



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

Minutes of a meeting of the Regional Council

Date: 26 April 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
M Paku, Māori Committee Co-chair
Cr D Roadley
Cr S Siers
Cr J van Beek
Cr M Williams

In Attendance: P Munro – Interim Chief Executive
S Young – Group Manager Corporate Services
C Edmonds – Acting 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 – Manager Strategy & Governance
B Bayfield – Interim Chief Executive

1. Welcome/Karakia/Apologies/Notices

The Chair welcomed everyone to the meeting and ... opened with a karakia.

Resolution

RC22/23 That the apologies for absence from Keri Ropiha and Tania Hopmans be accepted.

**Ormsby/Siers
CARRIED**

2. Conflict of Interest Declarations

There were no conflicts of interest declared.

3. Confirmation of Minutes of the Regional Council Meeting held on 29 March 2023

RC23/23 Resolution

Minutes of the Regional Council meeting held on Wednesday, 29 March 2023, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record as amended.

**Williams/Harding
CARRIED**

4. Call for minor items not on the Agenda

Recommendations

That Council accepts the following *Minor items not on the Agenda* for discussion as Item 12

Topic	Raised by
Organisational capacity to service outer reaches of the region	Cr Roadley

5. Independent review of HBRC's Flood Assets' performance during Cyclone Gabrielle

Susie Young introduced the item, which seeks agreement to the scope for an independent review similar to a review the Bay of Plenty Regional Council undertook following the xx floods. Queries and discussions covered:

- The purpose of the review is to learn lessons so that the region is better prepared for the next weather event.
- The technical reviews of the *Heretaunga Plains and Upper Tukituki (UTT) flood control schemes* will be undertaken regardless of whether the independent review of the Council's flood and drainage networks' performance during Cyclone Gabrielle.
- This independent review should place the Council well to input into other reviews that will happen, in terms of the infrastructure that HBRC is accountable for.
- Enabling community input into the review is an essential element that needs to be multi-pronged.
- Suggested amendments to include telemetry and stream monitoring assets in the review.
- Suggested an element of how much has been invested in risk assessment, per catchment, should be covered by the review.
- Suggested a Maturanga Māori expert should be included on the Panel, as well as hydrological/ flooding technical expertise.

RC24/23 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Independent review of HBRC's Flood Assets' performance*

during Cyclone Gabrielle 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 with the community or persons interested in the decisions.
3. Agrees to initiate an independent review of the performance of all HBRC-owned and operated flood protection, control and drainage schemes during Cyclone Gabrielle in accordance with the proposed Terms of Reference attached.
4. Delegates to the Interim Chief Executive, Bill Bayfield, finalising the scope for the review as contained in the Terms of Reference attached.
5. Instructs the Interim Chief Executive, Bill Bayfield, to engage Phil Mitchell as Independent Review Panel Chair and 2-3 suitably qualified independent supporting panellists.
6. Directs that any substantive changes to the Terms of Reference or the Review Panel composition be brought to Council for decision.

**Williams/Ormsby
CARRIED**

6. Chief Executive Appointment

Susie Young introduced the item, which is an administrative formality and taken as read.

RC25/23 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 and persons likely to be affected by or to have an interest in the decision.
2. Appoints Bill Bayfield as Interim Chief Executive for the Hawke's Bay Regional Council to undertake all the responsibilities, duties and powers of a Chief Executive under the Local Government Act 2002 and any other enactment. Such appointment shall take effect from 5pm 28 April 2023 and expire at 8am on 10 July 2023.
3. Appoints Dr Nic Peet as Chief Executive for the Hawke's Bay Regional Council to undertake all the responsibilities, duties and powers of a Chief Executive under the Local Government Act 2002 and any other enactment, effective from 8.00am on 10 July 2023.

**Harding/Siers
CARRIED**

7. Report and recommendations from the Corporate and Strategic Committee

Susie Young introduced the item, and noted that the financials considered at the meeting were as at 31 December 2022. Neil Kirton, Chair of the committee, added that the Terms of Reference were confirmed with amendments and recommended for the Council's adoption today.

RC26/23 Resolutions

The Corporate and Strategic Committee recommends that Hawke's Bay Regional Council:

1. Receives and considers the *Report and recommendations from the Corporate and Strategic 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 issues without conferring directly with the community or persons likely to have an interest in the decision.

Corporate and Strategic Committee Terms of Reference and membership

3. Adopts the Terms of Reference (following), amended as agreed by the Corporate and Strategic Committee on 5 April 2023.
4. Confirms the appointment of Peter Eden representing the HBRC Māori Committee and Keri Ropiha representing the Regional Planning Committee.

Corporate and Strategic Committee

Terms of Reference

Adopted by resolution of Hawke's Bay Regional Council on 26 April 2023

1. The Corporate and Strategic Committee is responsible for recommending actions, responses and changes to Council for:
 - 1.1. Establishing strategic priorities for organisational direction and performance including development of Council's Strategic Plan
 - 1.2. Oversight of the development of Council's Annual and Long Term plans
 - 1.3. Oversight of Council's financial reporting
 - 1.4. Monitoring the effectiveness of Council's strategic external partnerships with the region's Territorial Local Authorities and agencies that receive Council funding including Hawke's Bay Tourism, Matariki Governance Group and the Regional Economic Development Agency
 - 1.5. Consideration of resourcing implications of strategic initiatives and significant financial matters
 - 1.6. Monitoring the effectiveness of the organisation's Corporate Services activities including information and communication technology, fleet and facilities, marketing and communications
 - 1.7. Monitoring the effectiveness of Council's resource consent, compliance monitoring and enforcement activities
 - 1.8. Monitoring the effectiveness of the organisation's People & Capability and Health, Safety & Wellbeing activities
 - 1.9. Monitoring the effectiveness of the organisation's emergency management activities
 - 1.10. Monitoring the strategic direction of Council's investment portfolio and, where appropriate, the sale or acquisition of Council investments.
2. **Use of Delegated Powers for the Corporate and Strategic Committee** – this committee may, without confirmation by Hawke's Bay Regional Council (HBRC), exercise or perform them in the same manner and with the same effect as HBRC could itself have exercised or performed them, provided that the decision deserves urgency and the decision to make the resolution a decision of HBRC is carried unanimously by the voting members of the Committee.

Members: All councillors being: Hinewai Ormsby, Jerf van Beek, Martin Williams, Neil Kirton, Thompson Hokianga, Charles Lambert, Di Roadley, Sophie Siers, Will Foley, Xan Harding and Jock Mackintosh
One appointed member of the Māori Committee being Peter Eden
One appointed PSGE member of the Regional Planning Committee being Keri Ropiha

Chair: A councillor as elected by the Council, being Neil Kirton

Deputy Chair:	A councillor as elected by the Council, being Xan Harding
Meeting Frequency:	Quarterly
Staff Executive:	Chief Executive Group Manager Corporate Services Group Manager Policy & Regulation

Reports Received

5. Notes that the following reports for information were provided to the Corporate and Strategic Committee:
 - 5.1. Quarterly Treasury report for the period 30 September - 31 December 2022
 - 5.2. Financial Report for the period 1 July - 31 December 2022
 - 5.3. Organisational Performance report for the period 1 October - 31 December 2022
 - 5.4. Audit Plan for the 2022-2023 Annual Report.

**Kirton/Harding
CARRIED**

8. Affixing of the 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
1.2	Staff Warrants		
	1.2.1 H. Gadia <i>(Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1)); (Delegations under Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; and Local Government Act 2002 (Section 177))</i>	4535	23 March 2023
	1.2.2 H. Patel <i>(Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1)); (Delegations under Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; and Local Government Act 2002 (Section 177))</i>	4536	23 March 2023
	1.2.3 L. Simmonds <i>(Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1)); (Delegations under Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; and Local Government Act 2002 (Section 177))</i>	4537	23 March 2023
	1.2.4 E. Atkins <i>(Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1)); (Delegations under Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; and Local Government Act 2002 (Section 177))</i>	4538	23 March 2023

1.2.5	K. Wedde <i>(Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1)); (Delegations under Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; and Local Government Act 2002 (Section 177))</i>	4539	23 March 2023
1.2.6	T. Maxwell <i>(Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1)); (Delegations under the Biosecurity Act 1993 (Sections 103 and 105); Civil Defence Emergency Management Act 2002 (s.86-92); Maritime Transport Act 1994 (Section 33G(a); Building Act 2004 (Section 317B); and Local Government Act 2002 (Section 177))</i>	4540	23 March 2023
1.2.7	M. Mackintosh <i>Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1)); (Delegations under the Biosecurity Act 1993 (Sections 103 and 105); Civil Defence Emergency Management Act 2002 (s.86-92); Maritime Transport Act 1994 (Section 33G(a); Building Act 2004 (Section 317B); and Local Government Act 2002 (Section 177))</i>	4541	23 March 2023
1.2.8	T. Thomas <i>(Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1)); (Delegations under the Biosecurity Act 1993 (Sections 103 and 105); Civil Defence Emergency Management Act 2002 (s.86-92); Maritime Transport Act 1994 (Section 33G(a); Building Act 2004 (Section 317B); and Local Government Act 2002 (Section 177))</i>	4542	23 March 2023
1.2.9	S. Bateman <i>(Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1)); (Delegations under the Biosecurity Act 1993 (Sections 103 and 105); Civil Defence Emergency Management Act 2002 (s.86-92); Maritime Transport Act 1994 (Section 33G(a); Building Act 2004 (Section 317B); and Local Government Act 2002 (Section 177))</i>	4543	17 April 2023
1.2.10	J. Mardle <i>(Delegations under Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908</i>	4544	20 April 2023

RC27/23 **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 action to affix the Common Seal.

Ormsby/Foley
CARRIED

9. Strategic projects report for February and March 2023

Sarah Bell introduced the item, which was taken as read. Questions and discussions covered:

- Maturity of plantings is a factor in how much they were damaged by the cyclone. Looking at future planting projects, learnings from the event will be applied. Longer term erosion control plantings have proven successful. Land for Life needs to be scaled up for recovery to fit into the farm planning picture as a critical tool.
- Regional Water assessment report has been delayed and rising construction costs have impacted the managed aquifer recharge project.
- Kotahi Plan was paused while the planning team stepped into Civil Defence response. Next step is to engage with communities, and in conversations with the Ministry for the Environment about when the region's communities will be recovered sufficiently to enter into the planning engagement.
- Gravel deposits and extraction schemes work in accordance with the consent conditions and are restricted from going beyond the grade line.

RC28/23 Resolution

That Hawke's Bay Regional Council receives and notes the *Strategic projects report for February and March 2023*.

van Beek/Siers
CARRIED

10. Significant organisational activities through May 2023

The item was introduced by the Chair and taken as read. Discussion and questions covered:

- Due to bring some preliminary findings of the Napier urban waterways investigations to Council to factor into the upcoming Long Term Plan development process.
- Phase 2 of the Rural Impact Assessment Survey is under way – to start to quantify the Cyclone Gabrielle impacts and identify Council's role in supporting our rural communities recover. As well, Council is engaging with the MPI to potentially establish a cooperation agreement around fresh water.

RC29/23 Resolution

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

Ormsby/Williams
CARRIED

11. Discussion of minor items not on the Agenda

Topic	Raised by
Organisational capacity to service outer reaches of the region. Tide of discontent in Wairoa, fed by Wairoa Star and Mayor Little ... does HBRC have adequate capacity to service rural parts of the region including Wairoa.	Cr Roadley

12. Confirmation of Public Excluded Minutes of the Regional Council meeting held on 29 March 2023

RC30/23 **Resolution**

That Hawke's Bay Regional Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 12 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.

**Ormsby/Williams
CARRIED**

12. Confirmation of Public Excluded Minutes of the Regional Council meeting held on 29 March 2023

RC31/23 Public Excluded Minutes of the Regional Council meeting held on Wednesday, 29 March 2023, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Ormsby/Williams
CARRIED**

Resolution

RC32/23 That the meeting moves out of public excluded session.

**Ormsby/Williams
CARRIED**

The meeting went into public excluded session at 03.35pm and out of public excluded session at 3.36pm

Closure:

There being no further business the Chair declared the meeting closed at 3.27pm on Wednesday, 26 April 2023.

Signed as a true and correct record.

Date: by HBRC resolution on 31 May 2023

Chair: Hinewai Ormsby