



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

## Minutes of a meeting of the Regional Council

**Date:** 28 June 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  
Cr M Williams

**In Attendance:** B Bayfield – 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  
C Comber – Chief Financial Officer  
L Hooper – Team Leader Governance  
D Cull – Executive Officer to Chief Executive  
C Spencer – Senior Group Accountant  
T Skerman – Consultant (item 5)  
E Hartford-Wright – Frank Engagement (item 5)  
R MacKenzie & M Hill – the Property Group (item 6)  
P McKelvie-Sebileau – Climate Action Ambassador  
K McInnes – Team Leader Health Safety & Wellbeing

**1. Welcome/Karakia/Housekeeping Apologies**

The Chair welcomed everyone to the meeting and Councillor Charles Lambert led the group in offering a karakia to open the meeting.

**Resolution**

RC34/23 That the apologies for absence from Mike Paku and Tania Hopmans and for late arrival from Councillor Martin Williams be accepted.

**Ormsby/van Beek  
CARRIED**

**2. Conflict of Interest Declarations**

There were no conflicts of interest declared.

**3. Confirmation of Minutes of the Regional Council meeting held on 31 May 2023**

RC35/23 **Resolution**

Minutes of the Regional Council meeting held on Wednesday, 31 May 2023, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**van Beek/Siers  
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 ...

Topic	Raised by
Silt stabilisation for health	Cr Xan Harding
Weekend weather and staff acknowledgement	Cr Will Foley

**Resolution**

RC36/23 That agenda item 9 *Charging of Section 36 RMA freshwater science charges where legal impediment exists* is withdrawn until such time as the legal advice has been supplied to the councillors for review.

**van Beek/Mackintosh  
CARRIED**

**5. Hawke's Bay Regional Water Assessment**

Tom Skerman and Erin Hartford-Wright delivered a presentation to publicly launch the Regional Water Assessment report, a highly complex report about complicated issues relating to water resources in the region. Highlights from the report include:

- Two years in the making with contributions from freshwater experts, economists, regenerative farming specialists and council water teams, working closely with governors, mana whenua and key stakeholders and supported with funding from the Provincial Growth Fund.
- How we use water needs to change because our waterways have no more to give but demand is set to keep increasing.

- RWA looks at how much water we currently have as a region, how we use it, what this will look like in future, and what's driving the use and supply; and provides practical options for sustainably managing and adapting to freshwater supplies for discussions through freshwater planning and engagement.
- In 2019-20, a total of 138 million cubic metres of freshwater was taken from our rivers, streams and aquifers for domestic, industrial and irrigation needs; 64% was abstracted from groundwater, 35% from surface water, and only 0.07% was from rainwater collection.
- Irrigation for agriculture, including horticulture, is by far the largest user of water in Hawke's Bay- with 64% used by agriculture and horticulture; municipal supply is next at 19% for our two cities (includes domestic supply, civic facilities such as parks and sports fields, and industry which runs off the main supply); and 13% manufacturing and processing.
- Lack of understanding, particularly manufacturing and processing sectors, around what Te Mana o Te Wai means and the impacts it will have.
- The RWA report presents the state of water resources in the region and will feed into freshwater planning processes.
- Costs nothing to not waste water so investment in demand management, particularly for municipal supplies, will be key.

RC37/23

### Resolutions

That Hawke's Bay Regional Council:

1. Receives and adopts the *Hawke's Bay Regional Water Assessment* as a foundation document to support freshwater planning and decision-making.
2. Releases the Hawke's Bay Regional Water Assessment, and the summary *Our Freshwater Future* to the public.
3. Agrees to transfer the ownership of the Regional Water Assessment to Regional Council's Policy and Planning team for future decisions to be considered within the context of the broader freshwater management and policy implementation timeframes.

**Foley/van Beek  
CARRIED**

## 6. Wairatahi reserve exchange

Chris Dolley introduced the item and Rebecca MacKenzie and Marcus Hill from the Property Group.

*Martin Williams joined the meeting at 2.15pm*

- Technical team that reviewed the exchange supports the application and the Minister has reviewed the application and indicated the willingness to approve the exchange.
- Marcus Hill explained the stormwater management plan for the development, which has been accepted by the Hastings District Council, which effectively provides better stormwater management than the current stormwater system. Maintenance of the stormwater is vested in HDC.
- Social and environmental aspirations of Heretaunga Tamatea Settlement Trust reflected in the development.

RC38/23

### Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Wairatahi reserve exchange* 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, noting the required public notice has been

given.

3. Following the outcome of the public notification process required prior to Council requesting the Minister of Conservation approves an exchange of the following land pursuant to Section 15 of the Reserves Act 1977 in light of the benefits of the exchange and given that no objections were received, the Council hereby requests that the Minister approves the exchange of reserve land for land to become reserve as follows:
  - 3.1. *reserve to be exchanged*: 4,710m<sup>2</sup> more or less described as Sections 67 and 68 SO 4388108 comprised in Record of Title 621785 and held by Council as a Local Purpose (soil conservation and river control) Reserve known as the Wellwood Drain.
  - 3.2. *land to become reserve*: 6,337m<sup>2</sup> more or less being part of Record of Title 552618 (Part Lot 5 DP 2976 and Sections 18, 20, 22 SO 438108) and forming part of the Irongate Stream.

**Siers/van Beek  
CARRIED**

## 7. Resetting the General Rate for the 2022-2023 rating year

Chris Comber and Chelsea Spenser introduced the item, which was taken as read.

### RC39/23 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Resetting the general rate for the 2022-2023 rating year* 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. Confirms that Council giving public notice on 14 June 2023 that Council intended to reset the general rate and the reasons why this was considered desirable.
4. Revokes paragraph 2.1 of Council resolution RC58/22 made on 29 June 2022 setting the general rate.
5. Sets the general rate for the 2022-2023 financial year under the Local Government (Rating) Act 2002 on rating units in the region for the financial year commencing on 1 July 2022 and ending on 30 June 2023 (inclusive of GST) as described below, and directs the following as a replacement for paragraph 2.1 of Council resolution RC58/22:
  - 5.1 A general rate under sections 13 and 131 of the Local Government (Rating) Act 2002 on an estimate of projected land value as per the following table.

Rate description	Districts	Rates set on	Calculation factor	Estimated rates revenue 2022-23
<b>General Rate</b>		<b>Land Value</b>	<b>Cents in \$</b>	
	Napier City	Land Value	0.03220	2,977,841
	Hastings District	Land Value	0.03594	5,166,798
	Central HB District	Land Value	0.02773	1,613,221
	Wairoa District	Land Value	0.02355	668,810
	Taupō District	Land Value	0.03395	22,633
	Rangitikei District	Land Value	0.02623	4,314
	<b>TOTAL</b>			<b>10,453,617</b>

6. Confirms in accordance with paragraph 3 of Council resolution RC58/22 that the due date

for the payment of the general rate for the 2022-2023 rating year was 20 September 2022.

7. Confirms in accordance with paragraph 4 of RC58/22 that, under sections 57 and 58(1)(a) of the Local Government (Rating) Act 2002, a fixed 10% penalty was applied to unpaid current general rates as at 21 September 2022 and was calculated by multiplying the outstanding general rates by 10% and then adding that penalty sum to the amount outstanding as at 21 September 2022. The penalty was added on 21 September 2022.

**Harding/Ormsby  
CARRIED**

## **8. Exemption of Council Controlled Organisation – Hawke's Bay Disaster Relief Trust**

Chris Comber introduced the item, which was taken as read.

*Hinewai Ormsby relinquished the Chair to Will Foley at 2.28pm, declaring a conflict of interest in the item due to being a Trustee of the Trust.*

- Susie Young advised that exemption from being a CCO does not exempt the Trust from good governance and financial management practices including preparation of financial statements.

### RC40/23 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the *Exemption of Council Controlled Organisation – Hawke's Bay Disaster Relief Trust* staff report.
2. Reviews the exemption granted to the Trust under section 7(3) of the Local Government Act 2002, taking into consideration the discussion in this report on the nature and scope of the activities of the Trust, and the costs and benefits to Council, the Trust and the community if the exemption is extended as required by section 7(6)(a) of the Act.
3. Approves an extension of the exemption granted to the Hawke's Bay Disaster Relief Trust under section 7(3) of the Act for up to a further 3 years (being the three-year period ending 30 June 2026).
4. Notes that the exemption must be reviewed at least every three years and can be revoked at any time. It is recommended the exemption is reviewed before 30 June 2026.

**Kirton/Siers  
CARRIED**

*Hinewai Ormsby resumed the Chair at 2.34pm*

## **9. Charging of Section 36 RMA freshwater science charges where legal impediment exists**

Withdrawn

## **10. Report and recommendations from the Corporate & Strategic Committee**

Councillor Neil Kirton, as Chair of the Committee, introduced the item and provided an overview of the recommendations from the Committee to Council, highlighting the work that the *Annual Compliance, Monitoring, and Enforcement Report 2021-2022* represents.

### RC41/23 **Resolutions**

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 this issue without conferring directly with the community or persons likely to have an interest in the decision.

#### **2023-2024 Annual Plan engagement**

3. Notes the decisions of the Corporate and Strategic Committee to:
  - 3.1. Adopt the *Annual Plan 2023-2024 consultation document – Supporting the region's recovery* for community engagement.
  - 3.2. Delegate authority to the Group Manager Corporate Services to make any required minor amendments or edits to the document prior to publication and the start of engagement.
  - 3.3. Agrees to the public engagement and feedback period being 16 June to 2 July 2023.

#### **Annual Compliance, Monitoring, and Enforcement Report 2021-2022**

4. Adopts the *Annual Compliance, Monitoring, and Enforcement Report 2021-2022* for publication.

#### **Policy for the treatment of enforcement revenue**

5. Adopts the proposed **Enforcement Revenue Spending Policy** as amended by the Corporate and Strategic Committee.
6. Establishes a financial reserve for the purpose of receiving funds received through environmental enforcement and to enable the Enforcement Revenue Spending Policy to be implemented.

#### **Investment Strategy Review phase 2 approach**

7. Supports recommendations that:
  - 7.1. HBRIC has a broader role in managing all investments on behalf of the Group
  - 7.2. HBRIC Board considers appropriate staffing to enable success
  - 7.3. Investigate opportunities to better utilise or manage strategic assets that can be put forward to the next Long Term Plan.

#### **HBRIC independent director remuneration**

8. Notes the decision of the Corporate and Strategic Committee to set the remuneration for the independent directors of HBRIC at \$35,000 per annum.

**Kirton/Mackintosh  
CARRIED**

## **12. 2023 HBRC Local Governance Statement**

Leeanne Hooper introduced the item, which was taken as read, and provided an explanation of how the information will appear on the web pages. Discussion covered:

- The information must be easy for people to find on the website, and the Governance Team will work with communications staff to ensure it is.
- The LGS will include the current information on committees initially, and updated with any changes to the Risk and Audit Sub-committee once the review has been completed and Council has adopted recommendations from the findings.

### **RC42/23 Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the *2023 Local Governance Statement* staff report.
2. Agrees that because Council is required to publish the 2023 Local Governance Statement by the Local Government Act the decisions can be made without consulting with the community.
3. Adopts the 2023 Local Governance Statement as proposed, for publication.

**Ormsby/Roadley**  
**CARRIED**

## 11. Renewal of the Health and Safety Governance Charter

Kirsty McInnes introduced the item, which was taken as read. Discussions covered:

- An internal audit against the previous ACC Workplace Safety Management framework was carried out in late 2022 and the next step is a road mapping exercise against the new health and safety auditing standard, ISO45001, approved by the Executive Leadership Team (ELT). The roadmap will be presented to the next Risk and Audit Sub-committee meeting.
- Cultural and spiritual safety for engaging with iwi or tangata whenua, and aspects that should be specifically covered in the Health and Safety Management System and strategic plan.

### RC43/23 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Renewal of the Health and Safety Governance Charter* 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.
3. Adopts the *Health and Safety Governance Charter* as amended as agreed, for signature by the Council Chair and Risk and Audit Sub-committee Chair.

**Kirton/van Beek**  
**CARRIED**

## 13. 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	<b>Staff Warrants</b>		
	1.1.1 C. Falconer <i>(Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1); Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; Civil Defence Emergency Management Act 2002 (s.86-92) and Local Government Act 2002 (s.177))</i>	4547	16 June 2023

### RC44/23 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.

**Foley/Ormsby  
CARRIED**

#### **14. Climate Action Annual Report**

Pippa McKelvie-Sebileau introduced the item, highlighting a busy year to establish the work programme including the technical inputs of the Regional community carbon footprints, the Regional climate change risk assessment and the climate resilience breakfast. Discussions traversed:

- Need to double-down on activities and have a mature conversation with the community to address agricultural emission reductions.

#### **RC45/23 Resolution**

That the Hawke's Bay Regional Council receives and notes the *Climate Action Annual Report* staff report.

**Harding/Williams  
CARRIED**

#### **15. Strategic projects report to 31 May 2023**

The item was taken as read and discussions covered:

- HBRC engineering staff are working with Waka Kotahi on the repairs to the SH50 bridge in CHB, which will commence as soon as water levels allow.
- NEMA has worked with the team on cyclone response claims that required clarification in order to qualify for reimbursement.
- Support was expressed for carrying forward unspent funding in the Land for Life budgets to the next financial year.
- Localised flooding issues are being resolved collaboratively with Hastings and Napier councils.
- Variety of river and drainage issues in Wairoa can be resolved by contacting HBRC or WDC and someone will follow up.

#### **RC46/23 Resolution**

That Hawke's Bay Regional Council receives and notes the *Strategic projects report to 31 May 2023*.

**Foley/van Beek  
CARRIED**

#### **16. Significant organisational activities through July 2023**

The item was taken as read and discussions covered:

- Aware of most significant maintenance and repair issues in the flood and drainage networks however if members of the public see activities they have questions about or are concerned about they should ring HBRC and staff can follow up.
- A collaborative HBRC-WDC group is working on flood mitigation for Wairoa. There will be a public consultation process and opportunities for communities to share their ideas about potential solutions.
- Silt recovery activities carried out by councils are tied to funding, and the funding agreement with government states 30 June 2024 as the end date. There are already conversations happening about the potential to extend that deadline.
- Stormwater discharge into Ahuriri Estuary is a joint HBRC-NCC resource consent.



- The traffic pressures due to the loss of the Waiohiki Bridge and the timeframe for the temporary two-lane bridge being available is currently October 2023.

RC47/23 **Resolution**

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

**van Beek/Harding  
CARRIED**

*The Council agreed to carry on despite it having been two hours without a break.*

**17. Discussion of minor items not on the Agenda**

Topic	Raised by
Silt stabilisation for health. 9 June 2023 HB Today article by Michael Fowler was cited and it was suggested that Council needs to consider the scale of silt deposited on the land by the cyclone and the risks that it will pose if the silt is not stabilised, e.g. dust, and risk management heading into spring in respect of wind-blown silt. A report will be prepared for an upcoming Council or Cyclone Recovery Committee meeting.	Cr Xan Harding
Weekend weather & staff acknowledgement. Expressed thanks for the superb work of Craig Goodier and the science team and Comms teams, to provide valuable and relevant information to the community, and Hamish and the Works Group out in the field checking stopbanks and pump stations throughout the significant weather event over the weekend.	Cr Will Foley

**18. Confirmation of Minutes of the Public Excluded Regional Council meeting held on 31 May 2023**

RC48/23 That Hawke’s Bay Regional Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 18 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
Appointment of independent HBRIC directors	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.

**Siers/Hokianga  
CARRIED**

**18. Confirmation of Public Excluded Minutes of the Regional Council meeting held on 31 May 2023**

RC49/23 Public Excluded Minutes of the Regional Council meeting held on Wednesday, 31 May 2023, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Siers/Roadley  
CARRIED**

### **Resolution**

RC50/23 That the meeting moves out of Public Excluded session.

**Hokianga/van Beek  
CARRIED**

***The meeting went into public excluded session at 3.51pm and out of public excluded session at 3.53pm.***

Councillor Charles Lambert led the group in offering a karakia to close the meeting.

### **Closure:**

There being no further business the Chair declared the meeting closed at 3.53pm on Wednesday, 28 June 2023.

Signed as a true and correct record.

**Date:** by HBRC resolution 19 July 2023

**Chair:** Hinewai Ormsby