



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

Minutes of a Meeting of the Regional Council

Date:	29 March 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 (<i>online</i>) K Kawana (Māori Committee Co-chair) (<i>online</i>) Cr N Kirton Cr C Lambert (<i>online</i>) Cr J Mackintosh M Paku (Māori Committee Co-chair)(<i>online</i>) Cr D Roadley K Ropiha (RPC rep) (<i>online</i>) Cr S Siers Cr J van Beek Cr M Williams
In Attendance:	P Munro – Interim Chief Executive 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 C Comber – Chief Financial Officer L McPhail – HBRC Recovery Manager D Cull – Strategy & Governance Manager J Bennett – Treasury & Investments Accountant T Skerman – HBRIC Commercial Manager A Allan – Senior Business Partner M Johansson – Director Communications & Engagement

1. Welcome/Karakia/Apologies/Notices

The Chair welcomed everyone to the meeting the group offered a karakia to open the meeting.

Resolution

RC25/23 That the apologies for absence from Tania Hopmans and from Katarina Kawana and Mike Paku for lateness be accepted.

Ormsby/Mackintosh
CARRIED

2. Conflict of Interest Declarations

There were no conflicts of interest declared.

3. Confirmation of Minutes of the Regional Council meetings held on 8 March and 22 March 2023

RC26/23 Resolution

Minutes of the Regional Council **meetings held on 8 March and 22 March 2023**, copies having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

van Beek/Harding
CARRIED

4. Financial delegations

Susie Young introduced the item, which was taken as read, asking for delegation to draw down new debt within the limits set in the Long Term Plan.

RC27/23 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Financial delegations* 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 borrowing up to the 2022-2023 Annual Plan total debt amount of \$104m (new debt of +\$44m) to the Hawke's Bay Regional Council Chief Executive and Group Manager Corporate Services, noting that further delegation over and above this level, if required, will be a Council decision.

Kirton/Harding
CARRIED

5. Cyclone Recovery Committee establishment

Desiree Cull and Louise McPhail introduced the item, which was taken as read, and noted one change to the proposed terms of reference for the membership of the Māori Committee and Regional Planning Committee to be **up to** two representatives.

- This committee will guide staff in development of the HBRC 'resilience plan' for the recovery from Cyclone Gabrielle and oversight of its implementation.
- Responsibility for decisions around managed retreat and red-zoning lies with Central Government and the region's hazards information is being fed by HBRC and the TLAs into that process via the Ministry for the Environment.
- The Policy team is considering how to provide opportunities for PSGEs to have input into and engage in the TLAs' locality plans potentially leveraging the Kotahi catchments framework.

- The HBRC Resilience plan must include community input and should be reflected in the terms of reference for the Cyclone Recovery Committee.

RC28/23

Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Cyclone Recovery Committee establishment* 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.
3. Appoints the Cyclone Recovery Committee, under Clause 30 of Schedule 7 of the Local Government Act 2002.
4. Adopts the proposed Terms of Reference, as follows, incorporating the changes agreed on 29 March 2023.

Siers/Williams
CARRIED

Cyclone Recovery Committee

Terms of Reference

Adopted by resolution of Hawke's Bay Regional Council on 29 March 2023

1. The purpose of the Cyclone Recovery Committee is to coordinate and direct the Hawke's Bay Regional Council's (HBRC) recovery initiatives in support of environmental and community recovery from Cyclone Gabrielle, which resulted in a national state of emergency declared on 14 February 2023, and related matters.
2. Recovery actions will necessarily happen at pace requiring agile and joined-up decision-making. This Committee fits within a broader recovery context which includes the Hawke's Bay Regional Recovery Agency. The HBRC's Cyclone Recovery Committee will focus on recovery tasks related to the environment resilience, primary sector, and resilient infrastructure pou (proposed HB Cyclone Gabrielle Recovery wiring diagram to be attached once finalised).
3. The Civil Defence Emergency Management Act 2002 (the CDEM Act) defines recovery as: *"the coordinated efforts and processes used to bring about the immediate, medium and long-term holistic regeneration and enhancement of a community following an emergency."* Recovery is more than simply building back infrastructure; it is a managed, comprehensive and participatory process inclusive of all people and organisations, that also supports restoring the social, economic, natural and cultural fabric of affected communities.
4. The Cyclone Recovery Committee will also cover the business-as-usual functions, previously considered by the Environment and Integrated Catchments Committee.

Cyclone Gabrielle Recovery responsibilities

5. The primary role of the Cyclone Recovery Committee is to develop and oversee implementation of a Regional Resilience Plan, *including providing opportunities to determine and express community voice*. This Plan will focus on land-use planning, hazard management, risk, and flood protection and will inform locality plans of other entities.
6. The Cyclone Recovery Committee will also be responsible for considering and making recommendations to HBRC on work programmes such as, but not limited to, the rapid rebuild of stop banks, scheme reviews and protection levels, land use planning, nature-based solutions for water management and biodiversity, rural recovery including an enhanced Erosion Control Scheme and changes to the Land for Life programme, and improvements to the hydrometric network.

Business as usual responsibilities

The Cyclone Recovery Committee will consider and make recommendations to Council on:

7. Policy

- 7.1. Policies with regard to Council responsibilities and involvement in flood protection and

- drainage
- 7.2. Policies with regard to Council’s responsibilities for biosecurity, biodiversity and pest management
 - 7.3. Policies, strategies, and by-laws and compliance and enforcement programmes relating to maritime and navigational safety under the Maritime Transport Act.
- 8. Environmental Monitoring and Research**
- 8.1. Environmental monitoring strategies and research and investigation programmes, including the State of the Environment Reports
 - 8.2. Technical reports on the findings of research and investigations into the impact of activities on the receiving environments and recommend to Council the development of new policy frameworks based around such information.
- 9. Implementation**
- 9.1. Management plans or any similar such documents for the effective implementation of environmental enhancement and improvement programmes of Council.
 - 9.2. All other policy implementation issues of Council.
 - 9.3. Periodically review the effectiveness of Council's non-regulatory resource management operational work programmes within the ambit of the Committee and make recommendations to Council for any changes
 - 9.4. Assist staff, where appropriate, in identifying a preferred option and/or funding mechanism for Council consideration of biosecurity/ biodiversity initiatives, proposals for new or expansion of existing open spaces and regional parks, and infrastructure asset construction or improvement work; and in promoting the preferred option to the beneficiaries/ community.
- 10. Financial Authority**
- 10.1. Consideration of possible financial implications of specific initiatives.
- 11. Use of Delegated Powers for the Environment & Integrated Catchments Committee**
- 11.1. This Committee may, without confirmation by the local authority that made the delegations, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them, provided that the decision deserves urgency and the decision to make the resolution a decision of Council is carried unanimously.

- Members:**
- All Councillors being: Hinewai Ormsby, Will Foley, Neil Kirton, Charles Lambert, Jerf van Beek, Martin Williams, Sophie Siers, Di Roadley, Thompson Hokianga, Jock Mackintosh, Xan Harding.
 - Up to two appointed members of the Māori Committee, TBC
 - Up to two appointed members of the Regional Planning Committee, TBC

Chair: A member of the Committee as elected by the Council being:
Sophie Siers

Deputy Chair: A member of the Committee as elected by the Council being:
Di Roadley

Meeting Frequency: 6-weekly (or as required)

Staff Executive: HBRC Recovery Manager
Group Manager Integrated Catchment Management
Group Manager Asset Management
Group Manager Policy & Regulation

6. Annual freshwater science charges (s.36) 2022-2023

Chris Comber and Amy Allan introduced the item, which was taken as read. Discussions covered:

- The need to re-baseline water quality and ecology across the region which will benefit everyone across the region, while specific water quality monitoring like Tukituki dissolved nitrogen will be stopped for a period of time.
- Unless the work is directly attributable to a specific consented activity the costs of that work cannot be recovered from the consent holder.
- More equitable if applied to the resource consent rather than property level.

RC29/23

Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Annual Freshwater Science charges (s.36) 2022-2023* 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.
3. Directs Council officers to amend the Annual Freshwater Science Charges approach for the 2022-2023 financial year to:
 - 3.1. Reduce the annual freshwater science charges to all discharge consent holders by 42%, representing a change in water quality business-as-usual activity for five months of the financial year after the Cyclone hit, and proceed with annual freshwater science charges and water measuring device administration fees for the water take consent holders as per the Annual Plan fees & charges schedule, and accept requests for one-off fee exemptions where consent holders have been experiencing financial hardship due to the Cyclone.
4. Waives the Low Flows Monitoring annual fee for the 2022-2023 financial year.

Williams/Foley
Against: Kirton
CARRIED

Foley/Williams
CARRIED

7. Report and recommendations from the Regional Transport Committee

Councillor Martin Williams introduced the item as Chair of the Committee, and highlighted discussions at the meeting about the resilience of the region's roading connections.

RC30/23

Resolutions

That Hawke's Bay Regional Council:

1. Receives and notes the *Report and recommendations from the Regional Transport Committee*.

Regional Transport Committee Terms of Reference and member appointments

- 1.1 Adopts the Terms of Reference, including membership, for the Regional Transport Committee (RTC) as proposed, including incorporation of the amendments agreed by the RTC on 10 February 2023 (as follows).

Regional Transport Committee

Terms of Reference

Adopted by Hawke's Bay Regional Council resolution 29 March 2023

The purpose of the Regional Transport Committee is to:

1. Prepare the Regional Land Transport Plan (RLTP) and any significant variation to the RLTP for adoption by the Regional Council, in accordance with the Land Transport Management Act 2003.
2. In accordance with the Land Transport Management Act 2003, adopt a policy that determines significance in respect of:
 - 2.1. variations made to regional land transport plans under section 18D of the Land Transport Management Act 2003, and
 - 2.2. the activities that are included in the regional land transport plan under section 16 of the Land Transport Management Act 2003.
3. Prepare the Regional Public Transport Plan (RPTP) for adoption by the Regional Council, in accordance with the Land Transport Management Act 2003.
4. Monitor the implementation of the Regional Land Transport Plan and the Regional Public Transport Plan.
5. Plan and provide for emissions reductions through multi modal activities.
6. Plan and provide for active transport in the region.
7. Advocate on strategic regional and inter-regional transport matters to Central Government and other key stakeholders as appropriate.
8. Make recommendations in support of land transport activities that are eligible for national funding and align with the regional land transport plan.
9. Approve submissions to Central Government, local authorities and other agencies on Regional Transport Committee matters.
10. Monitor and provide advocacy on regional road safety matters.
11. Monitor passenger transport objectives and make recommendations to the Regional Council on public transport policies.
12. Provide the Regional Council with any advice and assistance it may request in relation to its transport responsibilities.

Members Voting Members

Two elected members of the Regional Council, being:

- Councillors Martin Williams and Jerf van Beek

One representative and one alternate, appointed by each of the following organisations, being:

- Wairoa District Council: Mayor Craig Little and Cr Chaans Tumataroa-Clarke as alternate
- Hastings District Council: Cr Tania Kerr and Mayor Sandra Hazlehurst as alternate
- Napier City Council: Cr Keith Price and Mayor Kirsten Wise alternate
- Central Hawke's Bay District Council: Cr Kate Taylor and Mayor Alex Walker as alternate
- New Zealand Transport Agency, being Linda Stewart and Sarah Downs as alternate

Advisory Members (non- voting)

- New Zealand Police (representing road safety), being Matthew Broderick
- Automobile Association (representing access and mobility, including private motorists, pedestrians, cyclists and public transport users), being Paul Michaelsen
- Port of Napier – representing the Port and coastal shipping- Nick Ganivet
- KiwiRail (representing rail issues) - Angus Hodgson
- Road Transport Association NZ (representing the road transport industry) being Ian Emmerson
- HBRC Māori Committee (representing cultural and environmental interests)
 - Api Robin
- Te Whatu Ora HB Health sector representative - Dr Bridget Wilson

	<ul style="list-style-type: none"> – HB Regional Active Transport Committee (name to be confirmed) representing active transport, to be confirmed – Hawke’s Bay Airport - to be confirmed
Chair	One Regional Council elected member, being Cr Martin Williams
Deputy Chair	One Regional Council elected member, being Cr Jerf van Beek
Quorum	Majority of voting members (4)
Voting	<p>In accordance with section 105(7) of the Land Transport Management Act, at any meeting of the RTC, the Chairperson, or any other legislated person presiding at the meeting:</p> <ul style="list-style-type: none"> (a) has a deliberative vote and (b) in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved). <p><i>Regional Council, Territorial Authority and NZ Transport Agency representative members have full speaking and voting rights on all matters</i></p>
Advisory Members	<p>The role of advisory members is to:</p> <ul style="list-style-type: none"> – Provide advice to the Regional Transport Committee on matters pertaining to their advisory portfolios, when requested by the Chair – Report on relevant activities or events pertaining to their advisory portfolios. <p><i>Advisory members have full speaking rights on all matters, but no voting rights.</i></p>
Meeting Frequency	Quarterly, or as required
Staff Executive Technical Advisory Group (TAG)	<p>Group Manager Policy & Regulation and Transport Manager</p> <p>The Transport Committee considers advice relating to strategic transport issues from a Technical Advisory Group (TAG), generally comprising roading and infrastructural planning officers from NZTA and the Territorial Authorities, and chaired by the HBRC Transport Manager. TAG members may attend RTC meetings and may provide advice at meetings when invited to do so by the Chair, but do not vote.</p>

Setting the priorities and principles for the Regional Speed Management Plan

1.2 Notes the following resolutions of the 10 February 2023 Regional Transport Committee, being:

1.3 Adopts the principles and priority areas as proposed; being:

Principles

- 1.3.1 Safe communities and connections for all, applying a whole of system approach
- 1.3.2 Greater public and community understanding of safe system principles, and by all those involved in transport network planning and decision-making
- 1.3.3 Increased connectivity within and between communities – designed with and for the community
- 1.3.4 Network coherence across the region and beyond the region
- 1.3.5 Increased opportunity for, and access to safe multi-modal/active transport
- 1.3.6 A speed management approach that serves the needs of the community that the network is serving / supporting
- 1.3.7 Work with iwi and community leaders as key partners in the development of speed management plans

- 1.3.8 Movement and place framework - speed limits will be appropriate for the function, the surrounding environment and design of the road, reflecting that people use them in different ways

Primary priority areas

- 1.3.9 Schools/Kura and their immediate walking and cycling catchments

- 1.3.10 Marae

Other priority areas

- 1.3.11 Community plan areas

- 1.3.12 Those streets and roads with currently misaligned speed limits across our urban and rural networks

- 1.3.13 Isolated rural communities and beaches in the region

- 1.3.14 Town centres

- 1.3.15 Locations with the presence of other key community facilities, such as hospitals, parks, rest homes, early childhood education centres, etc

- 1.3.16 Road works zones, as applicable and appropriate

- 1.3.17 Active transport corridors.

Information reports received

2. Notes that the following reports were provided to the Regional Transport Committee:
- 2.1 Johanna Birrell deputation - Te Whatu Ora HB safe cycling report which will feed into the development of the next Regional Land Transport Plan, particularly safe cycling initiatives
 - 2.2 Regional Land Transport Plan investment and delivery update
 - 2.3 Transport Emissions Reduction Plan update
 - 2.4 Regional Transport Programme update February 2023
 - 2.5 Regional Road Safety update
 - 2.6 Public Transport update
 - 2.7 Active Transport update
 - 2.8 NZTA Regional Relationships Director's February 2023 report.

**Williams/van Beek
CARRIED**

8. HBRIC Ltd and FoodEast 2023-2024 Draft Statements of Intent and quarterly update

Tom Skerman and Jess Bennett spoke to the item, which was taken as read.

RC31/23

Resolutions

That Hawke's Bay Regional Council:

- 1. Receives and considers the *HBRIC Ltd and FoodEast 2023-2024 draft Statements of Intent and Quarterly update* 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. Recommends that the HBRIC Board considers feedback to be provided directly to Tom Skerman, HBRIC Commercial Manager, for incorporation in the final Statements of Intent.

Kirton/Harding
CARRIED

9. Significant activities in the organisation's transition to recovery from Cyclone Gabrielle

The item was taken as read, and it was noted in discussions:

- A year's worth of work has been undertaken over the last 6 weeks to repair flood protection schemes (stopbanks) with assistance from other councils' staff from outside the region.
- Staff from Environment Southland, Otago Regional Council, Environment Canterbury and Bay of Plenty Regional Council have come into the region to help with all the response and rebuild work.
- Young plantings have suffered due to lack of canopy cover and investigations going into how plantings with canopy cover have fared in comparison.
- The hydrology network is now reinstated and operational, and the NZ Hydrological Association is in the region looking at how to build more resilient networks.
- Napier Meeanee Scheme Review has been completed and will be presented to Council mid-year while the Napier Meeanee NCC MOU work has been delayed by Cyclone Gabrielle response work.
- Resurveying of river gravels will commence as soon as river levels have fallen to safe levels.

Neil Kirton left the meeting at 3.36pm

- An in-depth survey of trusted key advisors with connections into the rural communities is being undertaken to get a better picture of the most affected communities and their needs.

RC32/23 Resolution

That the Hawke's Bay Regional Council receives and notes the *Significant activities in the organisation's transition to recovery from Cyclone Gabrielle* staff report.

Williams/Ormsby
CARRIED

10. Confirmation of Public Excluded Minutes of the meetings held on 8 March and 22 March 2023

RC33/23 Resolutions

That Hawke's Bay Regional Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 10 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
HBRIC Ltd Independent Director appointments	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.
Potential Sale of Wellington Leasehold Property	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)	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

Ormsby/Harding
CARRIED

11. Investment Strategy Review Outcomes

RC34/23 Resolutions

That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 11 Investment Strategy Review outcomes 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
Investment Strategy review outcomes	s7(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.

That Brett Johanson, Cameron Scott, and Ben Ford, PWC, remain in attendance for this item as the authors of the reports that are the subject of this agenda item.

**Ormsby/Harding
CARRIED**

The meeting went into public excluded session at 3.40pm and out of public excluded session at 4.28pm

The group offered a karakia to close the meeting.

Closure:

There being no further business the Chair declared the meeting closed at 4.28pm on Wednesday, 29 March 2023.

Signed as a true and correct record.

Date: 29 March 2023 by HBRC Resolution

Chair: Hinewai Ormsby