



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

Minutes of a meeting of the Regional Council

Date: 30 August 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
T Hopmans, RPC Co-chair (*online*)
Cr N Kirton
Cr C Lambert
Cr J Mackintosh
M Paku, Māori Committee Co-chair (*online from 2.40pm*)
Cr D Roadley (*online*)
Cr S Siers (*online from 2.30pm*)
Cr M Williams

In Attendance: N Peet –Chief Executive
P Munro – Te Pou Whakarae
S Young – Executive Officer Recovery
K Brunton – Group Manager Policy & Regulation
A Madarasz-Smith – Acting GM Integrated Catchment Management
A Siddles – Acting Group Manager Corporate Services
C Comber – Chief Financial Officer
L Hooper – Team Leader Governance
P Bailey – Wise Water Use Hawke's Bay
S Johnstone – Cooper Rapley Law

1. Welcome/Karakia/Apologies/Notices

The Chair welcomed everyone and Pieri Munro led the group in a karakia.

Resolution

RC53/23 That the apologies for absence from councillors Sophie Siers and Jerf van Beek be accepted, and from Mike Paku for late arrival and Councillor Thompson Hokianga for early departure.

Mackintosh/Harding
CARRIED

2. Conflict of Interest Declarations

There were no conflicts of interest declared.

3. Confirmation of Minutes of the Regional Council meeting held on 26 July 2023

RC54/23 Resolution

Minutes of the Regional Council meeting held on Wednesday, 26 July 2023, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

Hokianga/Harding
CARRIED

Confirmation of Minutes of the Extraordinary Regional Council meeting held on 2 August 2023

RC55/23 Resolution

Minutes of the Extraordinary Regional Council meeting held on Wednesday, 2 August 2023, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

Hokianga/Harding
CARRIED

4. Call for minor items not on the Agenda

There were no minor items raised.

5. Wise Water Use Petition

Paul Bailey presented a petition on behalf of Wise Water Use Hawkes Bay and delivered a presentation outlining the rationale for the petition seeking payment of the Water Holdings Hawke's Bay's outstanding freshwater science charges in full.

RC56/23 Recommendation

That Hawke's Bay Regional Council receives and notes the *Wise Water Use Hawkes Bay petition*

Williams/Harding

Councillor Kirton moved an amendment, seconded by Councillor Hokianga

To add "and confirms the Council's resolution of 31 August 2022 that all outstanding science charges will be due and liable in total."

Kirton/Hokianga
For 2: Against 6
LOST

The amendment having been LOST, the substantive motion was put:

That Hawke's Bay Regional Council receives and notes the *Wise Water Use Hawkes Bay petition*.

Williams/Harding
CARRIED

6. Council delegations

Nic Peet introduced Shannon Johnstone of Cooper Rapley Law, who has assisted with the drafting of the agenda item, which delegates the powers usually delegated by regional councils to their Chief Executive. Queries and clarifications covered:

- Council cannot delegate the final approval of a Plan but can delegate all the steps leading to that point, including resolving plan change appeals through mediation.
- Delegations are the same as for previous CEs with updates to include new legislation, and financial delegations do not conflict with them.
- Delegations under legislation are exercised within the context of the working relationship.
- The delegations list will be updated to include the Natural and Built Environments Act and the Spatial Planning Act.

RC57/23

Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the information contained in the *Council delegations* staff report and attachment.
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 to the Chief Executive all the powers, functions and responsibilities set out in Attachment 1 to this report, subject to any restrictions or prohibitions imposed by Council or required by any enactment.
4. Determines, in relation to the delegation of the power to issue warrants to enforcement officers under the Local Government Act 2002 to the Chief Executive, that Council should not, other than where it is prohibited under a specific enactment:
 - 4.1. limit or restrict the exercise of that power
 - 4.2. impose conditions on the exercise of that power, or
 - 4.3. prohibit, in specified circumstances, the exercise of that power.
5. Authorises the Chief Executive to sub-delegate any powers, functions, and responsibilities delegated to the Chief Executive, to the extent authorised by law.
6. Delegates to the Chief Executive authority to instruct legal counsel, settle proceedings, and to sign any memorandum of understanding on Council's behalf.

**Williams/Harding
CARRIED**

7. Regional Planning and Māori Committee appointees' remuneration review

Pieri Munro introduced the item, which was coming to Council after having been discussed by tangata whenua appointees on the Māori and Regional Planning committees.

RC58/23

Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Regional Planning and Māori Committee appointees' remuneration review* report.
2. Receives and considers the *Fees Review for: Tāngata Whenua members (Regional Planning Committee)* and *Fees Review for: Tāngata Whenua members (Māori Committee)* reports from Strategic Pay.

3. Receives and considers the verbal feedback provided by the Māori Committee Co-chairs and the 2 August 2023 Māori Committee resolution that:
 - 3.1. Endorses the recommendations contained in the Strategic Pay July 2023 report *Fees Review for: Tāngata Whenua representatives (Māori Committee)*.
4. Receives and considers the verbal feedback provided by the Co-chair of the Regional Planning Committee.
5. 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.
6. Sets the remuneration for tāngata whenua representatives appointed to the Regional Planning Committee at the midpoint of the range recommended by Strategic Pay's independent review with effect from 1 July 2023 of:
 - 6.1. \$16,000 per annum for a tāngata whenua committee member
 - 6.2. \$24,000 per annum for the Regional Planning Committee Deputy Co-Chair
 - 6.3. \$32,000 per annum for the Regional Planning Committee Co-Chair.
7. Sets the remuneration for tāngata whenua representatives appointed to the Māori Committee in accordance with the recommendations in Strategic Pay's independent review with effect from 1 July 2023 of:
 - 7.1. \$452 per meeting attended for a tāngata whenua committee member.
 - 7.2. \$16,000 per annum for each of the Māori Committee Co-chairs.
8. Travel reimbursement will be made to RPC and Māori Committee members upon submission of an approved Travel Claim Form or invoice, at the same rates paid to councillors in accordance with the Remuneration Authority 2023-2024 Determination, being as follows.

Allowance	1 July 2023 – 30 June 2024
Mileage Allowance – petrol or diesel	\$0.95 per km (was \$0. 83)
Mileage Allowance - Hybrid	\$0.95 per km (was \$0. 83)
Mileage Allowance – Electric Vehicle	\$0.95 per km (was \$0. 83)
Mileage Allowance – E-bike	\$0.28 per km (no change)
Mileage Distance on Higher Rate	14,000 km per year
Mileage Allowance (after higher rate distance)	\$0.34/km petrol/diesel (was \$0.31) \$0.20 /km hybrid (was \$0.18) \$0.11/km electric including e-bike (was \$0.10)
Threshold time on daily travel	8 hours in a 24 hour period
Travel Time Allowances	\$40 per hour (after the first hour of eligible travel) (was \$37.50)(max 8 hours in 24 hour period)

Harding/Hokianga
CARRIED

Councillor Sophie Siers joined the meeting online at 2.30pm

8. Audit and Risk Sub-committee review

Susie Young introduced the item and provided an overview of the recommendations. Queries and discussions covered:

- If the Committee decides a second independent member is required, a recruitment process will be carried out.

Mike Paku joined the meeting online at 2.40pm

- ToR to include up to 2 independent members and quorum of 3 including the independent chair or deputy chair

RC59/23

Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Audit and Risk Sub-committee review* 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. Receives and considers the Independent Advice on Hawke's Bay Regional Council's Audit and Risk Committee Memorandum authored by Doug Craig, RDC Group Ltd.
4. Adopts the following Term of Reference for the Risk and Audit Committee resulting from the independent advice, including any amendments agreed by Council.
5. Confirms the appointments of Councillors Xan Harding, Jock Mackintosh, Neil Kirton and Thompson Hokianga to the Risk and Audit Committee.
6. Seeks nominations and votes on the appointment of the Deputy Chair from amongst the elected members of the Risk and Audit Committee.
 - 6.1. Councillor Kirton nominates Councillor Harding for deputy chair, seconded by Councillor Williams.
 - 6.2. Appoints Councillor Xan Harding as Risk and Audit Committee Deputy Chair
7. Appoints independent member, Stephanie Maloy, as Risk and Audit Committee Chairperson.

Kirton/Hokianga
CARRIED

Risk and Audit Committee

Terms of Reference

Adopted by Hawke's Bay Regional Council resolution 30 August 2023

1. Purpose

The purpose of the Risk and Audit Committee is to provide advice and recommend actions, responses and changes to the Council about risk management, assurance activities, governance oversight and internal control matters, including external reporting and audit matters. Specifically this includes the following matters:

- 1.1. The robustness of Council's risk management systems, policies, practice and assurance processes
- 1.2. The appropriateness of controls to safeguard the Council's financial and non-financial assets, the integrity of internal and external reporting and accountability arrangements
- 1.3. Review the Council's revenue and expenditure policies, amongst others, and the effectiveness of those policies in ensuring limited risk is generated
- 1.4. Assurance on the independence and adequacy of internal and external audit functions
- 1.5. Council's compliance with applicable laws, regulations, standards and best practice guidelines.

2. Specific Responsibilities

The Risk and Audit Committee shall have responsibility and authority to:

- 2.1. Review whether Council management has a current and comprehensive risk management framework and associated procedures for effective identification and management of the council's significant risks in place.
- 2.2. Undertake periodic monitoring of corporate risk assessment, and the internal controls instituted in response to such risks.
- 2.3. Review the effectiveness of the system for monitoring the Council's compliance with laws (including governance legislation, regulations and associated government policies), Council's own standards, and best practice guidelines, including health and safety.
- 2.4. Consider the appropriateness of the Council's existing accounting policies and principles and any proposed changes.
- 2.5. Satisfy itself that the financial statements and statements of service performance are supported by adequate management sign-off and adequate internal controls.
- 2.6. Confirm that processes are in place to ensure that financial information included in Council's Annual Report is consistent with the signed financial statements.
- 2.7. Confirm the terms of appointment and engagement of external auditors, including the nature and scope of the audit, timetable, and fees.
- 2.8. Receive the internal and external audit report(s) and review actions to be taken by management on significant issues and recommendations raised within the report(s).
- 2.9. Enquire of internal and external auditors any information that affects the quality and clarity of the Council's financial statements and statements of service performance, and assess whether appropriate action has been taken by management in response to this.
- 2.10. Conduct a Committee members-only session with the Council's appointed Auditors to discuss any matters that the auditors wish to bring to the Committee's attention and/or any issues of independence.
- 2.11. Review and recommend to Council the approach to insurance strategy and placements as part of its risk management practices.

3. Accountability

- 3.1. The Risk and Audit Committee is not delegated to make any decisions unless by specific delegation of Council.

The Risk and Audit Committee is delegated by Council to:

- 3.2. Obtain external legal or independent professional advice within approved budgets in the satisfaction of its responsibilities and duties.
- 3.3. Secure the attendance at meetings of third parties with relevant experience and expertise as appropriate.
- 3.4. Receive all of the information and documentation needed or requested to fulfil its responsibilities and duties, subject to applicable legislation.
- 3.5. Ensure that recommendations in audit management reports are considered and, if appropriate, actioned by management
- 3.6. Review the objectives and scope of the internal risk and audit functions, and ensure those objectives are aligned with Council's overall risk management framework
- 3.7. Assess the performance of the internal risk and audit functions and seek assurance that these are adequately resourced and have the appropriate authority and standing within Council.

4. Membership

- 4.1. Up to four members of Council, appointed by Council being: councillors Xan Harding, Jock Mackintosh, Neil Kirton and Thompson Hokianga
- 4.2. Up to two independent members appointed by Council.
- 4.3. The Committee may appoint up to two specialist advisors to advise on special matters within the scope of the work of the Committee.

5. Chairperson

- 5.1. An independent member of the Committee shall be appointed by the Council to be Chairperson; being: Stephanie Maloy.

5.2 An elected member of the Council shall be appointed the Deputy Chairperson; being Councillor Xan Harding. In the event the Chairperson cannot attend a meeting of the Committee the Deputy Chairperson shall chair the meeting.

6. **Meeting Frequency**

As a minimum the Committee shall meet quarterly. Additional meetings may be called at the discretion of the Chairperson or as required by Council. The Committee shall meet at least once a year to consider the performance of the Committee, its membership and any other matters relating to the Committees performance and effectiveness.

7. **Quorum**

The quorum at any meeting of the Sub-committee shall be 3 members including the Chair or Deputy Chair.

8. **Officers Responsible**

- 8.1. Chief Executive
- 8.2. Group Manager Corporate Services.

Councillor Thompson Hokianga left the meeting at 2.47pm

9. **Electoral System for Local Government Elections**

Leeanne Hooper, Council's Electoral Officer, introduced the item which was taken as read.

RC60/23 **Resolutions**

That Hawke's Bay Regional Council:

1. Exercises its discretion and makes a decision on this issue without conferring directly with the community or others due to the option available to the public to demand a poll under the Local Electoral Act, should they choose to do so and can obtain the necessary number of signatures (5% of the electors).
2. Instructs staff to action the necessary public notices and any other processes required under the Local Electoral Act 2001 in respect to the electoral system for future Local Government Elections.
3. Retains the First Past the Post electoral system.

**Williams/Mackintosh
CARRIED**

10. **Councillors' 2023-2024 remuneration and allowances**

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

RC61/23 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the *Councillors' 2023-2024 remuneration and allowances* staff report.
2. Confirms the remuneration and allowances payable to councillors resulting from the Local Government Members (2023-24) Determination and updates the *Elected Members' Expenses and Allowances Policy* accordingly.

**Williams/Harding
CARRIED**

11. **Interim Groups of Activity 2022-2023 financial results**

Dr Nic Peet introduced the item, and Chris Comber provided an overview of the interim financial results.

RC62/23 **Resolution**

That Hawke's Bay Regional Council receives and considers the *Interim Groups of Activity 2022-2023 financial results* staff report and notes that carry forward expenditure requests will be prepared for Council's consideration in September 2023.

**Mackintosh/Foley
CARRIED**

12. Report from the Maori Committee

Mike Paku, Co-chair of the Māori Committee, introduced the item, which was taken as read.

RC63/23 **Resolution**

That the Hawke's Bay Regional Council receives and notes the *Report from the Māori Committee* staff report.

**Ormsby/Foley
CARRIED**

13. Report from the Regional Transport Committee

Councillor Martin Williams, as Chair, introduced the item and highlighted development of the next Regional Land Transport Plan focused on recovery, that ensures resilient multi-modal transport systems in Hawke's Bay. The committee is working through how to meet transport emission reduction targets and funding is the biggest challenge currently.

RC64/23 **Resolution**

That Hawke's Bay Regional Council receives and notes the *Report from the Regional Transport Committee*.

**Williams/Mackintosh
CARRIED**

14. Report from the Clifton to Tangoio Coastal Hazards Strategy Joint Committee

Councillor Charles Lambert introduced the item, highlighting the Coastal Hazards Interim Response Plan that sets out the responsibilities and processes to respond to emerging coastal hazards issues while the Strategy is still in development along with various proposed interventions along the coast from Clifton to Tangoio.

RC65/23 **Resolution**

That Hawke's Bay Regional Council receives and notes the *Report from the Clifton to Tangoio Coastal Hazards Strategy Joint Committee*.

**Lambert/Foley
CARRIED**

15. Report from the Climate Action Joint Committee

Councillor Xan Harding spoke to the item, noting the challenges of getting all the councils in the region to agree to the Terms of Reference and emission reduction targets. Currently focus is on building effective relationships to achieve the challenging work programme that includes the ETS under review and the potential development of Biodiversity Credits.

RC66/23 **Resolution**

That Hawke's Bay Regional Council receives and notes the *Report from Climate Action Joint Committee*.

**Harding/Mackintosh
CARRIED**

16. Strategic projects report to 30 July 2023

The item was taken as read. Queries covered:

- Request for the 10 year Hazard research plan
- Large part of the IRG Heretaunga plains work has been on hold, other than gravel extraction. Kanoa has not confirmed whether requests for an extension of the November 2023 deadline for current work or the proposals for the second tranche of funding.
- The IRG funding agreed was for increasing levels of service from 1 in 100 to 1 in 500 throughout the entire Heretaunga Plains scheme, however findings of the reviews into Cyclone Gabrielle will require integrating into the work programme.

RC67/23 Resolution

That Hawke's Bay Regional Council receives and notes the *Strategic projects report to 30 July 2023*.

Williams/Harding
CARRIED

17. Significant organisational activities through September 2023

The item was taken as read, and queries covered:

- More detail requested about the review of the Awatoto and Pakowhai Drainage Areas and the Napier Meeanee drainage scheme.
- CHB pathways maintenance is the responsibility of Central Hawke's Bay Regional Council. HBRC has been putting limestone caps on stopbanks where there have been issues with damage caused to repaired stopbanks by vehicles.
- HBRC joint project with Te Whatu Ora and NIWA about the impacts of silt on air quality, funded under MBIE Extreme Weather Fund however query about who is responsible for silt management to prevent issues with wind-blown silt.

RC68/23 Resolution

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

Williams/Harding
CARRIED

18. Discussion of minor items not on the Agenda

There were no minor items raised.

19. Confirmation of Public Excluded Minutes of the meeting held on 2 August 2023

Resolution

That Hawke's Bay Regional Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 19 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:

RC69/23

General subject of the item to be considered	Reason for passing this resolution	Grounds under section 48(1) for the passing of the resolution
Cost-share Agreement with Central Government	s7(2)(g) 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 maintain legal professional privilege	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

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)

Williams/Harding
CARRIED

19. Confirmation of Public Excluded Minutes of the Extraordinary Regional Council meeting held on 2 August 2023

RC70/23 Public Excluded Minutes of the Extraordinary Regional Council meeting held on Wednesday, 2 August 2023, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

Williams/Mackintosh
CARRIED

Resolution

RC71/23 That the meeting moves out of Public Excluded session.

Williams/Mackintosh
CARRIED

The meeting went into public excluded session at 3.49pm and out of public excluded session at 3.50pm

A karakia was offered to close the meeting.

Closure:

There being no further business the Chair declared the meeting closed at 3.52pm on Wednesday, 30 August 2023.

Signed as a true and correct record.

Date: by HBRC resolution 27 September 2023 **Chair:** Hinewai Ormsby