

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

**Date:** 27 November 2024

**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  
Cr D Roadley  
Cr S Siers  
Cr J van Beek  
Cr M Williams

**In Attendance:** N Peet –Chief Executive  
T Munro – 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  
C Comber – Chief Financial Officer  
L Hooper – Team Leader Governance  
P Barrett – Manager Consents  
Public forum guests as recorded

**1. Welcome/Karakia/Apologies/Notices**

The Chair welcomed everyone and Councillor Di Roadley led the offering of a karakia to open the meeting.

**2. Conflict of Interest Declarations**

There were no conflicts of interest declared.

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

RC82/24 **Resolution**

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

**Williams/Lambert  
CARRIED**

**4. Public Forum**

Daniel Gale – category 3 and land categorisation.

- Concerns that categorisation hasn't been consistent without individual property-level assessments, being inappropriately used by other parties, e.g. insurance companies, City/District councils, for purposes other than what was intended.
- Split categorisation of properties creates difficulties in relation to where residential dwellings are located.
- HDC refusing to issue a license to operate the Holiday Park on the basis of the category 3 – unacceptable risk to life – land categorisation. Feel victimised by process designed and implemented to help those affected by Cyclone Gabrielle.
- Proposes that categories be removed where no longer relevant, re-categorising properties, or removing categorisation for commercial properties.

Claire O'Connor – land categorisation of property

- Can't afford to take \$500k buyout because it won't enable mortgage discharge.
- Willing to pay for own mitigation – raising her house – which would put her property in 2P until the work was completed and once completed, category 1. Reference attached letter from Hastings District Council.
- Shared her experience of Cyclone Gabrielle and since then. If house was elevated like some near-by doesn't think that it would have been affected by the flooding.

A question was raised as to whether a re-categorisation process could be opened.

RC83/24 **Resolution**

That Hawke's Bay Regional Council receives and notes the *Public Forum speaker's verbal presentation*.

**Williams/van Beek  
CARRIED**

**5. Call for minor items not on the Agenda**

The following *minor items not on the agenda* will be discussed as item 11.

Topic	Raised by
Waiohiki	Cr Williams
Santa Claus	Mike Paku

**6. Order of candidates' names on voting documents / Appointment of Electoral Officer**

The item was taken as read.

RC84/24 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the *Order of candidates' names on voting documents / Appointment of Electoral Officer* staff report.
2. Resolves that candidates' names on voting documents for Hawke's Bay Regional Council elections, until such time as a new resolution is made, will be arranged in *random* order.
3. Appoints Warwick Lampp of Electionz.com as the Electoral Officer for Hawke's Bay Regional Council.

**Ormsby/Williams  
CARRIED**

**7. Graeme Lowe Tannery Resource Consent Hearing – Commissioner Delegation**

Paul Barrett introduced the item, which was taken as read, which seeks delegations to an independent commissioner to hear and decide a resource consent application.

RC85/24 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the *Graeme Lowe Tannery Resource Consent Hearing – Commissioner Delegation* staff report.
2. In relation to hearing of application no. APP-128357, agrees to delegate the following duties, functions and powers to the independent commissioner Mr Bill Wasley:
  - 2.1. directing the hearing and associated matters and procedures under sections 39-42 of the RMA
  - 2.2. consideration of an application under section 104 and s104B of the RMA
  - 2.3. decision to grant a resource consent under section 104A(a) of the RMA
  - 2.4. imposition of conditions on a resource consent under s108 of the RMA
  - 2.5. giving of notice of its decision under sections 113 and 114 of the RMA.

**Harding/van Beek  
CARRIED**

**8. 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	1.1.1 W. Pegley ( <i>Delegations under the Biosecurity Act 1993 (Sections 103 and 105); Civil Defence Emergency Management Act 2002 (s.86-92) and Local Government Act 2002 (s.177)</i> )	4601	15 November 2024
	1.1.2 M. Courtnell A. Heays K. Bjarnesen ( <i>Delegations under the Maritime Transport</i> )	4598 4599 4600	29 October 2024 29 October 2024 1 November 2024

	<i>Amendment Act 1994 (Section 33G(a)) and under the Local Government Act 2002 (section 177))</i>		
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RC86/24 **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**

**9. HB CDEM Group Transformation update**

The Chair introduced Matt Boggs, Director for HB CDEM Transformation, and Nic Peet provided an overview of the how/why the Director appointment was made. Matt Boggs highlighted:

- The strategy is the ‘governance’ document which guides the operational plan that provides the means of implementing the recommendations from the HB CDEM Group Cyclone Gabrielle review by Mike Bush into the CDEM organisation.
- Clarity of roles and operational responsibilities, etc, will be an outcome of Matt Boggs’ work but will not be decided by the individual councils that make up the Group because the Group is the entity that owns the transformation.
- The plan is currently missing the visibility of the readiness work stream which will be provided by a dashboard as one of the outcomes of the transformation.
- The purpose of the transformation is to shorten the gap between when an emergency happens and when the Group is ‘on task’ with HB CDEM Group (local government) leading the response.

RC87/24 **Resolution**

That the HB CDEM Group Joint Committee receives and notes the *HB CDEM Group Transformation update* staff report.

**van Beek/Mackintosh  
CARRIED**

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

Topic	Raised by
Waiohiki. Observations from 2 recent visits is that the mana of the Waiohiki community was wonderfully exhibited at the opening of the Waiohiki project with karakia and the experience of attending the opening of the wharekai.	Cr Williams
Santa Claus. Thank you to councillor van Beek for the cherries.	Mike Paku

**9. HB CDEM Group Transformation update**

That Hawke’s Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 9 HB CDEM Group Transformation update workshop, 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
HB CDEM Group transformation to new operating model to strengthen emergency management in the region.	To enable discussions of the proposed CDEM Group structural changes without creating unnecessary uncertainty for potentially affected staff and community members	s7(2)(f)(ii) Excluding the public is necessary to maintain the effective conduct of public affairs by protecting councillors and/or council employees and contractors/ consultants from improper pressure or harassment.

**Harding/Siers  
CARRIED**

*The meeting moved into Public Excluded workshop session at 2.52pm*

**Closure:**

There being no further business the Chair declared the meeting closed at 2.52pm on Wednesday, 27 November 2024

Signed as a true and correct record.

**Date:** by HBRC resolution on 18 December 2024

**Chair:** Hinewai Ormsby



**If calling ask for Sam Hayes**

File Ref: 51015#CP#0001

15 October 2024

C S Bryant

Dear Claire,

Thank you for your email seeking an update as to whether the Hastings District Council (**HDC**) would be in the position to approve Building Consent to essentially raise your family home approximately 2.4m above the existing ground level, in the same location.

To provide you with the clarity you are seeking, council would need to formally receive the required applications to firstly make a formal decision as to whether the application could be approved. To remain consistent with the building consent guidance 'Guidance for Building Consent Applications in Te Matau a Māui/Hawke's Bay following Cyclone Gabrielle', it is likely that legal input will also be required.

Regarding consenting, both resource and building consent applications must be made to HDC in respect of your proposal.

**Resource consent**

An application for a change of consent conditions to existing resource consent reference RMA20120332 will be required because the proposed lifting of the house in its current location does not align with the consented plans of that decision. An application should include/address the following (but not limited to):

1. Written description of the proposal, and Assessment of Environmental Effects (AEE) prepared in accordance with Schedule 4 of the RMA. Address effects of changes between the consented development and proposed. Address the change in policy direction since the resource consent was determined.
2. A flooding assessment and impact report prepared by a suitably qualified and experienced Engineer (CPEng). Consultation with HBRC would be appropriate to form part of this assessment. The report should, amongst other things, address flooding risk to property and people. Addressing emergency scenarios from flooding would also be appropriate.
3. Plans of the proposal including site layout plan, floor plans and elevations of the building (clearly showing the ground level below and clearances under).
4. Consider obtaining written approval of the owners/occupiers of the adjoining land to the north particularly because of the yard setback infringement.

**TE KAUNIHERA Ā-ROHE O HERETAUNGA**  
HASTINGS DISTRICT COUNCIL  
207 Lyndon Road East, Hastings 4122 | Private Bag 9002, Hastings 4156  
06 871 5000 | customerservice@hdc.govt.nz | hastingxdc.govt.nz

Given the complexities of the matter and challenging nature of such an application, you may wish to consider seeing if you can engage a private Planning Consultant to assist with the preparation of such an application.

### **Building consent**

The building consent application will need to cover the following (but not limited to),

1. Geotechnical investigation will be required to determine the ground conditions in the location that you are proposing to raise the home.
2. Through the geotechnical investigation information will be sourced to inform the foundation design. This may require the input of a suitably qualified person such as a CPEng Engineer.
3. A draftsman / designer will need to provide a plan set indicating the foundation design and details and how the design and details meet the minimum requirements of the New Zealand Building Code and purposes of the Building Act 2004.
4. New Zealand building code requirements such as Safety from Falling (building code clause F4), will need to be considered. For example, there may be upgrades required for window openings with low sills and / or restricting the distance windows can open and replacement / upgrade of existing glass panels (safety / toughened glass).
5. A drainage design will be required to indicate any new plumbing and drainage work that is proposed for this project.
6. As you are aware, the site has been categorised through the categorisation scheme following Cyclone Gabrielle. The current categorisation is category 3. This indicates that there is an intolerable risk to life due to the known risk associated with flooding in a large weather event and lack of flood protection. This also indicates that the site is subject to 1 or more natural hazards.

The New Zealand Building Code requires that if a building consent is issued for a habitable dwelling within a known natural hazard area that the floor level be set at a level above a 2% (1 in 50 year) event. This information is generally provided by the Hawkes Bay Regional Council (HBRC) as they hold the information related to natural hazard modelling. The HBRC are currently undertaking rework of the modelling of the area of which your dwelling is in following cyclone Gabrielle, however this has not yet been completed and the timeframe is unknown. Therefore, the information relating to the required flood level (which sets the floor level), is not readily available for the Building Consent Authority to be satisfied that the floor level will meet the requirements of the New Zealand Building Code.

Furthermore, as the site has this associated risk due to natural hazard, if the building consent application is to be approved, it will require that the Building Consent Authority notify Land Online NZ (LINZ) of the natural hazard and that the approval has occurred via section 72 of the building act 2004. You will need to speak to your insurer and / or lender regarding any implications this may have for you as the homeowner.

In the absence of a known flood level (2% event level), HDC will need to seek advice from HBRC regarding the matter however as above, the modelling of the event has not been completed for your area and therefore there may be a delay.

Yours sincerely



Sam Hayes  
Compliance Manager | Hastings District Council