



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 28 November 2018

Time: 1.00pm

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
M Mohi

In Attendance: M Mohi – Chairman – Maori Committee
J Palmer – Chief Executive
P Munro – Te Pou Whakarae
E Lambert – Group Manager External Relations
J Ellerm – Group Manager Corporate Services
I Maxwell – Group Manager Integrated Catchment Management
L Hooper – Principal Governance Advisor
M Mitchell – Team Leader/Principal Advisor, Biosecurity/Biodiversity
C Leckie – Manager Land Services

1. Welcome/Prayer/Apologies/Notices

The Chairman welcomed everyone to the meeting, advising that the meeting would move into public excluded session at 2.30pm to consider item 11.

Pieri Munro offered a karakia.

2. Conflict of Interest Declarations

There were no conflict of interest declarations.

3. Confirmation of Minutes of the Regional Council Meeting held on 24 October 2018

RC126/18 Resolution

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

**Belford/Wilson
CARRIED**

Secretarial note: As there are no provisions under Council's Standing Orders for discussion of the minutes other than confirmation of their correctness, "matters arising" are recorded following as Item 4 – Follow-up Items from Previous Regional Council Meetings.

4. Follow-up Items from previous Regional Council Meetings

In relation to the 24 October minutes, item 6 on pg 6 and the resolution to publically notify the application to transfer a water bottling consent, James Palmer expressed the view, to be confirmed, that the appeal period for Council's decision to publically notify the water take transfer

In relation to the Tukituki taskforce minutes and reference to a request for a PC6 plan change, James Palmer advised that the taskforce will present new science information to the Regional Planning Committee to support a request for the Committee to reconsider a potential limited or fast track plan change.

A conflict of pecuniary interest was raised in relation to Port consultation advertisements in Baybuzz, as advised in a LGOIMA request response, and James Palmer confirmed that staff, not councillors, make the operational decisions on the placement of advertising. There was discussion about requirements for the declaration of conflicts of interest, Auditor General guidance and legal impacts and protections councillors need to be aware of.

In response to a query, James Palmer explained the response provided to LGOIMA request OIR-18-059 relating to walnut trees cut down and Karamu planting.

RC127/18 Resolution

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

**Beaven/Wilson
CARRIED**

5. Call for Items of Business not on the Agenda

Resolution

That Council accepts the following "Minor Items Not on the Agenda" for discussion ***only*** as Item 14:

Item	Topic	Raised by
1.	CHB public water meeting	Cr Hewitt
2.	Te Mata Park track	R Graham

6. **Hawke's Bay Regional Pest Management Plan 2018-2038**

Campbell Leckie introduced Mark Mitchell, who had led the process, and who introduced the item and outlined the process undertaken over the last 18 months and the Hearing Committee recommendations.

RC128/18 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives the Report and Recommendations of the Hearing Panel.
2. Adopts the Report and Recommendations of the Hearing Panel as the Council's written report and decision on the Hawke's Bay Regional Pest Management Plan under section 75 of the Biosecurity Act 1993.
3. Resolves to publicly notify Council's decision on the Hawke's Bay Regional Pest Management Plan under section 75(4) of the Biosecurity Act 1993 on 30 November 2018.

**Belford/Bailey
CARRIED**

7. **Report and Recommendations from the Regional Planning Committee**

James Palmer introduced the item, which was focussed on the TANK Plan Change and a decision related to the implementation programme for the NPS for Freshwater Management. Discussions covered:

New provisions relating to drinking water source protection zones and conditions or restrictions for activities in those zones to protect the aquifer.

RC129/18 **Resolutions**

That the Hawke's Bay Regional Council:

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.
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.

TANK (PC9) Plan Change and Decisions on Plan Change matters

3. That the Regional Planning Committee adopts in principle, and subject to the Committee assessing and making a decision on the complete draft Plan Change and accompanying documents, the following provisions to be included into the draft TANK Plan Change (PC9) Version 8.
 - 3.1. Retain Policy 16(a) as provided in Draft Plan Change for TANK Catchments version 7.1.0 dated 8 August 2018.
 - 3.2. Include rules for managing contaminant loss effects from land use change as proposed to the 31 October 2018 RPC meeting, and to consequentially amend Schedule 4 in accordance and as proposed to the 31 October 2018

RPC meeting.

- 3.3. Include provisions for managing drinking water as proposed to the 31 October 2018 RPC meeting.
- 3.4. Include provisions for managing stormwater as proposed to the 31 October 2018 RPC meeting.

National Policy Statement for Freshwater Management Progressive Implementation Programme - Revised Third Edition

4. Agrees that extending full implementation of the National Policy Statement for Freshwater Management's (NPSFM) policies out to 31 December 2030 in Hawke's Bay is appropriate because:
 - 4.1. meeting a 31 December 2025 timeframe would result in lower quality planning and
 - 4.2. it would be impracticable for the Council to complete implementation of all of the NPSFM policies by 31 December 2025.
5. Adopts the updated (3rd edition) 2018 Progressive Implementation Programme for the National Policy Statement for Freshwater Management as proposed.

Reports

6. Notes that the following reports were provided to the Committee
 - 6.1. TANK (PC9) Consultation, Notification and Hearings Processes
 - 6.2. RPC Performance Review – Summary of Feedback from Appointers
 - 6.3. Three Waters - Matauranga Maori Presentation

**Bailey/Barker
CARRIED**

8. Recommendations from the Finance, Audit And Risk Sub-Committee

Neil Kirton, as Chair of the sub-committee, introduced the item which was taken as read.

RC130/18 Resolutions

The Finance, Audit and Risk Sub-committee recommends 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.

Local Government Funding Agency Accession

2. Confirms Council's intention to join the Local Government Funding Agency as an unrated guaranteeing Local Authority.
3. Delegates authority to the Chief Executive to execute the following documents for the purposes of recommendation 2. above:
 - 3.1. Letter from Council to Computershare Investor Services Limited (to amend and restate Council's 21 October 2009 Registrar and Paying Agent Services Agreement)
 - 3.2. Security Stock Certificate (in relation to the Multi-Issuer Deed)
 - 3.3. Security Stock Certificate (in relation to the Equity Commitment Deed)
 - 3.4. Security Stock Certificate (in relation to the Guarantee); and

- 3.5. Stock Issuance Certificate (in relation to the documents noted at recommendation 3.2. – 3.4.).
4. Authorises Council's elected members (Chairperson and Deputy Chairperson) to execute the following deeds for the purposes of recommendation 2. above:
 - 4.1. Deed of Amendment and Restatement of Debenture Trust Deed
 - 4.2. Accession Deed to Multi-Issuer Deed
 - 4.3. Accession Deed to Notes Subscription Agreement
 - 4.4. Accession Deed to Equity Commitment Deed, and
 - 4.5. Accession Deed to Guarantee and Indemnity.
5. Delegates authority to the Chief Executive to execute such other documents and take such other steps on behalf of Council as the Chief Executive considers it is necessary or desirable to execute or take to give effect to recommendation 2. above.

Appointment of An Independent Member of the Finance, Audit & Risk Sub-Committee

6. Confirms the appointment of Rebekah Dinwoodie to the Finance, Audit and Risk Sub-committee as an Independent Member.

**Kirton/Barker
CARRIED**

9. Napier Port Director Appointments

The item was taken as read, with recommendations amended to reflect the recent resignation of Chinthaka Abeywickrama and temporary appointments of Todd Dawson and Kristen Lie to meet the requirements of the Port Companies Act whilst the recruitment process is under way.

RC131/18 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 this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
2. Approves the extension of the current director appointment until the current director search process is completed, for:
 - 2.1. Wendie Harvey
3. Approves the appointments of temporary directors until the current director search process is completed in accordance with the Company's constitution, those being:
 - 3.1 Mr Todd Dawson, effective from 20 August 2018
 - 3.2 Mr Kristen Lie, effective from 26 November 2018.

**Dick/Wilson
CARRIED**

10. Affixing of Common Seal

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

		Seal No.	Date
1.1	Leasehold Land Sales		
	1.1.1 Lot 3 DP 14960 CT G4/477 - Transfer	4275	26 October 2018
	1.1.2 Lot 1 DP DP17492 CT K1/1047 - Agreement for Sale and Purchase	4276	31 October 2018
	1.1.3 Lot Lot 202 DP 6598 CT C2/396 - Agreement for Sale and Purchase	4279	2 November 2018
1.2	1.2.1 J. Gardiner <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>	4277	31 October 2018
	1.2.2 J. Genet C. Johnstone <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>	4273 4274	23 October 2018 23 October 2018

RC132/18 Resolutions

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy that Council can exercise its discretion 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.

Wilson/Barker
CARRIED

11. Report from the 14 November 2018 Environment and Services Committee Meeting

Tom Belford, as Chair of the Committee, introduced the item which considered information items covering integrated catchment management, Napier City Council stormwater and the Tukituki taskforce. Additional recommendations proposed in response to continued concerns in relation to the Napier City Council discharges of sewage into the Ahuriri Estuary due to capacity shortfalls in the network in significant rainfall events.

RC133/18 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives and notes the ***"Report from the 14 November 2018 Environment and Services Committee Meeting"***.
2. Notes the Ahuriri Estuary Stormwater and Wastewater presentation made by Napier City Council on Wednesday 14 November.
3. Confirms its request that Hawke's Bay Regional Council and Napier City Council staff collaborate on the sharing of data collected in Ahuriri and seek to agree on the science and the interpretation to be drawn from the data.
4. Registers its concern that the overflow of effluent from Napier City Council sewerage systems occurs at regular intervals caused by rainfall that is not extreme and that no effective remediation has been implemented to date.
5. Welcomes the proposed investment to address the sewerage overflow, but notes that the time line proposed will in all probability result in
 - 5.1 further outflows of sewerage into the Ahuriri Lagoon, and
 - 5.2 further development and connections to its sewerage system being likely to exacerbate the problem of sewerage overflowing into the Ahuriri Lagoon.
6. Requests that NCC takes all possible steps to ensure that sewerage no longer spills into the Ahuriri Lagoon and that it does nothing that exacerbates this problem.

**Barker/Bailey
CARRIED**

11. Kahutia – Ngati Kahungunu Iwi Incorporated Carbon Credit Proposal

RC134/18 **Resolutions**

1. That Council excludes the public from this section of the meeting, being Agenda Item 11 Kahutia – Ngati Kahungunu Iwi Incorporated Carbon Credit Proposal 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
Kahutia – Ngati Kahungunu Iwi Incorporated Carbon Credit Proposal	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.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

2. That Ngahiwi Tomoana – Ngati Kahungunu Iwi Inc, Colin Pirie – Habitat BPM, Tracee Te Huia – Programme Director Kahutia Accord, and Michael Ward – Moore Stephens Markhams, representing Kahutia Ltd, are in attendance for the item as subject matter experts.

**Beaven/Bailey
CARRIED**

15. Confirmation of Public Excluded Meeting held on 24 October 2018

RC135/18 Resolution

That the Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 15 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)(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 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.
Nominations for Certificates of Appreciation for Environmental Initiatives	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.
Confirmation of Public Excluded Minutes of the Regional Council Meeting held on 26 September 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.
Confirmation of Public Excluded Minutes of the Regional Council Meeting held on 3 October 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.

**Beaven/Bailey
CARRIED**

The meeting went into public excluded session at 2.30pm and out of public excluded session at 4.15pm

12. Significant HBRC Activities through December 2018 and January 2019

The item was taken as read.

RC136/18 Resolution

That the Hawke's Bay Regional Council receives and notes the ***Significant HBRC Activities through December 2018 and January 2019*** report.

**Dick/Beaven
CARRIED**

13. Clifton to Tangoio Coastal Hazards Strategy 2120 update

Peter Beaven as Chair of the Joint Committee, provided an update on where the development of the Strategy is up to, advising that implementation of the Strategy will be the hard part and cost hundreds of millions of dollars, highlighting:

- Parliamentary Commissioner for the Environment predicts sea level rise of a further 30cm by 2050
- HDC consent to build Clifton revetment wall cost \$400k and will cost \$1m to build
- Agreement between NCC, HBRC and the Port to use all suitable dredging material to renourish Westshore Beach
- Triggers for taking action and prioritising parts of the coast
- Serious questions around funding to protect our coastal communities

RC137/18 **Resolution**

That Hawke's Bay Regional Council receives and notes the ***"Clifton to Tangoio Coastal Hazards Strategy 2120 Update"*** report.

**Beaven/Barker
CARRIED**

14. Discussion of Items not on the Agenda

Item	Topic	Raised by
1	Te Mata Peak Rex showed a map of Te Mata Peak including a potential regional park on land to be gifted to the Council, the location of the controversial zigzag track, and the HBRC section of off-road cycle pathway that has been held up pending resolution of the Craggy Range track mitigation.	R Graham

Neil Kirton left the meeting at 4.20pm

2	CHB water meeting yesterday in conjunction with the district council, was attended by about 180 people. Thanks to James and HBRC staff for the great job and fact based information presented, particularly Pieri Munro and Jeff Smith.	Cr Hewitt
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Pieri Munro closed the meeting with a karakia.

Closure:

There being no further business the Chairman declared the meeting closed at 4.30pm on Wednesday, 28 November 2018.

Signed as a true and correct record.

DATE:

CHAIRMAN: