



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

Unconfirmed

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

Date: 26 February 2025

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
T Eden, RPC Deputy Co-chair
Cr X Harding
Cr T Hokianga (*online*)
Cr N Kirton
Cr C Lambert
Cr J Mackintosh
M Paku, Māori Committee Co-chair (*online*)
Cr D Roadley
Cr S Siers
Cr J van Beek (*online*)
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
R Wakelin – Acting Group Manager Integrated Catchment Management
C Comber – Chief Financial Officer
L Hooper – Team Leader Governance
S Johnstone – Cooper Rapley Law
M McGrath – Legal Advisor

1. Welcome/Karakia/Apologies/Notices

The Chair welcomed everyone to the meeting and Councillor Charles Lamber led the offering of a karakia to open the meeting

Resolution

RC8/25 That the apologies for absence from Tania Hopmans be accepted.

**Ormsby/Mackintosh
CARRIED**

2. Conflict of interest declarations

There were no conflicts of interest declared.

3. Confirmation of Minutes of the Hawke's Bay Regional Council meeting held on 29 January 2025

RC9/25 **Resolution**

Minutes of the Hawke's Bay Regional Council meeting held on Wednesday, 29 January 2025, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Harding/Foley
CARRIED**

3. Confirmation of Minutes of the Extraordinary Hawke's Bay Regional Council meeting held on 13 February 2025

RC10/25 **Resolution**

Minutes of the Extraordinary Hawke's Bay Regional Council meeting held on Thursday, 13 February 2025, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Roadley/Lambert
CARRIED**

4. Public Forum

- Heidi Stiefel – Predator Free Napier Hill. Set up PFNH in 2022 which has seen a reduction in possum and rat numbers in collaboration with the Men's Shed and the community. Many challenges for the project to be self-sustainable, particularly monitoring and data collection, and view that much more could be achieved with regional coordination. Discussion paper circulated late last year. Leadership and a strategy is needed, e.g. a team leader/ coordinator with local government buy in, to join the dots.
- Louise Parsons – Land categorisation for North Shore Road. Acknowledged neighbours attending to support her today. Category 1 on North Shore Road and because categories were supposed to be for properties flooded believes that the properties should not have a category. Wants all categories removed. If the buy-out process is completed then the categorisation should be removed. Being in a category impacts on property values, insurance, etc. Hinewai Ormsby advised that a way forward with the community is being developed and that HBRC has not levied a targeted rate on category 1 properties.

5. Call for minor items not on the Agenda

There were no items raised.

6. Annual Plan 2025-2026 approach

Desiree Cull introduced the item, which is seeking a procedural decision from the Council to

consult on the Annual Plan, warranted by the cumulative changes to the 2025-2026 budget forecasts.

RC11/25 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the *Annual Plan 2025-2026 approach* 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. Agrees to consult on the Annual Plan 2025-2026, as the proposed annual plan includes material differences from the content for Year 2 of the Three-Year Plan 2024-2027.
4. Agrees to consult concurrently on changes to the Revenue and Financing Policy, Rates Remission and Postponement Policies and the Regional Public Transport Plan.
5. Agrees that minor clarifications to the wording of the Fees and User Charges Policy, and proposed 2025-26 Fees & User Charges Schedule which align to CPI increases do not require consultation.

**Siers/Harding
CARRIED**

7. Council Officer Resource Management Act delegations

Nic Peet introduced the item, and Katrina Brunton introduced Shannon Johnstone of Cooper Rapley Law, who advised that the RMA requires Council to delegate directly to Council officers and provided an explanation of how delegations are restricted and exercised.

- Amendments to schedule 1, repealed legislation, etc, and have been taken into consideration in updating the register.
- A table has been inserted at the front of the Delegations Register to specify the acronyms and abbreviations for roles.
- Delegations to hearing commissioners/ panels will be made directly at the time of appointment.
- How council's administration processes underlying the delegations are exercised are for the council to determine.
- It was agreed to amend the table of titles to add Chief Legal Advisor; 'with reference to RPC' to be added in relation to plan change approvals and Mana Whakahono a Rohe where relevant.

RC12/25 **Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the *Council staff delegations under the Resource Management Act* 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.
3. Pursuant to s 34A of the Resource Management Act 1991, delegates to the relevant Council staff all the powers, functions and responsibilities set out in the *Resource Management Act 1991 Delegations* as amended as agreed today, subject to any restrictions or prohibitions imposed by Council or required by the legislation.
4. Notes that all previous delegations to Council staff under the Resource Management Act,

other than the delegations to the current Chief Executive, will be superseded by the updated delegations, effective from the date of the Council resolution.

5. Adopts the Delegations Policy 2025 with a review date of February 2027.

**Harding/Williams
CARRIED**

8. Flood Protection Bylaw

Chris Dolley introduced the item, which is in response to a recommendation from the independent flood review report. Louise McPhail and Dale Meredith explained the purpose of the paper in meeting the requirements for making a bylaw and the subsequent changes to Plan Change 9 required. Discussions covered:

- Where there are cycleways on berms HBRC is in control of that activity and the bylaw may potentially help Council with regulating third party activities, e.g. where activities can or cannot be allowed.
- The intent of the bylaw is to regulate others' activities (but not to override consented activities) and not the Council's activities.
- Ensure that considerations of hapu and cultural impacts, e.g. urupa, and accounted for.

Councillor Thompson Hokianga left the meeting at 220pm

RC13/25

Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the Flood Protection Bylaw 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
3. Confirms that a bylaw is the most appropriate way to address the perceived problem relating to the appropriate protection of Council's flood protection schemes.
4. Confirms the withdrawal of part of Proposed Plan Change 9 (Tūtaekuri, Ahuriri, Ngaruroro and Karamū Catchments), namely changes proposed to Rule 71 and proposed new Rule 71A (activities affecting river control and drainage schemes) on Saturday 8 March 2025, to avoid duplication of planting regulations within the area of the Heretaunga Plains Flood Control and Drainage Scheme.
5. Requests that staff prepare:
 - 5.1. The draft bylaw in accordance with the bylaw-making procedure set in the Local Government Act 2002 and, in due course, present a proposed bylaw to Council for consultation in accordance with the special consultation process.
 - 5.2. A complementary minor plan change to the Regional Resource Management Plan to remove any duplicating rules and update references to the Environmental Code of Practice for River Control and Waterway Works, and present this proposed plan change to the Regional Planning Committee and Council at the same time as the proposed bylaw, for consultation in accordance with the normal plan-making process under the Resource Management Act 1991.
 - 5.3. Public notice of the withdrawal of changes proposed to Rule 71 and proposed new Rule 71A (activities affecting river control and drainage schemes) from Proposed Plan Change 9 (Tūtaekuri, Ahuriri, Ngaruroro and Karamū Catchments), and notify the Environment Court and all appellants accordingly.

**Mackintosh/Harding
CARRIED**

9. Report from the Risk and Audit Committee

Susie Young introduced the item, which was taken as read, and provided a summary of how the RAC is now operating. Discussions covered:

- Key takeaways from the meeting were the cyber security incident and the need for council to be aware of those risks, participation by councillors in the quarterly Risk Sentiment Survey needs to improve, and whole-of-Council conversations need to take place about where there are big variances between ELT and councillors' sentiments.
- All of the risks have a one page management plan which is supported by detailed information about the controls and mitigations.
- The condolences of the Council are extended to all of the those who lost loved ones and friends in Cyclone Gabrielle.
- The approach to the coronial enquiry will be as cooperative and collaborative as possible. Joint Counsel for HBRC and CDEM currently – 2 broad challenges are making sure that as we engage with the coroner that the coroner understands how CDEM operates in HB and how that played out on the day and making sure assigning where any recommendations from the coroner are directed, e.g. to HBRC or to CDEM. There continues to be consideration of whether separate counsel should sought.
- Flaws in the CDEM structure of roles and accountabilities and clarity needs to be provided through the Level of Service agreements with the TAs, which need to be surfaced to Council.

RC14/25 Resolution

That Hawke's Bay Regional Council receives and considers the *Report from the Risk and Audit Committee*.

**Kirton/Harding
CARRIED**

10. Update on the North Island Weather Events resilience programme

Chris Dolley introduced the item, drawing attention to the dashboard and land access table and the Council's decision for the Wairoa Flood Mitigation Project on 13 February. Andrew Caseley highlighted:

- The Order in Council will be amended to match the Ohiti-Omahu and Wairoa updated footprints.
- The stakeholder advisory groups required by the OiC are significant.
- A two week extension was granted for the Wairoa PDP to be submitted.

Discussions covered:

- Current understanding is that if any project doesn't proceed and there's no PDP in place that HBRC will have to wear the costs incurred to date, and specialist advice will be sought to confirm that.
- The emergency hub is in stage 1 of development and should be opened up to the public by the end of March.
- The PDP is being prepared for the 5 sites that fit within the \$30M envelope for increased stopbank levels of service.
- Some of the trickiest matters for these projects are around proximity to waterways, and design and construction for sheet-pile construction and large-scale culverts.
- Estimate \$30-40M cost for land access, including professional services and advice for both Council and landowners.
- Looking at instruments like easements or lease agreements so that Māori are not alienated from their whenua.
- It was suggested that councillors be given the opportunity to visit all the NIWE sites.

RC15/25 Resolution

That Hawke's Bay Regional Council receives and notes the *Update on the North Island Weather*

11. Discussion of minor items not on the Agenda

There were no items raised.

12. Confirmation of Public Excluded Minutes of the meeting held on 29 January 2025

Resolutions

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:

RC16/25

General subject of the item to be considered	Grounds under section 48(1) for the passing of the resolution	Reason for passing this resolution
Heretaunga Water Storage Project	<p>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</p> <p>s7(2)(b)(ii) Excluding the public is necessary to prevent the disclosure of information which would unreasonably damage the commercial position of the person or company who supplied or who is the subject of the information</p> <p>s7(2)(i) Excluding the public is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p> <p>s7(2)(j) Excluding the public is necessary to prevent the disclosure or use of official information for improper gain or improper advantage</p>	Sensitive commercial and pricing information in the report has the potential to adversely impact commercial negotiations and, at this preliminary stage, may be misrepresented publicly and negatively impact the project’s ongoing commercial discussions.

Kirton/Foley
CARRIED

13. HBRIC Chair succession

Resolutions

1. That Hawke’s Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 13 HBRIC Chair succession, 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:

RC17/25

General subject of the item to be considered	Reason for passing this resolution	Grounds under section 48(1) for the passing of the resolution
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|------------------------|--|---|
| HBRIC Chair succession | In considering the appointment of the HBRIC Chair’s successor, the experience and qualifications of the candidate will be discussed. | s7(2)(a) Excluding the public is necessary to protect the privacy of natural persons. |
|------------------------|--|---|
2. That Tom Skerman be permitted to remain at this meeting, after the public has been excluded, because of his role and expertise as an HBRIC board advisor.

**Kirton/Foley
CARRIED**

14. Regional Water Security

Resolutions

1. That *Hawke’s Bay Regional Council* excludes the public from this section of the meeting, being Agenda Item 14 Regional Water Security 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:

RC18/25

General subject of the item to be considered	Grounds under section 48(1) for the passing of the resolution	Reasons for passing this resolution
Regional Water Security	<p>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.</p> <p>s7(2)(i) Excluding the public is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p> <p>s7(2)(j) Excluding the public is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.</p>	<p>Sensitive commercial and pricing information in the report has the potential to adversely impact commercial negotiations and, at this preliminary stage, may be misrepresented publicly and negatively impact the project’s ongoing commercial negotiations.</p> <p>Further, deliberations have the potential to impact the privacy of landowners, and commercial arrangements between the Council and the Crown under current, amended or future funding proposals.</p>
<p>2. That Amanda Langley be permitted to remain at this meeting, after the public has been excluded, because of her role and expertise in the Regional Water Security Programme and its delivery.</p>		

**Kirton/Foley
CARRIED**

15. Regional Deals - Expression of Interest for Hawke's Bay

Resolutions

1. That *Hawke’s Bay Regional Council* excludes the public from this section of the meeting, being Agenda Item 14 Regional Water Security 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	Grounds under section 48(1) for the passing of the resolution	Reason for resolution
Regional Deals - Expression of Interest for Hawke's Bay	<p>s7(2)(c)(ii) Excluding the public is necessary to prevent disclosure of information which is subject to an obligation of confidence (or which any person has been or could be compelled to provide) and would damage the public interest.</p> <p>s7(2)(i) Excluding the public is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>The Department of Internal Affairs acknowledges that all parties are expected to treat proposals in confidence as they may contain confidential and commercially sensitive information. All parties will keep the information confidential, unless obliged to disclose it (such as by law under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA)), or until it no longer remains confidential (such as being agreed to in a Memorandum of Understanding). Where a relevant OIA or LGOIMA request is received, each party must consult with each other.</p> <p>The information is still the subject of further negotiations both regionally and with the Crown</p>

2. That Ross McLeod, HB Regional Recovery Agency Chief Executive, be permitted to remain at this meeting, after the public has been excluded, because of his role and expertise in the subject matter.

**Kirton/Foley
CARRIED**

The meeting went into public excluded session at 4.03pm and out of public excluded session at 5.20pm

Closure:

There being no further business the Chair declared the meeting closed at .5.20.pm on Wednesday, 26 February 2025.

Signed as a true and correct record.

Date:

Chair: