



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: 29 September 2021
Time: 11.00am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

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

In Attendance: J Palmer – Chief Executive
P Munro – Te Pou Whakarae Māori Partnerships
K Brunton – Group Manager Policy and Regulation
C Dolley – Group Manager Asset Management
J Ellerm – Group Manager Corporate Services
I Maxwell – Group Manager Integrated Catchment Management
L Hooper – Team Leader Governance
A Roets – Governance Advisor

1. Welcome/Karakia

The Chair welcomed everyone and advised the meeting will begin with a welcome for newly elected councillor, Jacqueline Taylor.

Pieri Munro welcomed Jacqueline Taylor with a whakatau on behalf of the Council, followed by a welcome by the Chairman, waiaata and karakia.

7. The Making and Attesting of the Declaration Required by a New Member

Councillor Jacqueline Taylor made her oral declaration and attested her written declaration, which was witnessed by Council's Chief Executive, James Palmer.

Apologies/Notices

There were no apologies, nor notices.

2. Conflict of Interest Declarations

There were no conflicts of interest declared.

3. Confirmation of Minutes of the Regional Council Meeting held on 25 August 2021

RC85/21 Minutes of the Regional Council meeting held on Wednesday, 25 August 2021, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**van Beek/Ormsby
CARRIED**

4. Follow-ups from Previous Regional Council Meetings

The item was taken as read.

RC86/21 **Resolution**

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

**Williams/Foley
CARRIED**

5. Significant Organisational Activities Looking Forward Through October 2021

James Palmer introduced the item, noting that the organisation is back to normal business since the move to Covid level 2. Discussions covered:

- Ministry for the Environment delayed implementation of new Winter Grazing rules for 12 months subject to quarterly reporting on compliance by Councils which is being done
- Potential seedling purchase for Right Tree Right Place will be subject to appropriate risk assessments prior to any order being made
- Any legal processes Council is involved in will be added to the next report
- Strategic Project updates will reflect any key milestones achieved or progress made; if no significant progress there will be no update
- National Policy Statement on Urban Development must be given effect to by TLA spatial and district plans amended to take account of the NPS, including planning and projections for residential development and housing
- Some projected additional budget required for the on demand transport pilot in addition to what was provided in LTP will be formally sought

- Whakatipu Mahia is a research project as well as a predator eradication and biodiversity project, including testing of trapline positioning
- Pan Sector group is operationally focussed, while the HDC-convened Primary Producers Roundtable is where governance discussions take place
- Sites of cultural and archaeological significance are being investigated as part of the IRG funded flood protection scheme projects
- Risk based framework being developed to replace Overseer with landowner engagement commencing next month around consent requirements
- Significant volume of engagement demands on tangata whenua, particularly Tamatea and Heretaunga, is challenging
- Representation Review following traditional process guided by the Local Government Commission guidelines
- No progress made on the Bayview-Whirinaki cycleway
- Concerns about recent flooding in Wairoa raised, and staff are undertaking assessments for a new rivermouth opening and looking to design an opening that will be enduring.

RC87/21 **Resolution**

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

van Beek/Lambert

CARRIED

6. **Call for Minor Items Not on the Agenda**

Recommendations

That Council accepts the following "Minor Items Not on the Agenda" for discussion as Item 15.

Topic	Raised by
Upper Tukituki gravel extraction	Cr Will Foley
World Rivers Day	Cr Craig Foss

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

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

- Pieri Munro advised that Joinella Maihi-Carroll has resigned and the new appointee for Mana Ahuriri Trust is Allana Hiha, who will be welcomed with a whakatau on 12 October.
- Council will write to acknowledge and thank Joinella Maihi-Carroll for her work as a member for several years and most recently her contributions as Co-chair of the Committee.
- Follow-up 6 September hui with tangata whenua and Minister Mahuta in relation to Central Government 3 waters reform addressed questions directly with DIA staff and slides are available on the DIA website.

RC88/21 **Resolutions**

The Regional Planning Committee recommends that the Hawke's Bay Regional Council:

1. Receives and notes the "*Report and Recommendations from the Regional Planning Committee*" including the following resolutions of the Committee:
 - 1.1. The Regional Planning Committee defers making a decision on Freshwater Management Unit (FMU) boundaries, as recommended by the tāngata whenua

representatives, to allow staff and tāngata whenua time to identify values within catchments.

- 1.2. The Regional Planning Committee receives and notes the *“Initial Draft of Regionally Significant Issues”* staff report, and acknowledges that staff will continue to develop the Regionally Significant Issues and revise these as appropriate through development of Kotahi.
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 these items without conferring directly with the community or persons likely to have an interest in them.

Proposed Plan Change 7: Outstanding Water Bodies - Overview and resolution of Appeals

3. Delegates, in accordance with s34A of the Resource Management Act, to the HBRC Chief Executive or appointed legal counsel for Plan Change 7 appeal proceedings, the authority to sign on Council’s behalf, agreements with parties on appeals relating to the Proposed Plan Change 7 generally in accordance with an agreed position determined in liaison with the Co-chairs of the Regional Planning Committee prior to mediation commencing.

Reports Received

4. Notes that the following reports for information were provided to the Regional Planning Committee:
 - 4.1. Freshwater Management Units
 - 4.2. Verbal Update on the Mohaka Plan Change Process
 - 4.3. Initial Draft of Regionally Significant Issues
 - 4.4. September 2021 Policy Projects update
 - 4.5. September 2021 Statutory Advocacy Update
 - 4.6. Verbal Strategic Snapshot Update in relation to Central Government Freshwater and RMA Reforms, National Environmental Standards and National Policy Statement Implementation, and the Future of Local Government.

**Williams/Ormsby
CARRIED**

9. Report and Recommendations from the 8 September 2021 Environment and Integrated Catchments Committee Meeting

Councillor Hinewai Ormsby introduced the item, with discussions covering:

- Need to define the problems so that Council can develop a strategy with stakeholders to move toward developing solutions to rubbish dumping and vandalism, freedom camping, illegal or antisocial behaviour which causes significant health and environmental damage issues on river berms and other public areas
- Engagement plan for the partial Regional Pest Management Plan review statutory consultation process is being developed and will include submissions and Hearing
- Right Tree Right Place programme has a communications and engagement plan built in
- Once worked up data is available, SkyTEM programme will be publicised

RC89/21 Resolutions

That Hawke’s Bay Regional Council:

1. Receives and considers the *“Report and Recommendations from the 8 September 2021 Environment and Integrated Catchments Committee”*.

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 these items without conferring directly with the community or persons likely to have an interest in them.

Biosecurity 2020-21 Annual Report and 2021-22 Operational Plan

3. Adopts the *Biosecurity Operational Plan for 2021-22*.

Right Tree Right Place Project Acceleration

4. Approves the request for a change of timing, with up to \$500,000 of operational expenditure funded from HBRC reserves to be brought forward from 2023-24 to 2021-22 as per the following table.

	21	22	23
Description	2021/22 Budget	2022/23 Budget	2023/24 Budget
Applications of Operating Funding for RTRP	2021/22 Budget	2022/23 Budget	2023/24 Budget
Payments to staff and suppliers	355,250	522,200	695,825
Finance Costs	3,806	20,120	49,260
Internal Charges & Overheads Applied	119,319	183,494	271,777
Total Operating expenditure	478,375	725,814	1,016,862
Estimated Operating Funding required to accelerate RTRP			
Total estimated Operating expenditure	970,000	725,814	525,237

Reports Received

5. Notes that the following reports were provided to the Environment and Integrated Catchments Committee
 - 5.1. Enviroschools 2020-21 Update
 - 5.2. Possum Control Area Partial Plan Review Update
 - 5.3. An Introduction to the Catchments Policy Implementation Work Programme
 - 5.4. Update on the 3D Aquifer Mapping Project (SKYTEM)
 - 5.5. Update on the Whakaheke o Te Wai (TWOTW): MBIE Funded Endeavour Programme and Heretaunga Plains Groundwater Case Studies
 - 5.6. Update on IRG Flood Control Resilience Funded Projects
 - 5.7. Public Use of Rivers.

Ormsby/Foley
CARRIED

10. Hawke's Bay Local Authority Shared Services – Council Controlled Organisation Exemption

Jessica Ellerm introduced the item, which is due to the previous decision of HB councils to put the HB LASS into 'hibernation'. It was chosen to shelve the company rather than disestablish it in case it is required in the future.

RC90/21 Resolution:

That Hawke's Bay Regional Council:

1. Receives and considers the "*Hawke's Bay Local Authority Shared Services – Council Controlled Organisation Exemption*" 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. Approves the continued exemption for Hawke's Bay Local Authority Shared Services Limited (HBLASS) from the requirements imposed on Council Controlled Organisations (CCOs) under the Local Government Act 2002 (LGA).

Barker/Kirton
CARRIED

11. 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 20 DP 9788 CT E2/361 - Agreement for Sale and Purchase - Transfer	4464 4468	2 September 2021 14 September 2021
1.1.2	Lot 122 DP 12692 CT E1/73 - Agreement for Sale and Purchase	4465	14 September 2021
1.1.3	Lot 86 DP 9684 CT B3/1017 - Transfer	4469	14 September 2021
1.2	Staff Warrants		
1.2.1	G. McCombe A. Dunning (Delegations under the Civil Defence Emergency Management Act 2002 (s.86-92 inclusive))	4466 4467	14 September 2021 14 September 2021

RC91/21 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 or persons likely to have an interest in the decision.
2. Confirms the action to affix the Common Seal.

Barker/van Beek
CARRIED

12. Report from 30 August 2021 HB Civil Defence Emergency Management Group Joint Committee Meeting

James Palmer introduced the item, noting a significant amount of work under way to review Civil Defence operations in the region.

Councillor Barker, as Chair of the HB CDEM Group Joint Committee, provided a summary of discussions on the reviews of the CDEM and NCC responses to the 9 November 2020 rainfall/flood event highlighting:

- Drainage scheme infrastructure was incapable of dealing with the volume of rainfall, exacerbated by parts of the system failing
- Tangata whenua representation on the HB CDEM Group Joint Committee is being investigated as part of the review
- Review of the stormwater network assets and how those are managed is under way and will also ask questions about capacity
- The recommendations of the reports will each have a workstream to take forward to address the issues identified
- Drainage system is significantly under geared and will take years to upgrade to provide a higher level of protection.

James Palmer reminded councillors of an upcoming workshop with NCC to discuss the NCC-HBRC stormwater network issues and review.

RC92/21 Resolution

That Hawke's Bay Regional Council receives and notes the *"Report from the 30 August 2021 HB Civil Defence Emergency Management Group Joint Committee meeting"*.

**Barker/Kirton
CARRIED**

13. Report from the 17 September 2021 Regional Transport Committee Meeting

Councillor Martin Williams introduced the item, noting the project team has been working on getting the On-demand pilot up and running, and that the Region has secured \$376M of funding through the Regional Land Transport Plan for regional transport projects.

- \$7M commitment to public transport in the LTP, for every \$1 spent there is a \$13 environmental benefit
- Regional Land Transport Plan contains objectives for safer cycling infrastructure but Waka Kotahi declined the bid for \$2.5M for expressway upgrade to include cycle lanes
- Suggest avenue for change is through spatial plans, for TLAs to plan for car-free retail centres, more active transport and safer cycling.

RC93/21 Resolution

That Hawke's Bay Regional Council receives and notes the *"Report from the 17 September 2021 Regional Transport Committee Meeting"*

**Williams/van Beek
CARRIED**

14. Councillors' Reports from September 2021 Meetings of Outside Bodies

Councillor Will Foley advised that the Future Farming Trust has just had its AGM and will be reporting to the November EICC meeting.

15. Discussion of Minor Items Not on the Agenda

Topic	Raised by
Upper Tukituki gravel extraction – next 3 years of actual work will be disruptive on many levels and plea for all involved to be cognisant of impacts on neighbours and others and communicate and collaborate to get the work done.	Cr Will Foley

World Rivers Day 25 September – Karamu and other urban waterways need more attention and funding put to correcting downward trends in water quality.

Cr Craig Foss

16. Confirmation of Public Excluded Minutes of the Regional Council Meeting held on 25 August 2021

RC94/21 Resolution

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	FOUNDATIONS UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Recommendation from the Finance, Audit and Risk Subcommittee	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.
HBRIC Ltd Request to Borrow	s7(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) s7(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.
Confirmation of Public Excluded Minutes of the Regional Council Meeting held on 28 July 2021		The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**van Beek/Foss
CARRIED**

The meeting went into public excluded session at 1.02pm.

16. Confirmation of the Public Excluded Minutes of the Regional Council Meeting held on 25 August 2021

RC95/21 Public Excluded Minutes of the Regional Council Meeting held on Wednesday, 25 August 2021, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Williams/Foss
CARRIED**

Resolution

RC96/21 That the meeting moves out of Public Excluded session.

**Williams/Ormsby
CARRIED**

The meeting moved out of public excluded session at 1.03pm.

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 1.04pm on Wednesday, 29 September 2021.

Signed as a true and correct record.

DATE:

CHAIR: