



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 30 June 2021

Time: 11.00am

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

Present: Cr R Barker (*via Zoom*)
Cr W Foley
Cr C Foss
Cr N Kirton
Cr C Lambert
M McIlroy (Māori Committee Co-Chair) (*via Zoom*)
Cr H Ormsby
M Paku (Māori Committee Co-Chair)
A Tapine (Regional Planning Committee Rep)
Cr J van Beek
Cr M Williams

In Attendance: J Palmer – Chief Executive
J Ellerm – Group Manager Corporate Services
P Munro – Te Pou Whakarae Māori Partnerships
K Brunton – Group Manager Policy and Regulation
C Dolley – Group Manager Asset Management
I Maxwell – Group Manager Integrated Catchment Management
L Hooper – Team Leader Governance
D Cull – Strategy & Governance Manager
Guests as noted throughout

James Palmer called the meeting to order.

Pieri Munro, Te Pou Whakarae, welcomed everyone and led the group in offering a Karakia.

In accordance with Standing Order 13.1 the councillors elected Neil Kirton to Chair the meeting.

Councillor Kirton assumed the Chair at 11.05am

1. Welcome/ Apologies/Notices

The Chair, Cr Neil Kirton, welcomed everyone to the meeting.

Michael Paku gave notice of his leave of absence for the month of July.

James Palmer, CE, advised that public excluded item 22. *2021 FY Section 36 Charges Transition* has been withdrawn from today's agenda.

Resolution

RC40/21 Hawke's Bay Regional Council accepts the notices as given.

**Foley/Foss
CARRIED**

2. Conflict of Interest Declarations

There were no conflicts of interest declared.

3. Confirmation of Minutes of the Extraordinary Regional Council meeting held on 19 May 2021

RC41/21 Resolution

Minutes of the Extraordinary Regional Council meeting held on Wednesday, 19 May 2021, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Ormsby/Foley
CARRIED**

3a. Confirmation of Minutes of the Regional Council meeting held on 26 May 2021

RC42/21 Resolution

Minutes of the Regional Council meeting held on Wednesday, 26 May 2021, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Ormsby/Foley
CARRIED**

The Chair introduced the farewell for Rex Graham, who resigned on 14 June. In turn, councillors and guests thanked Rex for his contributions to the Council and the Region, and wished him well.

- Councillor Neil Kirton
- Michael Paku (Māori Committee Co-Chair)
- Cr Martin Williams
- Cr Craig Foss
- Apiata Tapine (Regional Planning Committee Rep)
- Cr Hinewai Ormsby
- Cr Charles Lambert
- Cr Will Foley
- Cr Jerf van Beek
- Cr Rick Barker
- Michelle McIlroy (Māori Committee Co-Chair)

- Toro Waaka (Ngati Pahauwera and former Co-Chair of the Regional Planning Committee)
- James Palmer (on behalf of the Regional Council)
- Rex and Julie spoke in response to well wishes expressed
- Henare O'Keefe
- John Huggins
- Pieri Munro offered a karakia to close the farewell proceedings

The meeting adjourned at 12.20pm and reconvened at 1.45pm

6. Election of Chairperson

The Chair introduced the item and the method of voting was resolved before nominations were sought.

Councillor Rick Barker spoke in support of his nomination.

Councillor Hinewai Ormsby spoke in support of her nomination.

RC43/21

Resolutions

That Hawke's Bay Regional Council:

1. Resolves to adopt voting system B for the election of the Chairperson of Council as detailed in Schedule 7 Part 1 Section 25(3) of the Local Government Act 2002.
2. Confirms that in the case of determination by lot the method used shall be for the Electoral Officer of Council (Leeanne Hooper) to draw the name of the person to be excluded from a suitable container with the Group Manager Corporate Services acting as scrutineer during this process.

**Foss/van Beek
CARRIED**

3. Councillor Rick Barker was nominated by Councillor Foley, seconded by Cr van Beek
4. Councillor Hinewai Ormsby was nominated by Councillor Williams, seconded by Councillor Ormsby
5. 6 votes for Councillor Barker and 2 votes for Councillor Ormsby
6. Councillor Rick Barker was declared elected as Chairman of Hawke's Bay Regional Council.
7. Councillor Rick Barker made his oral declaration and will attest his written declaration upon return to New Zealand.

Because the newly elected Chairman is in attendance by video, Councillor Kirton remained in the Chair.

7. Election of Deputy Chairperson

Councillor Kirton introduced the item and the method of voting was resolved before nominations were sought.

Will Foley spoke in support of his nomination.

Hinewai Ormsby spoke in support of her nomination.

RC44/21

Recommendations

That Hawke's Bay Regional Council:

1. Resolves to adopt voting system B for the election of the Deputy Chairperson of Council as detailed in Schedule 7 Part 1 Section 25(3) of the Local Government Act 2002.

2. Confirms that, in the case of determination by lot, the method used shall be for the Electoral Officer of Council (Leeanne Hooper) to draw the name of the person to be excluded from a suitable container with the Group Manager Corporate Services acting as scrutineer during this process.

Williams/Ormsby
CARRIED

3. Councillor Will Foley was nominated by Councillor Jerf van Beek, seconded by Councillor Charles Lambert.
4. Councillor Hinewai Ormsby was nominated by Councillor Martin Williams, seconded by Councillor Neil Kirton
5. 5 votes for Councillor Foley and 3 votes for Councillor Ormsby
6. Councillor Will Foley was declared elected as Deputy Chairman of Hawke's Bay Regional Council.

Councillor Neil Kirton stepped down from the Chair and Will Foley assumed the Chair at 1.19pm.

4. Follow-ups from Previous Regional Council Meetings

James Palmer introduced the item, which was taken as read.

RC45/21 Resolution

That Hawke's Bay Regional Council receives and notes the "Follow-up Items from Previous Regional Council Meetings".

van Beek/Kirton
CARRIED

5. Call for Minor Items not on the Agenda

No minor items were raised.

8. Adoption of the HBRC 2021-2031 Long Term Plan

James Palmer introduced the item, the culmination of a significant amount of work by councillors and staff, and engagement with the community. Jessica Ellerm noted that the Council is also being asked to adopt the Investment Strategy and the Treasury Policy as updated to incorporate feedback provided at the May Corporate and Strategic Committee meeting. This LTP reflects exponential increases in the organisation's commitments to the environment and to tangata whenua.

RC46/21 Resolutions

That the Hawke's Bay Regional Council:

1. Receives and notes the "*Adoption of the HBRC 2021-2031 Long Term Plan*" staff report.
2. Authorises the Chair and Chief Executive to sign the Audit New Zealand Letter of Representation on behalf of the Council.
3. Receives the Audit New Zealand audit opinion on the *2021-2031 Long Term Plan*.
4. Adopts the Investment Strategy which is included in the *2021-2031 Long Term Plan*.
5. Adopts the Treasury Policy which is included in the *2021-2031 Long Term Plan*, as required by section 102(1) of the Local Government Act 2002.
6. Adopts the Significance and Engagement Policy which is included in the *2021-2031 Long Term Plan*, as required under Section 76AA of the Local Government Act 2002.

7. Adopts the Revenue and Financing Policy which is included in the *2021-2031 Long Term Plan*, as required under section 102(1) of the Local Government Act 2002.
8. Adopts a balanced budget, other than in Year 3 of the 2021-2031 Long Term Plan, with a balanced budget benchmark of 97% (-\$2.25m) and resolves that this is a prudent approach having regard to the provisions set out in section 100 of the Local Government Act 2002.
9. Adopts the audited *2021-2031 Long Term Plan* as presented, with any minor editorial corrections as necessary, in accordance with Section 93 of the Local Government Act 2002.
10. Instructs staff to publish the HBRC 2021-2031 Long Term Plan in its final form, within one month of adoption in accordance with Section 93(10) of the Local Government Act 2002.

**Kirton/Foss
CARRIED**

9. HBRIC Statement of Intent

Jessica Ellerm introduced the item, which was taken as read.

RC47/21 Resolutions

That the Hawke's Bay Regional Council:

1. Receives and notes the "*HBRIC Ltd 2021-22 Statement of Intent*" staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
3. Adopts the Hawke's Bay Regional Investment Company Ltd 2021-22 Statement of Intent.

**Foss/Kirton
CARRIED**

10. Report and Recommendations from the 23 June 2021 Hearings Committee Meeting

Councillor Martin Williams, Hearings Committee Chair, spoke to the item, noting that the Committee will seek advice from tangata whenua members of the Māori and Regional Planning committees in relation to wording to be inserted into the Terms of Reference to clarify "conflict of interest" circumstances that make tangata whenua ineligible for appointment to a Hearing Panel. Discussions at the meeting were around the desire for mana whenua involvement in hearings that had implications for their marae, or that their marae had submitted on. The item was taken as read.

RC48/21 Resolutions

The Hearings Committee recommends that Hawke's Bay Regional Council:

1. Receives and considers the "Report and Recommendations from the 23 June 2021 Hearings Committee Meeting".
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 or persons likely to have an interest in the decision.
3. Adopts the Terms of Reference for the Hearings Committee as amended to:
 - 3.1. add a footnote to 1.5. referring to the Local Authorities (Members Interests) Act 1968

- 3.2. reference additional sections of the act that provide for objections to resource consent decisions
- 3.3. add clause 1.7. to provide for the Chairperson to hear objections lodged by applicants to staff decisions and to costs
- 3.4. add clause 1.6 to authorise the settlement of appeals and references through conferencing or alternative dispute resolution (if required)
- 3.5. amend clause 2 to refer to s72
- 3.6. Amend 1.1 to read "To hear and make decisions pursuant to sections 37, 37A, 39, 39AA, 40, 41, 41A, 41B, 41C, 41D, 42, 42A, 103B, 104, 104A, 104B, 104C, 104D, 104E, 105, 107, 108, 108AA, 108B, 109, 113, and 115 of the Resource Management Act on applications arising out of the Council's regulatory responsibilities on:"
- 4. Adopts the Delegations Register as amended to:
 - 4.1. Change Group Manager Regulation to Group Manager Policy and Regulation and change the abbreviation to GMRP
 - 4.2. Change Principal Consents Officer to Team Leader Consents and change the abbreviation to TLC
 - 4.3. Add the position of Engineering Officer Schemes, to recognise the staff level at which gravel consents are issued
 - 4.4. Change 36AB(1) to 36AAB(1)
 - 4.5. Add delegations to provide for Environment Court conferencing and Alternative Dispute Resolution including decisions to enter alternative dispute resolution and Environment Court conferencing
 - 4.6. Add delegation for fixing a notice to a site (Resource Management (Forms, Fees, and Procedure) Regulations 2003) - Regulation 10A.

Omaranui Landfill Expansion Hearing

- 5. Confirms that the Hearing Panel appointed to hear the resource consent applications required to undertake activities and discharges associated with the construction and operation of Area B of the Omarunui Landfill (APP-125003) under section 34A of the RMA is delegated authority under sections 37, 37A, 39, 39AA, 40, 41, 41A, 41B, 41C, 41D, 42, 42A, 103B, 104-108, 108A, 108AA, 109, 113 and 115 to hear, consider and decide the application and submissions.

Appointment of Hearing Panel for the Clive River Dredging Resource Consent Applications

- 6. Confirms that the Hearing Panel appointed to hear the Clive River Dredging and the Hearing Panel appointed to hear the Omarunui Landfill (APP-125003) resource consent applications under section 34A of the RMA is delegated authority under sections 37, 37A, 39, 39AA, 40, 41, 41A, 41B, 41C, 41D, 42, 42A, 103B, 104-108, 108A, 108AA, 109, 113 and 115 to hear, consider and decide the application and submissions.

**Williams/Kirton
CARRIED**

11. Hastings Constituency By-Election

James Palmer introduced the item, which was taken as read.

RC49/21 Resolutions

That Hawke's Bay Regional Council:

- 1. Receives and considers the "*Hastings Constituency By-election*" staff report.

2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Notes the appointment of Mr Peter Martin as Deputy Electoral Officer.
4. Agrees that the order of names on voting documents will be alphabetical by surname.

Williams/van Beek
CARRIED

12. 2021 Representation Review

James Palmer introduced the item, which was taken as read. Discussions traversed:

- Total number of councillors to be determined through the review
- Intent of pre-engagement with Māori is to get feedback on whether or not tangata whenua would prefer one or two constituencies based on population and current number of councillors
- Once feedback received from tangata whenua, staff will prepare options for a Council workshop
- Staff will finalise detailed options to enable a recommendation from the Corporate and Strategic Committee to Council on an initial proposal for public consultation
- Throughout all engagement to date, Council has based decisions on 2 Māori councillors.

RC50/21 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the "2021 Representation Review" staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Agrees the Project Brief and timelines for the 2021 Representation Review as proposed.

Barker/Foss
CARRIED

The meeting adjourned at 3pm and reconvened at 4.10pm

13. Local Government New Zealand Annual General Meeting

The item was taken as read with discussions covering:

- Query as to whether Māori and Regional Planning Committee tangata whenua representatives could be invited to the LGNZ conference in future.

RC51/21 Resolutions

1. That Hawke's Bay Regional Council:
 - 1.1. Agrees that the decisions to be made are not significant, and that Council can exercise its discretion and make decisions on this issue without conferring with the community.
 - 1.2. Confirms the elected representatives to the LGNZ AGM, covering all associated registration, travel and accommodation expenses for attendance; being councillor Hinewai Ormsby.
 - 1.3. Instructs Council's proxy, Councillor Hinewai Ormsby, to vote on remits as follows.
 - 1.3.1. Remit 1 – Tree protection – **Support**

- 1.3.2 Remit 2 – Rating value of forestry land – **Support**
- 1.3.3. Remit 3 – Funding of civics education –**Support**
- 1.3.4. Remit 4 – Election participation – **Oppose**
- 1.3.5. Remit 5 – Carbon emission inventory standards and reduction targets –
Support

Williams/Barker
CARRIED

14. Affixing of the 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 5 DP 10513 CT C1/1354 - Agreement for Sale and Purchase	4454	16 June 2021
1.1.2	Lot 196 DP 6598 CT C2/391 - Agreement for Sale and Purchase	4455	16 June 2021
1.1.3	Lot 67 DP 14225 CT G1/6 - Transfer	4457	22 June 2021
1.2	Staff Warrants		
1.2.1	M. Signal <i>(Delegations under Resource Management Act 1991; Building Act 2004; Local Government Act 2002; and Civil Defence Emergency Management Act 2002)</i>	4456	16 June 2021

RC52/21 Resolutions

That Hawke's Bay Regional Council:

- 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 or persons likely to have an interest in the decision.
- Confirms the action to affix the Common Seal.

Barker/Kirton
CARRIED

15. Summary Report from the Clifton to Tangoio Coastal Hazards Strategy Joint Committee

The item was taken as read.

RC53/21	<p>Resolution</p> <p>That Hawke's Bay Regional Council receives and notes the "<i>Summary Report from the Clifton to Tangoio Coastal Hazards Strategy Joint Committee</i>"</p> <p style="text-align: right;">van Beek/Foss CARRIED</p>
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16. Report from the 9 June 2021 Māori Committee Meeting

The item was taken as read, and Michelle McIlroy as Co-chair highlighted that the Committee appreciated the opportunity to provide ideas for the future development of LiDAR tools.

RC54/21	<p>Resolution</p> <p>That the Hawke's Bay Regional Council receives and notes the "<i>Report from the 9 June 2021 Māori Committee meeting</i>"</p> <p style="text-align: right;">Ormsby/Barker CARRIED</p>
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17. Report from 23 June 2021 Environment and Integrated Catchments Committee Meeting

Hinewai Ormsby introduced the item as Chair, highlighting the Marine Cultural Health Programme and Te Karamū presentations given to the meeting.

RC55/21	<p>Resolutions</p> <ol style="list-style-type: none"> 1. That Hawke's Bay Regional Council receives and notes the "<i>Report from 23 June 2021 Environment and Integrated Catchments Committee Meeting</i>". <p>Te Karamū Project update</p> <ol style="list-style-type: none"> 2. Reviews and updates the Te Karamū Enhancement Review and Management Strategy 2016-25 (the Strategy) to encompass all aspects of the health of Te Karamu, including but not limited to, water quality, pollution, public access and the role of the proposed Te Karamu liaison position for further decision by Council. <p style="text-align: right;">Ormsby/Foss CARRIED</p> <p>Reports Received</p> <ol style="list-style-type: none"> 3. Notes that the following reports were provided to the Environment and Integrated Catchments Committee <ol style="list-style-type: none"> 3.1. Coastal Hazards Funding Model 3.2. Tangaroa Tohu Mana Tangaroa Tohu Mauri – Marine Cultural Health Programme 3.3. Hawke's Bay Airport Wildlife Management 3.4. Te Mata Park Trust Presentation 3.5. Te Karamū Project update 3.6. Verbal Gravel Extraction update 3.7. QEII National Trust Presentation. <p style="text-align: right;">Ormsby/Williams CARRIED</p>
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18. Significant Organisational Activities Looking Forward Through July 2021

The item was taken as read with discussions covering:

- Non compliance of water takes mainly relates to bore security and well heads

- Clive River dredging has been delayed to early 2022 due to delayed resource consent applications
- Discussions about resourcing and building capacity in Māoridom with significant workload coming up associated with their expected input to resource consent applications and legislative reform.

RC56/21

Resolution

That the Hawke's Bay Regional Council receives and notes the ***Significant Organisational Activities Looking Forward through July 2021*** staff report.

Kirton/Ormsby
CARRIED

Martin Williams left the meeting at 4.47pm

19. Councillors' Reports from June 2021 Meetings of Outside Bodies

No meetings noted.

20. Discussion of Minor Items not on the Agenda

No minor items raised.

21. Confirmation of the Public Excluded Minutes of the Regional Council Meeting Held on 26 May 2021

RC57/21

Resolution

That Hawke's Bay Regional Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes of the Regional Council meeting held on 26 May 2021 Agenda Item 21 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
FoodEast Director Appointment	s7(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.

Kirton/Lambert
CARRIED

Resolution

RC58/21 Public Excluded Minutes of the Regional Council meeting held on Wednesday, 26 May 2021, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

Kirton/van Beek
CARRIED

Resolution

RC59/21 That the meeting moves out of Public Excluded session.

Kirton/Foss
CARRIED

The meeting went into public excluded session at 4.48pm and out of public excluded session at 4.50pm

Pieri Munro led the group in offering a karakia to close the meeting.

Closure:

There being no further business the Chairman declared the meeting closed at 4.50pm on Wednesday, 30 June 2021.

Signed as a true and correct record.

DATE:

CHAIR: