



HAWKES BAY
REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Minutes of A MEETING OF THE REGIONAL COUNCIL

Date: 25 January 2023

Time: 1.30pm

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

Present: Cr H Ormsby, Chair
Cr W Foley, Deputy Chair
Cr X Harding
Cr T Hokianga
Cr N Kirton
Cr C Lambert
Cr J Mackintosh
Cr D Roadley
Cr S Siers
Cr J van Beek

In Attendance: J Palmer – Chief Executive
P Munro – Te Pou Whakarae Māori Partnerships
S Young – Group Manager Corporate Services
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

1. Welcome/Karakia/Apologies/Notices

The Chair welcomed everyone and Pieri Munro led the group in offering a karakia to open the meeting.

Resolution

RC1/23 That the apologies for absence from councillor Martin Williams and Tania Hopmans be accepted.

Ormsby/Foley
CARRIED

2. Conflict of interest declarations

There were no conflicts of interest declared.

3. Confirmation of Minutes of the Regional Council meetings held on 30 November and 14 December 2022

RC2/23 Resolution

Minutes of the Regional Council meetings held on Wednesday, 30 November and Wednesday, 14 December 2022, copies having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

van Beek/Lambert
CARRIED

4. Call for minor items not on the agenda

No items were raised, however opportunity to farewell Chief Executive James Palmer.

5. Climate Action Joint Committee Terms of Reference

Desiree Cull and Pippa McKelvie-Sebileau introduced the item, which was taken as read. Queries and discussions traversed:

- Terms of reference must be agreed by all partner councils in order for the Joint Committee to be established.
- Proposed and agreed addition to the ToR of “3.5 Monitor the delivery of increased levels of service for key infrastructure impacted by climate change on respective councils”.
- Agendas and meeting invites go out to all HBRC councillors so if there is something of interest on the agenda they are free to attend if they wish, regardless of whether they are a member of the joint committee or not.

RC3/23 Resolutions

That Hawke’s Bay Regional Council:

1. Receives and considers the *Climate Action Joint Committee Terms of Reference* 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. Adopts the Terms of Reference for the Climate Action Joint Committee as amended:
 - 3.1 Add “3.5 Monitor the delivery of increased levels of service for key infrastructure impacted by climate change on respective councils”
 - 3.2 and change 6.1. to read **Monitoring** climate mitigation and adaptation across the region with current and relevant technical inputs.”
4. Invites the Regional Planning Committee to appoint up to two members and one

alternate to represent the Post [Treaty] Settlement Governance Entity representatives on the Regional Planning Committee as provided for in the Terms of Reference.

5. Invites the Hawke's Bay Regional Council's Māori Committee to appoint up to two members and one alternate to represent the Ngāti Kahungunu Taiwhenua and Ngāti Kahungunu Board representatives on the HBRC Māori Committee.
6. Subject to the agreement of all member councils, appoints the Climate Action Joint Committee, under Clause 30 of Schedule 7 of the Local Government Act 2002 with the Central Hawke's Bay District, Hastings District, Napier City and Wairoa District councils

**Harding/Roadley
CARRIED**

6. Hearings Committee

Malcolm Miller and Katrina Brunton spoke to the item, with queries and discussions covering:

- Rationale for change is efficiency and agility because application processes are driven by timeframes with financial consequences if not met.
- Most often, technical complexity of resource consent applications require expert Hearing panel members and it is suggested that there is an approved Pool of commissioners.
- Very operational decisions many councils delegate to the CE or Policy and Regulation GM.
- Further delegations to staff will come back to Council.
- It was suggested that Māori Committee Taiwhenua and Regional Planning Committee PSGE representatives be consulted about the option of not establishing a Hearings Committee.
- Process of resolving objections would be delegated to staff and resolution of appeals through the Environment Court.

RC4/23 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Hearings Committee* 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 not to establish a Hearings Committee for the 2022-2025 triennium.
4. Agrees that the Hearing Committee functions and powers will be retained and administered by the Council.
5. Agrees that officers will prepare a report for the Council's consideration to delegate more Resource Management Act consent decision functions to staff.
6. Agrees that officers will prepare a report to Council to identify a pool of commissioners to be appointed as standing commissioners by the Council.

**Mackintosh/Foley
CARRIED**

7. Council submissions on the Spatial Planning Bill and the Natural & Built Environments Bill

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

RC5/23 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Council submissions on the Spatial Planning Bill and the Natural & Built Environment Bill* 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. Delegates authority to the Chair of the Regional Council for authorising a submission on behalf of the Hawke's Bay Regional Council.
4. Agrees that at least the following councillors will be invited to provide input and feedback in preparation of a submission on the Natural and Built Environments Bill and the Spatial Planning Bill:
 - 4.1. Councillor Will Foley (Deputy chair, Hawke's Bay Regional Council)
 - 4.2. Councillor Thompson Hokianga (Deputy Co-chair of the Regional Planning Committee)
 - 4.3. Councillor Martin Williams (Chair of the Regional Transport Committee).

Ormsby/Siers
CARRIED

8. Register of members' pecuniary interests

Leeanne Hooper introduced the item, which was taken as read.

RC6/23 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Register of members' pecuniary interests* 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. Appoints the Hawke's Bay Regional Council's Chief Executive to the role of Registrar of Members' Interests.
4. Notes the new requirements of *Local Government Act Subpart 3 – Register of members' pecuniary interests* for elected members to declare pecuniary interests and that the councillors' first *pecuniary interest return* covering the period 13 January 2022 through 13 January 2023 is due for submission to the Registrar on or before Monday, 13 February 2023.

Harding/van Beek
CARRIED

9. Affixing of Common Seal

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

		Seal No.	Date
1.1	Staff Warrants		
	1.1.1 L. Scrimgeour (Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1); Maritime Transport Act 1994 (Section 33G(a); Building Act 2004 (Section 317B); Biosecurity Act 1993 (Sections 103 and 105); Civil Defence Emergency Management Act 2002 (s.86-92) and Local Government Act 2002 (Section 177))	4531	16 January 2023

	1.1.2 A. Tolua (Delegations under the Civil Defence Emergency Management Act 2002 (s.86-92 inclusive) and Local Government Act 2002 (section 177))	4532	16 January 2023
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RC7/23 **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 actions to affix the Common Seal.

**Kirton/Ormsby
CARRIED**

10. Strategic projects report for the period 1 - 31 December 2022

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

- Land for Life re-branding of Right Tree Right Place arose from discussions with land owners
- Supply chain issues relate to the preparation of the planting plans in time to place orders
- Staff are developing a Memorandum of understanding with Farm Environment Plan providers setting out expected standards.
- The two key pieces of work relating to Napier urban waterways will be reported through the 'significant organisational activities' agenda item in future, and the Environment and Integrated Catchments Committee as necessary.
- Weather conditions have impacted extraction of gravel in upper Tukituki.

RC8/23 **Resolution**

That the Hawke's Bay Regional Council receives and notes the *Strategic projects report for the period 1 - 31 December 2022* staff report.

**Ormsby/van Beek
CARRIED**

The meeting adjourned at 3.05pm and reconvened at 3.25pm

11. Significant organisational activities looking forward through February 2023

James Palmer introduced the item and Chris Dolley provided an overview of the Cyclone Hale impacts on the region. Discussions covered:

- Rainfall ranged between 20mm and 120mm in 24 hours within the range of a 1 in 5 year event and mainly on Heretaunga Plains. Waipawa reached just below 1 in 20 year event and there was one evacuation of the Esk River campground. Superficial damage to pathways requires repair. There were some drain blockages on Heretaunga Plains due to weeds and debris. Staff will prepare a detailed report on the event for the Environment and Integrated Catchments Committee.
- Share dates of hill country erosion workshops with councillors
- Catchment solutions takes potential interventions and shares knowledge about them with .

RC9/23 **Resolution**

That the Hawke's Bay Regional Council receives and notes the *Significant organisational activities looking forward through February 2023* staff report.

**van Beek/Harding
CARRIED**

12. Discussion of minor items not on the Agenda

Being that this is James Palmer’s last Council meeting as Chief Executive, councillors thanked and acknowledged him for his contributions to the region.

13. Confirmation of Minutes of the Public Excluded meeting held on 14 December 2022

RC10/23 **Resolution**

That Hawke’s Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 13 Confirmation of Public Excluded Minutes of the meeting held on 14 December 2022 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 are:

General subject of the item to be considered	Reason for passing this resolution	Grounds under section 48(1) for the passing of the resolution
Confirmation of Public Excluded Meeting held on 14 December 2022	s7(2)(h) 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, commercial activities.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**van Beek/Kirton
CARRIED**

13. Confirmation of Public Excluded Minutes of the Regional Council meeting held on 14 December 2022

RC11/2 Public Excluded Minutes of the Regional Council Meeting held on Wednesday, 14 December
3 2022, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Lambert/Harding
CARRIED**

Resolution

RC12/23 That the meeting moves out of Public Excluded session.

**van Beek/Kirton
CARRIED**

The meeting went into public excluded session at 4.05pm and out of public excluded session at 4.07pm

Closure:

There being no further business the Chair declared the meeting closed at 4.10pm on Wednesday, 25 January 2023.

Signed as a true and correct record.

Date: 8 March 2023 HBRC resolution

Chair: Hinewai Ormsby