



HAWKE'S BAY REGIONAL COUNCIL

TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Minutes of a meeting of the Regional Council

Date:	25 October 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 (<i>online</i>) Cr X Harding Cr T Hokianga Cr N Kirton (<i>online</i>) Cr C Lambert Cr J Mackintosh M Paku, Māori Committee Co-chair (<i>online</i>) Cr D Roadley Cr S Siers Cr J van Beek Cr M Williams
In Attendance:	N Peet –Chief Executive P Munro – Te Pou Whakarae S Young – Group Manager Corporate Services K Brunton – Group Manager Policy & Regulation C Comber – Chief Financial Officer L Hooper – Team Leader Governance S Bell – Team Leader Strategy & Performance C Spencer – Senior Group Accountant J Bennett – Senior Manager Finance Recovery

1. Welcome/Karakia/Apologies/Notices

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

Resolution

RC82/23 That the apologies for lateness from Councillor Will Foley and for absence from Tania Hopmans be accepted.

Siers/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 27 September 2023

RC83/23 Resolution

Minutes of the Regional Council Meeting held on Wednesday, 27 September 2023, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

Williams/van Beek
CARRIED

4. Call for minor items not on the Agenda

Recommendations

Council accepts the following *Minor items not on the Agenda* for discussion as Item 11.

Topic	Raised by
Future Farming Trust update	Will Foley

5. 2022-2023 Annual Report

Nic Peet introduced the item and Chelsea Spencer and Chris Comber, who provided an overview of the findings of the Auditor. It was noted:

- Operating loss \$14.2M against budgeted surplus of \$4.3M
- Will get a qualified audit opinion in relation to not getting Infrastructure Asset valuations done this year due to impacts of Cyclone Gabrielle
- Emphasis of matter in relation to emissions performance measure to due inherent risks associated with measuring something of that nature
- Overall, five audit adjustments agreed with Council's auditors Ernst & Young through the process
- Despite the complicated year, auditing for the Annual Report has been successfully completed within time.

Councillor Neil Kirton joined the meeting at 1.40pm

- Actual financial impacts of Cyclone Gabrielle will continue to be worked through and adjusted costs reported to Council through quarterly financial summaries.

Councillor Will Foley joined the meeting at 1.45pm

- Query as to the performance measure for the telemetry system having been met given the outages during Cyclone Gabrielle.
- Overall loss of \$55M resulting largely from investment returns including Port share price

decreases, Carbon Credits devaluations.

RC84/23 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *2022-2023 Annual Report* staff report.
2. Adopts the Hawke's Bay Regional Council *2022-2023 Annual Report* for publication.
3. Delegates the Group Manager Corporate Services the authority to make any required minor amendments or edits to the *Annual Report 2022-2023* prior to publication.

**Mackintosh/Harding
CARRIED**

6. Election of Corporate and Strategic Committee Chair

The Council Chair introduced the item, which was taken as read.

RC85/23 Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *Election of Corporate and Strategic Committee Chair* staff report.
2. Agrees 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. Adopts voting system B for the election of the Chair of the Corporate and Strategic Committee as detailed in Schedule 7 Part 1 Section 25(3) of the Local Government Act 2002.

**van Beek/Siers
CARRIED**

4. Councillor Jerf van Beek nominated Councillor Xan Harding for C&S chair, seconded by Councillor Martin Williams.
5. There being no further nominations, Councillor Xan Harding was appointed Chair of the Corporate and Strategic Committee.

**van Beek/Williams
CARRIED**

6. Councillor Xan Harding nominated Councillor Jock Mackintosh for C&S Deputy Chair, seconded by Councillor Jerf van Beek.
7. There being no further nominations, Councillor Jock Mackintosh was appointed Deputy Chair of the Corporate and Strategic Committee.

**Harding/van Beek
CARRIED**

7. 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	Leasehold Land Sales		
	1.1.1 Lot 216 DP 6598 CT C2/336 - Agreement for Sale and Purchase	4567	3 October 2023

	1.1.2 Lot 32 DP 6391 CT E2/1447 - Agreement for Sale and Purchase	4571	17 October 2023
1.2	Staff Warrants 1.2.1 J. Garcia M. Carter N. Pettersson S. Cupido H. Zhang N. Bunn <i>(Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1); Maritime Transport Act 1994 (Section 33G(a); Building Act 2004 (Section 317B); Biosecurity Act 1993 (Sections 103 and 105); Civil Defence Emergency Management Act 2002 (s.86-92) and Local Government Act 2002 (Section 177))</i> 1.2.2 L. Cahalin M. Anderson B. Leslie <i>(Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1); Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; Local Government Act 2002 (section 177)) and Civil Defence Emergency Management Act 2002 (s.86-92) and Local Government Act 2002 (s.177))</i> 1.2.3 H. Duncan <i>(Delegations under the Civil Defence Emergency Management Act 2002 (s.86-92 inclusive) and Local Government Act 2002 (section 177))</i>	4560 4561 4562 4563 4564 4565 4566 4569 4570 4568	21 September 2023 21 September 2023 21 September 2023 21 September 2023 21 September 2023 21 September 2023 3 October 2023 11 October 2023 12 October 2023 4 October 2023

RC86/23 **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.

**Ormsby/Harding
CARRIED**

8. **Report from the Cyclone Recovery Committee**

Councillor Sophie Siers, Chair of the Committee, introduced the item, which was taken as read.

RC87/23 **Resolution**

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

**Siers/Roadley
CARRIED**

9. Report from the Regional Planning Committee

Councillor Hinewai Ormsby, Co-chair of the Committee, introduced the item, which was taken as read.

RC88/23 Resolution

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

Ormsby/van Beek
CARRIED

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

Councillor Jerf van Beek, Chair of the Joint Committee, introduced the item, which was taken as read.

RC89/23 Resolution

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

van Beek/Mackintosh
CARRIED

11. Discussion of minor items not on the Agenda

Topic	Raised by
Future Farming Trust update The trust tries to hold at least one event per year open to the public, and this year's 'healthy soils, healthy profits' event is scheduled Wednesday 1 November, 1pm-5pm at the Toitohi Conference Centre. Guest speakers including James Palmer, local farmers and advisors.	Councillor Will Foley

12. Investment Strategy

Resolutions

1. That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 12 *Investment Strategy* 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:

RC90/23

General subject of the item to be considered	Reason for passing this resolution	Grounds under section 48(1) for the passing of the resolution
Investment Strategy	<p>s7(2)(b)(ii) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of that information is necessary to protect information which otherwise would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>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).</p> <p>s7(2)(j) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of</p>	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.

2. That Scott Hamilton and Tom Skerman remain in the Public Excluded session as subject matter experts and Council advisors.

**Hokianga/Harding
CARRIED**

13. Application to obtain credit rating

Resolution

That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 13 *Application to obtain credit rating* 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:

RC91/23

General subject of the item to be considered	Reason for passing this resolution	Grounds under section 48(1) for the passing of the resolution
Application to obtain credit rating	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).	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Hokianga/Harding
CARRIED**

14. Sale of Raffles Street building

Resolution

That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 14 *Sale of Raffles Street building* 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:

RC92/23

General subject of the item to be considered	Reason for passing this resolution	Grounds under section 48(1) for the passing of the resolution
Sale of Raffles Street building	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).	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Hokianga/Harding
CARRIED**

15. Risk and Audit Committee Chair remuneration

Resolution

That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 15 *Risk and Audit Committee Chair remuneration* 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:

RC93/23

General subject of the item to be considered	Reason for passing this resolution	Grounds under section 48(1) for the passing of the resolution
Risk and Audit Committee Chair remuneration	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.

**Hokianga/Harding
CARRIED**

16. Confirmation of Public Excluded Minutes Resolution

That Hawke's Bay Regional Council excludes the public from this section of the meeting being *Confirmation of Public Excluded Minutes Agenda Item 16* 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:

RC94/23

General subject of the item to be considered	Reason for passing this resolution	Grounds under section 48(1) for the passing of the resolution
Recommendation from the Corporate & Strategic Committee - HBRIC Chairperson Appointment	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.

**Hokianga/Harding
CARRIED**

The meeting went into public excluded session at 2.05pm and out of public excluded session at 3.36pm

Resolution

RC95/23 Requests that staff review public excluded resolutions and recommend to Council a process for making those items that are no longer required to be confidential made public.

**Williams/Harding
CARRIED**

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 .3.37pm on Wednesday, 25 October 2023.

Signed as a true and correct record.

Date: by HBRC resolution 29 November 2023 **Chair:** Hinewai Ormsby