



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

Minutes of a meeting of the Hawke's Bay Regional Council

Date: 27 March 2024

Time: 1.45pm

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
K Kawana, Māori Committee Co-chair
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: N Peet –Chief Executive
T Munro – Acting Te Pou Whakarae
S Young – Group Manager Corporate Services
K Brunton – Group Manager Policy & Regulation
C Dolley – Group Manager Asset Management
I Maxwell – Group Manager Integrated Catchment Management
I Macdonald – HB CDEM Group Controller / Manager
C Comber – Chief Financial Officer
L Hooper – Team Leader Governance
M Allan – Transport Manager
S Gudsell – Policy Planner
A Allan – Senior Business Partner
J Park – Management Accountant
T Skerman – HBRIC Commercial Manager (*online*)
L McPhail – HBRC Recovery Manager

1. Welcome/Karakia/Apologies/Notices

The Chair welcomed everyone to the meeting.

Apologies for early departure were offered by councillors Neil Kirton and Thompson Hokianga.

2. Conflict of interest declarations

Councillor Jerf van Beek declared a conflict of interest in item 10. **Annual Freshwater Science Charges 2023-24** as a resource consent holder liable for freshwater science charges.

There were no further conflicts of interest declared.

4. Call for minor items not on the Agenda

Recommendations

That Hawke's Bay Regional Council accepts the following *minor items not on the Agenda* for discussion as item 14.

Topic	Raised by
HB Future Farming Trust	Cr Will Foley

3. Confirmation of Minutes of the Extraordinary Hawke's Bay Regional Council meeting held on 13 March 2024

RC29/24 Resolution

Minutes of the Extraordinary Hawke's Bay Regional Council meeting held on Wednesday, 13 March 2024, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**van Beek/Harding
CARRIED**

The Chair gave notice that the HB CDEM Group Joint Committee received the report and findings from the independent review of the HB CDEM Group's response to Cyclone Gabrielle on Monday 25 March 2024. The Joint Committee accepted all the findings and a paper will be on the Agenda for the 24 April 2024 Regional Council meeting for HBRC to formally receive the report.

5. Report and recommendations from the Risk and Audit Committee

The item was taken as read and Councillor Xan Harding, as the Chair of the meeting that day, noted the key discussions on the day about the new Risk Management framework, regular risk sentiment surveys and the policy for adoption today.

RC30/24 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Report and recommendations from the Risk and Audit 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.

Risk Management Policy

3. Approves the Risk Management Policy (CD0023) as attached, which includes amendments agreed by the Risk and Audit Committee on 15 February 2024, for implementation and use by HBRC staff.

Harding/Mackintosh
CARRIED

6. Recommendations from the Corporate & Strategic Committee

The item was taken as read.

RC31/24

Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *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.

HBRC response to Ombudsman Open for Business Report recommendations

3. Agrees that the changes to meeting and workshop processes proposed by the Executive Leadership Team are adequate to address concerns raised by the Ombudsman.
4. Agrees that all workshops are to be open to the public unless they are covered by one of the specific LGOIMA provisions as determined prior to scheduling.
5. Agrees to the introduction of public forums for:
 - 5.1. Regional Council meetings
 - 5.2. Corporate & Strategic Committee meetings
 - 5.3. Environment & Integrated Catchments Committee meetings
 - 5.4. Regional Transport Committee
6. Agrees that the changes to meeting and workshop processes are to be implemented once any necessary amendments have been made to HBRC's Standing Orders, including Appendix 10: HBRC Workshop Guidelines.
7. Agrees to carry out a review at the end of 2024, to ensure the changes to meeting and workshop processes have achieved the objectives for greater transparency and public participation with no significant unintended consequences.

Tranzit School Bus Services

8. Agrees to fund the shortfall of \$24,500 for the 2023-24 financial year from the targeted public transport rate revenue.
9. Notes that this decision does not commit to funding beyond the current financial year and any funding beyond that will be considered through the 2024-27 Long Term Plan.

Harding/Siers
CARRIED

7. Regional Planning Committee tangata whenua appointments

The item was taken as read, and it was noted that all vacancies are now filled.

RC32/24 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the *Regional Planning Committee tangata whenua appointments* 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 the appointment of Tania Eden as the Regional Planning Committee Deputy Co-Chair.
4. Confirms the appointment of Laura-Margaret Kele (also known as Laura Kamau) as the Regional Planning Committee representative on the Corporate and Strategic Committee.
5. Confirms the appointment of Michelle McIlroy as the Regional Planning Committee representative on the Environment and Integrated Catchments Committee.

**Hokianga/Siers
CARRIED**

8. Recommendations from the Environment & Integrated Catchments Committee

Councillor Sophie Siers introduced the item, and discussions covered:

- MBIE is consulting on the dangerous dams policy and may change some of the dam classification thresholds so those have been removed from the HBRC policy in the interim.
- This item focusses on consultation on the proposed Policy, and costs of implementation will be determined by the Policy Implementation team.
- HBRC staff have contacted all dam owners to advise them directly about the changes to the regulations and consultation on the HBRC policy. Most of the on-farm dams for stockwater will likely fall outside the thresholds.
- Compliance and land management advisors are working together to ensure the messages about the new regulations and requirements are getting to landowners.
- Councillors would have liked the opportunity to make a submission on the new regulations.
- A change to the *statement of proposal* was suggested, for section 2 to include the what the current regulation is and what the proposed changes are rather than a link.
- It was clarified that recommendations to Council for decision items only, and that information items are solely for the committee itself.

RC33/24 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives and notes the *Recommendations from the Environment & Integrated Catchments Committee* staff report.
2. Agrees that the decision to be made is not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make this decision without consulting directly with the community or others having an interest in the decision.
3. Adopts the *Policy on dangerous dams, earthquake-prone dams and flood-prone dams 2024* as proposed, for consultation from 28 March to 28 April.
4. A letter to MBIE is written, about the challenges with the regulations, from Hawke's Bay Regional Council.

**Siers/Roadley
Against: Kirton
Abstained: van Beek, Foley
CARRIED**

9. HBRC Standing Orders - 2024 proposed amendments

Nic Peet introduced the item, which was taken as read. Discussions covered:

- Corrections / additions to Standing Orders document provided as an attachment to the agenda include: P16 10.1 members ~~physically~~ present, and Plain English reasons to exclude the public added to Appendix 1
- Contact details have been added into the Public Forum information for those interested in speaking during that time.
- Plain English reasons for excluding the public are included so that they are more easily understood.
- The consideration of the public interest needs to be made for every decision to exclude the public and it was suggested that the resolution includes that as a separate column or row for that.

RC34/24 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Amendment of Standing Orders* staff report.
2. Adopts the 2024 Standing Orders as proposed, including the specific amendments of:
 - 2.1. Definitions of Quorum and Workshop
 - 2.2. SO 10.1 Councils (quorum)
 - 2.3. SO 12.8 Member's status: quorum
 - 2.4. SO 12.9 Member's status: voting
 - 2.5. SO 14. Public Forums
 - 2.6. SO 14.1 Public Forum time limits
 - 2.7. SO 18.1 Decisions by majority vote
 - 2.8. SO 18.5 Calling for a division
 - 2.9. Appendix 1: Reasons to exclude the public
 - 2.10. Appendix 2: Sample resolution to exclude the public
 - 2.11. Appendix 10: HBRC workshop guidelines
 - 2.12. Appendix 11: HBRC guidelines for petitions.

**Williams/Harding
CARRIED unanimously**

10. Annual Freshwater Science Charges 2023-24

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

Councillor Neil Kirton left the meeting at 2.41pm

- The reduction proposed equates to \$118,000 or 15% of the charges due to science activities not having been carried out.
- Work being undertaken has pivoted from the normal work programme to science more beneficial to the general public instead of the consent holders and Council has received significant funding for that work from central government after Cyclone Gabrielle.

RC35/24 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Annual Freshwater Science Charges 2023-24* 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.
4. Approves the amendment of the Annual Freshwater Science Charges approach for the 2023-2024 financial year, to:
 - 4.1. reduce the annual freshwater science charges to all discharge consent holders by 15%, representing a change in water quality business-as-usual activity.
 - 4.2. reduce the Low Flows Monitoring annual fee for the 2023-2024 financial year to \$50 plus GST.
 - 4.3. accept requests for annual freshwater science charges remission from consent holders experiencing ongoing financial hardship due to Cyclone Gabrielle.

**Harding/Foley
CARRIED**

12. 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 H. Anantharangan <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 (Section 177))</i>	4593	12 March 2024
	1.1.2 S. Zeilstra <i>(Delegations under the Civil Defence Emergency Management Act 2002 (s.86-92 inclusive) and Local Government Act 2002 (section 177))</i>	4593	23 February 2023

RC36/24 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**

11. Hawke's Bay Regional Investment Company

Nic Peet introduced the item, which was taken as read, and Tom Skerman joined online to respond to any questions. Queries and discussions covered:

- The RFP process for new managed fund managers resulted in 2 days of interviews with 6 providers and a decision on a provider is expected at the next HBRIC board meeting.

- The current HBRIC Chair is coming to the end of his tenure so it is necessary to plan for his successor.
- The Sol is an annual document, and has undergone a significant re-write to capture the wider mandate of HBRIC to manage council's investments.
- Performance targets – requirement of LGA to include non-financial performance targets, however suggested some financial targets would be usefully included.
- The new Investment Strategy targets are 3% cash, 2.5% inflation proofing + profit retention. It would be useful to have the whole picture of the Group's investment returns in the Sol.
- Pg 5 talks to the role of HBRIC to hold the Napier Port board to account for the Port's financial performance.

RC37/24 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the *Hawke's Bay Regional Investment Company* 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 consulting with the community or others likely to have an interest in the decision.
3. Instructs the current Council Appointments Committee to initiate and complete the HBRIC Ltd Chair succession process in accordance with Council's policy on the appointment and remuneration of directors.
4. Provides feedback on the draft 24-25 HBRIC Ltd Statement of Intent in accordance with requirements of the Local Government Act (2002).

**Foley/Mackintosh
CARRIED**

The meeting adjourned at 3.05pm and reconvened at 3.15pm

13. Restoring our environment

Nic Peet introduced the item, which records all the recovery work undertaken by the Council in response to Cyclone Gabrielle. Recovery work will now become part of the new business as usual activities for the Council. It was suggested the report should reference the number of HB lives lost.

RC38/24 **Resolution**

That Hawke's Bay Regional Council receives and notes the *Restoring our environment* staff report.

**Foley/van Beek
CARRIED**

14. Discussion of minor items not on the Agenda

Topic	Raised by
HB Future Farming Trust. The most significant project under way – Carbon Positive – looking at intensive cropping and what alternative systems of methods can be used to lower the carbon footprint. Second harvest of tomatoes from hybrid method has yielded 149 tonnes and regenerative plot 93 tonnes. More data to come on the website. Investigating funding sources for farming for carbon projects.	Cr Will Foley

15. Confirmation of Public Excluded Minutes of the meeting held on 13 March 2024

RC39/24 **Resolution**

Public Excluded Minutes of the Extraordinary Hawke's Bay Regional Council meeting held on Wednesday, 13 March 2024, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record, and are to be made public upon conclusion of this meeting.

**Williams/van Beek
CARRIED**

The group offered a karakia whakamutunga to close the meeting.

Closure:

There being no further business the Chair declared the meeting closed at 3.40pm pm on Wednesday, 27 March 2024.

Signed as a true and correct record.

Date: by HBRC resolution 10 April 2024

Chair: Hinewai Ormsby