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TEAM LEADER OPEN SPACES

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GROUP MANAGER REGULATION**

**Iain Maxwell
GROUP MANAGER INTEGRATED
CATCHMENT MANAGEMENT**

**Tom Skerman
GROUP MANAGER
STRATEGIC PLANNING**

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 25 July 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.

Minor items (*for discussion only*)

Topic	Raised by

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 25 July 2018

SUBJECT: CONFIRMATION OF THE PUBLIC EXCLUDED MINUTES OF THE REGIONAL COUNCIL MEETING HELD ON 27 JUNE 2018

That the Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes 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	GROUND'S UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Public Excluded Recommendations from the Corporate and Strategic Committee	7(2)(b)(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 ensure a trade secret is not disclosed 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) 7(2)(j) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.
Sale of RWSS Assets	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)	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

Authored by:

Leeanne Hooper
PRINCIPAL GOVERNANCE ADVISOR

Approved by:

James Palmer
CHIEF EXECUTIVE

Item 13

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 25 July 2018

Subject: POTENTIAL PORT TRANSACTION APPROACH

That Hawke's Bay Regional Council

1. Excludes the public from this section of the meeting, being Agenda Item 14 Potential Port Transaction Approach with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Potential Port Transaction Approach	<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> <p>7(2)(j) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.</p>	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

2. That Mr Blair O'Keeffe (HBRIC Ltd Chief Executive Officer) and representatives of Port of Napier Ltd remain in attendance for this item as subject matter experts.

Authored by:

Jessica Ellerm
GROUP MANAGER
CORPORATE SERVICES

Approved by:

James Palmer
CHIEF EXECUTIVE

Item 14