



## MINUTES OF A MEETING OF THE REGIONAL COUNCIL

**Date:** Wednesday 26 September 2018

**Time:** 10.15am

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

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

**In Attendance:** M Mohi – Chairman – Maori Committee  
J Palmer – Chief Executive  
T Skerman – Group Manager Strategic Planning  
J Ellerm – Group Manager Corporate Services  
I Maxwell – Group Manager Integrated Catchment Management  
L Hooper – Principal Advisor Governance

## 1. Welcome/Prayer/Apologies/Notices

The Chairman welcomed everyone to the meeting and Mike Mohi offered a karakia.

The Chairman acknowledged the passing of Toro Waaka's mother.

Tom Skerman provided an update on the rail line reinstatement work as a result of the Raupunga washout, advising that timeframes for completion have not been extended to date awaiting further assessment of the work required, including costs for that work to be carried out. Councillor Alan Dick further added that there have been discussions with a tourism operator interested in operating on the reinstated line.

## 2. Conflict of Interest Declarations

There were no conflict of interest declarations.

## 3. Confirmation of Minutes of the Regional Council meeting held on 12 September 2018

### RC107/18 Resolution

Minutes of the Regional Council Meeting held on Wednesday, 12 September 2018, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Wilson/Beaven  
CARRIED**

## 4. Follow-up items from the Regional Council meetings

The item was taken as read, with discussions covering:

- Request for a copy of the Thames-Tyne catchment management plan as submitted by NCC.
- In relation to HPUDS it was queried the status of the 55 hectare development in the HPUDS document. Further query for a map showing encroachment of development on productive land adjacent to Hastings over the years since 1950. Also, query whether Meeanee development was considered through the HPUDS review process and has or is HBRC going to submit on the BUPA and Park Island development consents.
- Request for a councillor workshop around the pool of money for 'additional duties' set by the Remuneration Authority and how that is divided up.

### RC108/18 Resolution

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

**Beaven/Bailey  
CARRIED**

## 5. Call for items of Business not on the Agenda

### Recommendations

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

Topic	Raised by
Maori Carbon Trust & Kahutia	Cr Alan Dick
Concrete in the Karamu	Cr Tom Belford
Tukituki Taskforce, Rotary River pathways trust, upper Tukituki meeting	Cr Debbie Hewitt

## 6. Report and Recommendations from the Environment and Services Committee

Councillor Tom Belford introduced the item, highlighting:

- Robust discussions on Ongaonga and Tikokino bore issues
- Nature of Council position, if any, to be taken on Tranche 2 consent applications in relation to public notification
- Reminder for councillors to make their nominations for certificates of appreciation to Joanne Lawrence by 4pm on Friday 28 September 2018

Further discussions covered:

- James Palmer provided staff advice in relation to the public notification decision to be made for the Tranche 2 resource consent applications, including the option for Council to request that the decision is made by Council instead of staff, once the information requested of applicants has been received and assessed
- The judgements involved in making the notification decision, the risk of predetermination and judicial review, further information requested will not be provided until 2019 so the notification decision is not imminent
- Option to delegate the notification decision to the Hearings Committee to expedite the decision within the statutory timeframe of 10 days after receipt of the information, noting the burden of making the Notification Decision will be placed on councillors along with the associated risks

*Councillor Barker left the meeting at 10.55am*

- Councillor Hewitt provided an update on the Tukituki Taskforce including those participating, ensuring the current science is communicated to all concerned, and investigating potential solutions within the current policy framework with increased minimum flows
- Mark Heaney advised that the two thresholds for Septic Tanks and Water Storage have been combined at \$20,000 which does not have any impact on the Scheme or associated budgets and that the Policy has been amended to reflect the combining of the funding assistance thresholds
- Staff delegations to Senior role level account for staff acquiring increased skill levels, experience and qualifications to progress to more senior roles

### RC109/18 Resolutions

That Hawke's Bay Regional Council:

#### Response to Ongaonga/Tikokino Bore Issues

1. Given the public interest in the matter, the Notification Decision for the Tranche 2 resource consent applications, should they proceed, is to be decided by the Council or its Hearings Committee, with staff delegations having been revoked.

**Dick/Belford**

**For: Dick, Beaven, Belford**

**Against: Hewitt, Bailey, Wilson, Kirton, Graham**

**Abstained: Barker**

**LOST**

The resolution having been **LOST**, the Substantive motion was put, being:

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.

### **Sustainable Homes Policy and Funding Criteria**

2. Accepts the Sustainable Homes Policy and Voluntary Targeted Rate (VTR) Funding Criteria as amended to exclude funding assistance for maintenance costs.

### **Delegations Register – Resource Consent Processes – September 2018**

3. Approves, pursuant to RMA s34A(1), the delegations set out in the updated Delegation Register – Resource Consent Processes (September 2018) as provided.

### **Response to Ongaonga/Tikokino Bore Issues**

4. Requests that potential solutions to Ongaonga and Tikokino domestic water security are investigated with Central Hawke's Bay District Council and other stakeholders.
5. Requests that staff provide advice to confirm the impacts of providing up to \$20,000 funding assistance for water storage under the Sustainable Homes Policy.

### **Reports**

6. Notes that the following reports were provided to the Environment and Services Committee.
  - 6.1. Compliance 2017-18 Annual Report
  - 6.2. Response to Ongaonga/Tikokino Bore Issues
  - 6.3. Forestry Slash Management (*Resolved: Requests that staff develop a proposal for the Committee's consideration, for HBRC to host a conference on forestry with particular reference to management and harvesting issues for the region with invitations for foresters, councils and interested community groups*)
  - 6.4. Call for Certificate of Appreciation Nominations
  - 6.5. Forestry Investments Update
  - 6.6. Update on Tūtira Forestry Harvest
  - 6.7. Irrigation Check-up Programme 2017
  - 6.8. Biodiversity Foundation update
  - 6.9. Freshwater improvement fund projects update and environmental Hot Spots Projects
  - 6.10. Verbal update on Future Farming Trust Initiative
  - 6.11. September 2018 Operational Activities update

**Belford/Dick  
CARRIED**

## **7. Report and Recommendations from the Regional Transport Committee**

Councillor Alan Dick introduced the item, outlining discussions on the day including changes to the Regional Transport Plan, an explanation of the concerns expressed by the delegation received from Ken Crispin on behalf of the Citizens' Environmental Advocacy Centre and progress on establishment of a Stock Effluent disposal site in Wairoa.

## **RC110/18 Resolutions**

That Hawke's Bay Regional Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy and that Council can exercise its discretion and make decisions on these issues without conferring directly with the community.

### **Variations to the Regional Land Transport Plan**

2. Approves the variation to the Regional Land Transport Plan, introducing detailed business case and pre-implementation phases for the SH2 Waikare Gorge and Passing Opportunities projects.

### **Addition of Health Advisory Member to the Committee**

3. Agrees to amend the Terms of Reference for the Regional Transport Committee to include the appointment of a representative of the Hawke's Bay District Health Board as an advisory member.

### **Reports Received**

4. Notes that the following reports were provided to the Regional Transport Committee meeting:
  - 4.1. Deputation from Ken Crispin on Behalf of Citizens Environmental Advocacy Centre
  - 4.2. Discussion with Regional Leaders (*resolved: Agrees that a proposed workshop be facilitated by the Ministry of Transport and NZTA teams, on issues of future transport opportunities. & to send a letter in support of the sealing of State Highway 38 between Wairoa and Lake Waikaremoana, to the NZ Transport Agency and Wairoa District Council.*)
  - 4.3. NZTA Central Region - Regional Director's Report September 2018
  - 4.4. September 2018 Public Transport update
  - 4.5. Transport Manager's Report September 2018 (*resolved: Agrees that a working party consisting of NZTA, Wairoa District Council and HBRC be established to investigate and prepare a funding plan on the Stock Truck Effluent Facility in Wairoa.*)
  - 4.6. Roadsafes Hawke's Bay September 2018 update

**Dick/Wilson  
CARRIED**

## **8. Report and Recommendations from the Regional Planning Committee**

Chairman Rex Graham introduced the item, highlighting:

- Agreed to halt work on an oil and gas plan change in light of central government policy decisions
- Agreed to the addition of Tūtaekurī River to the list of outstanding water bodies for secondary analysis of cultural and spiritual values
- Progress on working to resolve non-consensus matters and the provision of additional reports requested to support the decision making process, with three of the six non-consensus matters having been resolved
- draft section 32 report and draft implementation plan have been provided to tangata whenua, the intention being to put further decisions to the 31 October RPC meeting
- RPC resolutions included in the report for Council to note only, not recommendations to Council for acceptance due to the philosophy of the Committee that nothing is finally agreed until the document includes all provisions as resolved and agreed by the Committee
- The RPC resolutions were for the inclusion of the specific provisions noted in the next iteration of the draft Plan Change (version 8) and provide further direction required for preparation of the section 32 report
- Appreciate the complexities involved and staff endeavouring to get RPC to resolve outstanding issues and get to the position of making all decisions at or before the 12 December committee meeting for recommendation to the 19 December Council meeting.

That Hawke's Bay Regional Council:

1. Receives and notes the "Report and Recommendations from the Regional Planning Committee" staff report.

*Cr Dick moved an amendment, seconded by Cr Wilson, being:*

1. That Hawke's Bay Regional Council receives and adopts the Report and recommendations from the Regional Planning Committee including the Regional Planning Committee resolutions as follows.

*"That the Regional Planning Committee (on 12 September 2018):*

1. *Receives and notes the **"TANK Plan Change Further Information"** staff report.*
2. *Further notes that:*
  - 2.1 *the TANK Plan Change Further Information report is lengthy and contains complex information which requires further time for review and analysis by Committee members;*
  - 2.2 *there are further reports to be provided to the Committee in accordance with the 14 August Regional Planning Committee resolution, being:*
    - "3. Requests that staff prepare and present the further reports as listed following, to the Committee:*
      - 3.1. *the outstanding areas of non-consensus and any other areas that may be identified by the tangata whenua or council members of the RPC following the 14-15 August 2018 workshops so that decisions can be made by the RPC on those and other outstanding technical refinements*
      - 3.2. *options to consider whether the Committee proceeds directly to formal public notification, limited circulation of the draft plan change for targeted pre-consultation, or some wider public release of the draft plan change for general pre-consultation and feedback*
      - 3.3. *section 32 evaluation report*
      - 3.4. *implementation plan*
      - 3.5. *mandatory pre-notification consultation requirements with iwi authorities, local authorities and Ministers of the Crown*
      - 3.6. *proposed timeframes and arrangements for the hearing phase of the plan change process."*
    - 2.3 *once all reports and information have been received, the Committee will then assess and make a decision on the draft plan and accompanying documentation in its totality."*
  3. *Adopts the following provisions to be included into the draft TANK Plan Change (PC9) Version 8.*
    - 3.1 *Include a high flow allocation limit of 8 m<sup>3</sup>/s for the Ngaruroro River, and an equivalent high flow allocation for the Tūtaekurī River as in Policy 51 and schedule 7 and associated rules.*
    - 3.2 *Provide for stream flow enhancement of lowland streams as in Policy 35 and associated rules.*
    - 3.3 *Maintain the Regional Resource Management Plan's existing minimum flow trigger for the Ngaruroro River at Fernhill of 2400 l/sec*

*and reduce the allocation limit to 1300 l/sec for surface and zone 1 groundwater abstraction in Policy 39 and associated rules.*

- 3.4 *Increase the existing minimum flow for the Tūtaekurī River at Puketapu to 2500 l/sec and reduce the allocation limit to 1140 l/sec for surface and zone 1 groundwater abstraction from in Policy 39 and associated rules.”*

**Dick/Wilson**

*The Amendment was **Accepted by the Mover and Seconder of the Original Motion** and became part of the Substantive Motion*

2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.

### **Oil & Gas Plan Change Options**

3. Agrees to cease further work on preparation of the Oil and Gas plan change with a view to incorporating this work, as appropriate, in future upcoming reviews of the Regional Resource Management Plan and Regional Coastal Environment Plan, except that:
- 3.1. Staff may wrap-up and close works on the current stand-alone oil and gas plan change project to enable smooth assignment of the project's current intelligence over to future plan review projects.
4. Amends the 2018-28 Long Term Plan to remove the oil and gas plan change project from the Strategic Planning Group of Activities.

### **Additional Candidate Outstanding Fresh Water Body for Cultural and Spiritual Values Assessment – Tūtaekurī River**

5. Agrees that the Tūtaekurī River be included on the list of candidate Outstanding Fresh Water Bodies for cultural and spiritual values for secondary assessment by staff.

### **Reports**

6. Notes that the following reports were provided to the Committee:
- 6.1. TANK Plan Change further information
- 6.2. 2017-18 Annual Summary Report of Regional Planning Committee Activity
- 6.3. RMA Policy Planning Projects Update
- 6.4. Statutory Advocacy update

**Graham/Bailey  
CARRIED**

## **9. Affixing of Common Seal**

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

		Seal No.	Date
1.1	<b>Leasehold Land Sales</b>		
1.1.1	Lot 2 DP 12772 CT E1/772 - Transfer	4254	29 August 2018

	1.1.2	Lot 5 DP 13037 CT E2/1159 - Transfer	4255	7 September 2018
	1.1.3	Lot 14 DP 11027 CT B3/1375 - Agreement for Sale and Purchase - Transfer	4256 4257	10 September 2018 10 September 2018
	1.1.4	Lot 1 DP 10780 CT HBC2/349 - Agreement for Sale and Purchase	4265	19 September 2018
1.2	1.2.1	C. Dolley S. Sykes J. Blunden <i>(Delegations under Resource Management Act 1991; Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908 and Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174))</i>	4258 4259 4261	10 September 2018 10 September 2018 10 September 2018
	1.2.2	C. Dolley P. Billington <i>(Delegations under Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174))</i>	4258 4260	10 September 2018 10 September 2018
	1.2.3	Natasha Goldring Karl Wairama Harvey Collerton	4262 4263 4264	17 September 2018 17 September 2018 17 September 2018
	1.2.4.	<i>(Delegations under the Civil Defence Emergency Management Act 2002 (s.86-92 inclusive) and Clause 32B Schedule 7 of the Local Government Act 2002)</i>		
	1.2.5	C. Dolley <i>(Delegations under the Section 177 of the Local Government Act 2002)</i>	4258	10 September 2018

## RC112/18 Resolution

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

**Wilson/Beaven  
CARRIED**



## 10. Significant HBRC Activities through October 2018

The item was taken as read with queries and discussions covering:

- Hineuru application for mana whakahono a rohe to formalise an agreement between the iwi and Council, and potential impacts on HBRC workloads
- Maraetotara property with debris deposited by flood event – and request for information confirming council legal responsibilities in these circumstances, for clean-up for example
- WCO application version 3 to be reviewed by staff in light of TANK plan change progress and potential overlap for pre-emption of community agreed solutions
- Application for “transfer” of water bottling consent and whether the Council policy for Public Notification due to ‘special circumstances’ is to apply, given the risks of litigation by the applicant. It was generally agreed that the Policy does apply and this will be the first legal test of the Policy despite staff advice that legal risk same as provided in relation to Tranche 2 applications.
- NCC wastewater consents including whether resource consent is required for emergency discharge to the stormwater network and HBRC considering whether to call consents in for review. Stormwater infrastructure improvement works and budgets included in NCC LTP.

### RC113/18 Resolution

That the Hawke’s Bay Regional Council receives and notes the ***Significant HBRC Activities through October 2018*** report.

Beaven/Belford  
CARRIED

## 11. Discussion of Items not on the Agenda

Topic	Raised by
Tukituki Taskforce update provided in discussions on item 6 – noting one key action is stocktake of situation in Ongaonga /Tikokino Attends meetings of the Rotary Rivers Pathways Trust Advised of upcoming Upper Tukituki scheme meeting	Cr Debbie Hewitt
Maori Carbon Trust noted as per item in news. James Palmer provided an overview of the Trust and their activities as being broadly complementary to Council’s Kahutia Accord and not in competition with council’s afforestation activities	Cr Alan Dick
Concrete in the Karamu Appears there is now more concrete in the Karamu and confirmation sought about whether original material dumped in April has been removed	Cr Tom Belford
Powhiri at Pukemokimoki marae on Monday morning, 9am start for those not previously received onto the marae – and request as many councillors as possible attend	Mike Mohi and James Palmer

*The meeting adjourned at 12.30pm and reconvened at 2.08pm*

## 12. Investment Funds Manager Selection

### RC114/18 Resolutions

1. That Hawke’s Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 12 Investment Funds Manager Selection 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
Investment Funds Manager Selection	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.

2. Excludes Councillor Debbie Hewitt from considerations of this item as having Declared a Conflict of Interest.

**Barker/Beaven  
CARRIED**

### 13. Napier Port Capital Structure Project update

#### RC115/18 Resolution

That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 13 Napier Port Capital Structure Project Update 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
Napier Port Capital Structure Project Update	7(2)(c)(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 is subject to an obligation of confidence or which any person has been or could be compelled to provide and would be likely otherwise to damage the public interest.  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.

**Barker/Beaven  
CARRIED**

### 14. Confirmation of Public Excluded Minutes of the Regional Council Meeting held on 12 September 2018

#### RC116/18 Resolution

That Hawke's Bay Regional Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 14 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
Napier Port Capital Structure	<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.
Confirmation of Public Excluded Minutes of the Regional Council Meeting held on 29 August 2018	7(2)(a) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect the privacy of natural persons	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.
<b>Barker/Beaven CARRIED</b>		

***The meeting went into public excluded session at 2.09pm and out of public excluded session at 2.49pm***

**Closure:**

There being no further business the Chairman declared the meeting closed at 2.50pm on Wednesday, 26 September 2018.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....