



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date: Wednesday 3 November 2010

Time: 9.00am

Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Present: F Wilson - Chairman
AJ Dick
T Gilbertson
N Kirton
E McGregor
L Remmerswaal
K Rose
C Scott
E von Dadelszen

In Attendance: A Newman – Chief Executive
P Drury – Group Manager Corporate Services
L Lambert – Group Manager External Relations
H Codlin – Group Manager Strategic Development
C Gilbertson – Governance and Public Transport Manager

1. WELCOME/PRAYER/APOLOGIES/NOTICES

Chairman Wilson welcomed everyone to the first ordinary meeting of the triennium and called on Councillor Rose to deliver the prayer.

2. CONFLICT OF INTEREST DECLARATIONS

There were no conflict of interest declarations made.

3. ACTION ITEMS FROM MEETINGS

Mr Newman updated Councillors on outstanding action items and what progress had been made on each of the items.

RC1/10

Resolution:

That the Council receives the report "Action Items from Council Meetings".

**von Dadelszen/Scott
CARRIED**

3. CONSIDERATION OF GENERAL BUSINESS ITEMS

1. **Spray Drift**
2. **Land Management Symposium**
3. **Council Communications re Pekapeka Wetland Opening**
4. **Update on Hearings**

5. AFFIXING OF COMMON SEAL

1. The Common Seal of the Council has been affixed to the following documents and signed by the Chairman or Deputy Chairman and Chief Executive or a Group Manager.

		Seal No.	Date
1.1	Leasehold Land Sales 1.1.1 Lot 10 DP 6391 CT D4/1420 - Transfer	3001	27 September 2010
1.2	Agreement to Grant Easement Pakahu 33F Block CT 90/120 (Awanui Stream Flood Protection)	3000	23 September 2010
1.3	Specification for Westshore Beach Nourishment 2010 Contract No: 10-06-4218c	3002	1 October 2010
1.4	Acquisition of Land under the Public Works Act 1981 Part Lot 1 DP 431741 CT 522394 (Awanui Stream)	3003	1 October 2010

RC2/10

Resolution:

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make

decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.

2. Confirm the action to affix the Common Seal.

**Rose/von Dadelszen
CARRIED**

6. CODE OF CONDUCT

Mrs Gilbertson advised that the current Code of Conduct in place during the last Council term was presented to Council for any amendments or additions and then for adoption.

A suggestion was made that any improvements or amendments to the Code would be discussed at a workshop. This could include some identified shortcomings in relation to what should happen if things are not working well; it could also cover the issue of malicious rumours and Councillors being caught up in that process.

It was acknowledged that this was an overarching document of conduct, but it has no legislative or enforcing power.

The Code of Conduct was then adopted in its current format.

RC3/10

Resolution:

That the Council :

1. Agree that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Act and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
2. Adopt the Council's Code of Conduct for inclusion in Council's Policy Handbook – Section 1.10.

**Scott/Gilbertson
CARRIED**

7. COUNCIL COMMITTEE STRUCTURE

Chairman Wilson explained that this report provided the new Council with recommendations on the previous Committee Structure from the outgoing Council, although he noted that the same councillors had been re-elected that were in place last term.

Mr Newman then provided further explanation about the Joint Committee for Regional Planning and said there was still ongoing negotiation being undertaken with some of the interested parties and these processes had not yet been completed.

There was a query raised about whether this committee was a 'joint' committee or a committee of Council. Mrs Lambert said it was technically correct that this was a committee of Council and the word "joint" was used to reflect the membership of the committee. Mrs Lambert also advised it was expected that this committee should be in place by February/March 2011 and that the proposed Terms of Reference included in this paper have avoided specific detail on frequency, quorum etc until meetings have been held with all groups and the terms of reference can be finalised. She suggested an interim arrangement could be put in place before legislation is passed that could enable this committee to undertake some of the Resource Management Act (RMA) functions, that have previously been undertaken by the Environmental Management Committee (EMC) and until the interim measures were agreed on, the EMC could retain this function.

Mr Newman advised he would provide a paper to the Strategic Planning and Finance Committee in November on the structure of Venture Hawke's Bay and options for the future

of this organisation. The paper will identify a range of options and Council will be able to debate those with a sufficient level of detail.

The Council then considered and made changes to the Terms of Reference for each committee. They agreed to hold a workshop in December to consider further changes to the Terms of Reference and memberships of each committee and if any changes were made they would be confirmed by Council early in 2011.

During discussion on the Terms of Reference for the Hearings Committee a comment was made that there needs to be some distinction between the Hearings Committee and the Hearings Panel. There also needs further discussion about the Committee's ability to exercise its duties and be clear what can be done under the Resource Management Act. The Terms of Reference for the Hearings Committee were left to lie on the table.

RC4/10

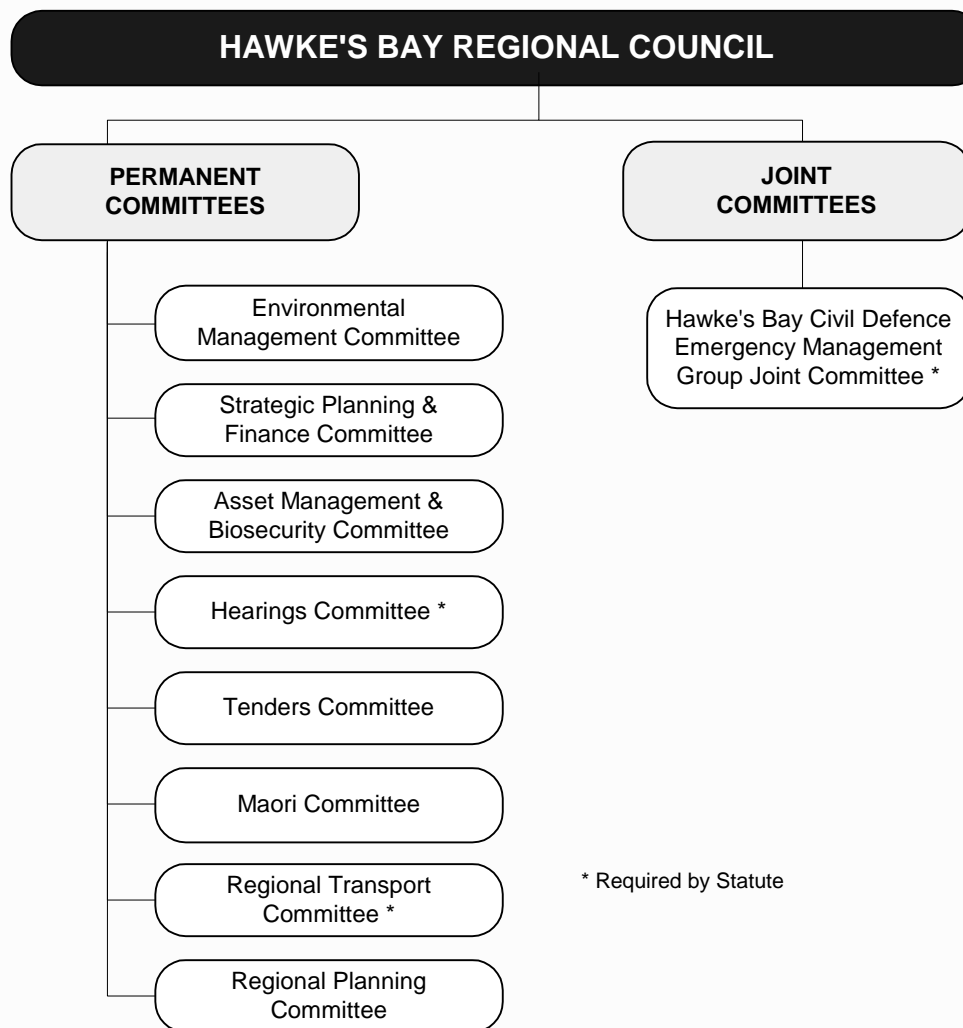
Resolutions:

1. That Council note the Standing Committees of Council, excluding statutory committees, may be amended following the strategic workshop being held in December 2010.

**Scott/McGregor
CARRIED**

2. That Council establish the following committee structure and adopt the Terms of Reference, membership, meeting frequency and Council Executive responsible for each committee/council as detailed below:

A) COMMITTEE STRUCTURE



* Required by Statute

**Scott/McGregor
CARRIED**

TERMS OF REFERENCE AND OTHER DETAILS

REGIONAL COUNCIL

TERMS OF REFERENCE

1. To develop or approve all major policy of Council and to deal with all other issues concerning the Council's responsibilities which have not otherwise been delegated to Committees of Council or the Council's Chief Executive and which are not the responsibility of the Chief Executive but require Council consideration.

MEMBERS: All elected members of the Council

CHAIRMAN: Chairman of the Council being:

- Fenton Wilson

DEPUTY CHAIRMAN: Elected Deputy Chairman being:

- Ewan McGregor

MEETING FREQUENCY: Generally the fourth Wednesday of each month

STAFF EXECUTIVE: Chief Executive

TENDERS COMMITTEE

TERMS OF REFERENCE

1. To consider and accept tenders which exceed the delegated authority of the Chief Executive.
2. To consider and decide on exemptions to Council's Contracts and Tenders policy as set out in section 2.1.4.2 of Council's policy handbook.
3. The quorum is a majority of members of the Committee.

MEMBERS: The Chairman of the Council being:

- Fenton Wilson

The Deputy Chairman of the Council

- Councillor Ewan McGregor

The Chairs of Strategic Planning and Finance Committee, AMBS, Environmental Management Committees.

CHAIRMAN: Chairman of the Council being:

- Fenton Wilson

MEETING FREQUENCY: As required

STAFF EXECUTIVE Chief Executive

That the Terms of Reference for the Tenders Committee be left lie on table until later in the meeting.

**Scott/Rose
CARRIED**

That the Terms of Reference for the Tenders Committee be confirmed.

**Scott/Rose
CARRIED**

MAORI COMMITTEE

TERMS OF REFERENCE

1. To make recommendations to the Council on matters of relevance affecting the tangata whenua of the Region, and to help fulfil the Maori consultative requirements of the Council particularly with regard to the principles of the Treaty of Waitangi and the Local Government Act 2002.
2. To prepare, within the first six months of the Committee's establishment, a work plan for the Committee which will set out in general terms what the Committee aims to achieve over its three year term.

MEMBERS:

Three elected members of the Council being:

- Tim Gilbertson
- Liz Remmerswaal
- Ewan McGregor

The Chairman of the Council ex officio being:

- Fenton Wilson

Twelve representatives nominated by the Tangata Whenua who are to be appointed at the first meeting of the Committee by the three elected members of the Council and with Tangata Whenua Members of the Maori Committee able to propose to the Committee short term replacements to attend in their place if they are unable to attend any meeting with one representative nominated from each of the following groups:

(Yet to be confirmed)

Kaumatua (Wairoa)	
Kahungunu (Wairoa)	Executive
Wairoa Taiwhenua (Wairoa)	
Kaumatua (Hastings)	
Heretaunga (Hastings)	Executive
Heretaunga (Hastings)	Taiwhenua
Tamatea Executive (Central Hawke's Bay)	

Kaumatua (Central Hawke's Bay)

Tamatea Taiwhenua
(Central Hawke's Bay)

Kaumatua (Napier)

Te Whanganui a Orotu
Taiwhenua (Napier)

Ahuriri Executive (Napier)

CHAIRMAN: A Tangata Whenua member of the Committee as elected by the Committee.

MEETING FREQUENCY: Bi-monthly but with the Chairman of the Committee authorised to arrange additional meetings should the need arise with the fourth Tuesday in the month being the normal meeting day.

STAFF EXECUTIVE: Chief Executive

Resolution:

That the Terms of Reference for the Maori Committee be adopted.

**McGregor/Scott
CARRIED**

REGIONAL TRANSPORT COMMITTEE

TERMS OF REFERENCE

1. To prepare for approval by the Council, the regional land transport strategy and to consider any other issues related to Transport which have a Regional impact.
2. Determine the governance arrangements for Road Safe Hawke's Bay.

MEMBERS:

Two elected members of the Regional Council being:

- Councillor Alan Dick
- Councillor Liz Remmerswaal

One representative, as appointed by Council, from each of the following organisations who are able to propose to the Committee short term replacements to attend in their place if they are unable to attend any meeting:

Wairoa District Council

Hastings District Council

Napier City Council

Central Hawke's Bay District Council

New Zealand Transport Agency

Economic Development

representatives (1)
Access and mobility representative
Public Health representative
Safety and personal security
representative
Environmental sustainability
representative
Cultural interest representative

CHAIRMAN: A member of the Committee as elected by the Council being: Councillor Alan Dick
DEPUTY CHAIRMAN: Cr Liz Remmerswaal
MEETING FREQUENCY: At least six monthly.
STAFF EXECUTIVE: Group Manager Strategic Development

Resolution:

That the current Terms of Reference be adopted noting that the Regional Transport Committee will consider these at their meeting in December 2010, following that any changes made to the Terms of Reference will be presented back to Council.

**Dick/Scott
CARRIED**

ENVIRONMENTAL MANAGEMENT COMMITTEE

TERMS OF REFERENCE

1. Policy

- To consider and recommend to Council strategies, policies and rules, and other methods, for inclusion into the Regional Resource Management and Coastal Plans so as to satisfy the requirements of the Resource Management Act 1991 and any National Policy Statements and National Environmental Standards issued by Government, and any relevant associated legislation.
- To consider and recommend to Council strategies, policies and guidelines to ensure effective implementation of plans, administrative processes, compliance monitoring and enforcement activities, to satisfy the requirements of the Resource Management Act 1991 and any relevant associated legislation.
- To consider and recommend to Council strategies, policies and by-laws and compliance and enforcement programs relating to maritime and navigational safety under the Maritime Transport Act.

2. Implementation

- To recommend to Council annual work programmes, within the context of the adopted Annual Plan, for wetland enhancement and environmental education.
- To periodically review the effectiveness of Council's policy implementation initiatives and make recommendations to Council for any changes.
- To recommend to Council management plans or any similar such documents for the effective implementation of these programmes of Council.

- To consider and recommend to Council all other policy implementation issues of Council.
3. Environmental Monitoring and Research
 - To consider and recommend to Council environmental monitoring strategies and research and investigation programmes.
 - To consider technical reports on the findings of research and investigations into the impact of activities and recommend to Council the development of new policy frameworks based around such information.
 4. Compliance and Enforcement
 - To consider reports on the effectiveness of Council's compliance monitoring and enforcement activities, and to recommend to Council the response to issues arising from such reports.
 5. Financial Authority
 - To recommend to the Strategy and Finance Committee consideration of possible financial implications of specific initiatives.
 6. Advocacy and Liaison
 - To receive reports and liaise with Territorial Local Authorities on Environmental Management issues as necessary.
 - To assist with the co-ordination of services between the Regional Council, other relevant local authorities and other entities/groups.
 7. Statutory Process
 - To authorise the resolution and settlement of appeals and references on proposed regional policy statements and regional plans through formal hearings or mediation before the Environment Court and to either generally or from time to time delegate to officers the authority to resolve and settle any appeals and references through formal mediation before the Environment Court.
 - To consider and authorise the lodging of an appeal or reference to the Environment Court against a decision of a territorial authority or an application or designation or proposed plan or plan change or variation on which the Regional Council had lodged a formal submission.
 - **Use of Delegated Powers** – this committees may, without confirmation by the local authority that made the delegations, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them, provided that the decision deserves urgency and the decision to make the resolution a decision of Council is carried unanimously.

MEMBERS:

All Councillors

Two appointed members of the Maori Committee being:

– *(Yet to be confirmed)*

–

CHAIRMAN:

A member of the Committee as elected by the Council being:

– Councillor von Dadelszen

DEPUTY CHAIRMAN:

The Chairman of Council or in his absence the Deputy Chairman of Council

MEETING FREQUENCY: Generally on the second Wednesday of each second month

STAFF EXECUTIVE: Group Manager Resource Management

Resolution:

That the Council adopt the terms of reference for the Environmental Management Committee, as amended, to ensure functions under the Resource Management Act are covered.

Scott/von Dadelszen
CARRIED 8/1

ASSET MANAGEMENT AND BIOSECURITY COMMITTEE

TERMS OF REFERENCE

1. To consider and recommend to Council policies with regard to the Council responsibilities or involvement with Land Drainage and River Control under the Local Government Act 2002, Land Drainage and Rivers Control Act 1941 and Land Drainage Act 1908; and Biosecurity under the Local Government Act 2002 and the Biosecurity Act 1993.
2. To consider and recommend to Council policies with regard to the Council responsibilities or involvement with Council's programme of hazard identification under the Civil Defence and Emergency Management Act 2002.
3. To consider technical reports completed as part of the programme of work set out in Council's Annual Plan and make any associated recommendations to Council;
4. To assist staff, where appropriate, in identifying a preferred option and funding mechanism for Council consideration for any biosecurity initiative or infrastructure asset construction or improvement work and in promoting the preferred option to the beneficiaries.
5. To consider and recommend to Council in relation to Land Management functions and operations.
6. To receive reports and liaise with Territorial Local Authorities on Infrastructure Asset Management, Land Drainage, River Control and Biosecurity issues as necessary to assist with the co-ordination of services between the Regional Council, other relevant local authorities and other entities/groups.
7. To recommend to the Strategy and Finance Committee consideration of possible financial implications of specific initiatives.
8. **Use of Delegated Powers for the Asset Management and Biosecurity Committee** – this committees may, without confirmation by the local authority that made the delegations, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them, provided that the decision deserves urgency and the decision to make the resolution a decision of Council is carried unanimously.

MEMBERS: All Councillors
Two appointed members of the Maori Committee being:
– (*Yet to be confirmed*)
–

CHAIRMAN: A member of the Committee as elected by the

Council being:

- Councillor Kevin Rose

DEPUTY CHAIRMAN:	The Chairman of Council or in his absence the Deputy Chairman of Council
MEETING FREQUENCY:	Generally on the second Wednesday of every third month
STAFF EXECUTIVE:	Group Manager Asset Management

Resolution:

That the terms of reference for this committee be adopted as amended.

**Scott/Gilbertson
Carried 8/1**

The meeting adjourned at 10.20am and reconvened at 10.40am

Resolution:

That the Council hold workshops on 7 and 8 December to consider priorities and strategic direction in relation to Council committees.

**von Dadelszen/McGregor
CARRIED**

HEARINGS COMMITTEE

TERMS OF REFERENCE

To exercise the following delegations

1. To consider and recommend to Council processes, policies and guidelines to ensure effective management of resource consent and plan development processes.
2. Pursuant to Section 34(1) of the Resource Management Act (RMA) the Hawke's Bay Regional Council delegate the following functions, powers and/or duties under the RMA:
 - i) To hear and make recommendations on submissions received on any statutory documents prepared by Council which have been subject to a formal submission process under the Resource Management Act 1991.
 - ii) To hear and make decisions on applications arising out of the Council's regulatory responsibilities as follows:
 - notified applications where submissions have been made and submitters wish to be heard;
 - reviews of conditions (s.128) where consent holder and/or submitters wish to be heard
 - notified applications where submissions have been made and where the Committee considers it necessary to hold a hearing;
 - objections to decisions made under delegated authority by staff, where they wish to be heard (s.357);
 - where the staff recommendation is to decline any application for reasons other than inadequate information;
 - iii) To determine other related discretionary process matters that may be associated with a hearing such as waivers of time, as appropriate under the Resource Management Act 1991.
 - iv) To hear and make decisions on objections against costs under Section 36(6) of the Act and objections to the levying of Financial Contributions under

- Section 108 of the Act.
- v) To hear and make decisions on lapsing of consents under Section 125 of the Act where a decision of an officer acting under delegated authority is subject to an objection.
3. Pursuant to section 82 of the Biosecurity Act (BA) the Hawke's Bay Regional Council delegate the following functions, powers and/or duties under the BA:
 - i) To hear and make decisions on submissions received on any statutory documents prepared by Council which have been subject to a formal submission process under the Biosecurity Act.
 - ii) To authorise the resolution and settlement of appeals and references through formal hearings or mediation before the Environment Court or any other judicial body which relate to the preparation of any statutory documents prepared under the Biosecurity Act by the Council and to either generally or from time to time delegate to officers the authority to resolve and settle appeals and references through formal mediation.
 4. The Hawke's Bay Regional Council delegate to the Hearings Committee Chairman, the appointment of Hearings Committee members to a Hearing Panel to undertake the functions set out above in 2(ii), 2(iii), 2(iv) and 2(v) and the appointment of the Chair of the Hearing Panel.

MEMBERS:

Four elected and accredited Members of Council; and up to three members of the Maori Committee, nominated by the Chair of the Maori Committee.

- Councillor Christine Scott
- Councillor von Dadelszen
- Councillor Fenton Wilson
- Councillor Tim Gilbertson

HEARING PANEL COMPOSITION:

The Hearing Panel sitting to make decisions relating to 2(ii), 2(iii), 2(iv) and 2(v) above shall comprise any combination of:

- Up to three accredited members of the Hearings Committee
- Up to three accredited Commissioners
- If considered advisable in any particular case by the Chairman of the Committee, an accredited member of the Council's Maori Committee.

Also when appropriate, the Chair of the Standing Committee when hearings directly relate to policy originating from that Committee.

The Hearing Panel Chair has a Casting vote.

CHAIRMAN:

- Councillor Christine Scott

DEPUTY CHAIRMAN:

A member of the Committee as elected by the Council being:

-

MEETING FREQUENCY:

As is required

STAFF EXECUTIVE:

Group Manager Resource Management

QUALIFICATIONS:

Except as indicated above, (relating to the Chair of a Standing Committee all Members of the Panel must be accredited pursuant to section 39B of the Resource Management Act 1991.

Resolutions:

That the Terms of Reference for the Hearings Committee be left to lie on the table

**Gilbertson/Kirton
CARRIED**

And that no appointment be made at this stage for the Deputy chair position for the Hearings Committee.

**Scott/Rose
CARRIED**

STRATEGIC PLANNING AND FINANCE COMMITTEE

TERMS OF REFERENCE

1. Responsible for considering and recommending to Council strategic planning initiatives including development of the Council's Strategic Plan and other strategic initiatives with external stakeholders including District and City Councils.
2. To consider the resourcing implications of strategic initiatives.
3. To consider major financial matters arising from other Committees' recommendations.
4. To consider and recommend to Council on risk and audit issues.
5. To consider the issues raised in the Audit Reports on the LTCCP and Annual Report as provided by Council's Audit provider, Audit New Zealand.
6. To consider and recommend to Council the strategic direction for Council's investment portfolio.
7. To consider and recommend to Council, where appropriate, the sale or acquisition of Council investments.
8. **Use of Delegated Powers for the Strategic Planning and Finance Committee** – this committee may, without confirmation by the local authority that made the delegations, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them, provided that the decision deserves urgency and the decision to make the resolution a decision of Council is carried unanimously.

MEMBERS:

All Councillors

Two appointed members of the Maori Committee being: the Chairman of the Maori Committee and one other nominee from the Maori Committee.

CHAIRMAN:

A member of the Committee as elected by the Council being:

- Councillor Fenton Wilson

DEPUTY CHAIRMAN:

The Chairman of Council, or in his absence the Deputy Chairman of Council

MEETING FREQUENCY:

Generally on the fourth Wednesday of every

second month

STAFF EXECUTIVE:

Chief Executive, Group Manager Strategic Development and Group Manager Corporate Services and other staff as required.

Resolution:

That the Terms of Reference for the Strategic Planning and Finance Committee be adopted.

**Dick/Gilbertson
CARRIED**

JOINT REGIONAL PLANNING COMMITTEE

PROVISIONAL TERMS OF REFERENCE

1. Purpose

To oversee the review and development of the regional policy statement and regional plans for the Hawke's Bay region, as required under the Resource Management Act 1991.

2. Specific Responsibilities

- To agree and adopt a work programme for the review of Council's plans and policy statements prepared under the Resource Management Act 1991.
- To review the operative Regional Resource Management Plan, including the regional policy statement
- To prepare any changes to the Regional Resource Management Plan, including the regional policy statement
- To prepare any variations to the Proposed Regional Coastal Environment Plan
- To review the Regional Coastal Environment Plan as required, once it is operative
- To recommend to Council any of the above reviewed Plans, Proposed Plans, Plan Changes or Plan Variations for public notification in accordance with the First Schedule of the Resource Management Act 1991.
- To oversee consultation as required under the First Schedule of the Resource Management Act 1991.
- To recommend appointments to hearings committees or hearings panels that hear and decide upon submissions on proposed regional planning documents, proposed variations and proposed plan changes.
- To authorise the resolution and settlement of appeals and references on proposed regional policy statements and regional plans through formal hearings or mediation before the Environment Court and to either generally or from time to time delegate to officers the authority to resolve and settle any appeals and references through formal mediation before the Environment Court.
- To monitor the effectiveness of plan provisions in accordance with section 35 of the Resource Management Act and incorporate the monitoring outcomes into a review of the Committee's work programme

Note: The final Terms of Reference will be confirmed by Council prior to the first meeting of the Committee

Resolution:

That the Terms of Reference for the Joint Regional Planning Committee be left to lie on the table.

**Gilbertson/Kirton
CARRIED**

CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE**TERMS OF REFERENCE****1. PARTIES**

- 1.1 Each of the following local authorities is a Member of the Hawke's Bay Civil Defence Emergency Management Group:

Central Hawke's Bay District Council

Hastings District Council

Hawke's Bay Regional Council

Napier City Council

Wairoa District Council

2. JOINT COMMITTEE

- 2.1 In accordance with the Civil Defence Emergency Management Act 2002, the Civil Defence Emergency Management Group is a Joint Committee of the Members established under the Local Government Act 1974 and maintained after 1 July 2003 under the Local Government Act 2002.

3. DEFINITIONS

For the purpose of these Terms of Reference:

- 3.1 "Act" means the Civil Defence Emergency Management Act 2002, which repealed and replaced the Civil Defence Act 1983.
- 3.2 "CDEM Group" means the Hawke's Bay Civil Defence Emergency Management Group (CDEM Group).
- 3.3 "Co-ordinating Executive Group" (the CEG) means the Co-ordinating Executive Group to be established under section 20 of the Civil Defence and Emergency Management Act 2002 and clause 19 of this Terms of Reference.
- 3.4 "Group Controller" means a person appointed under section 26 of the Civil Defence and Emergency Management Act 2002 and clause 8.1.1 of this Terms of Reference as a Group Controller.
- 3.5 "Hawke's Bay Region" for the purposes of this document means the Hawke's Bay region as defined in the Local Government (Hawke's Bay Region) Reorganisation Order 1989, excluding the parts of Rangitikei and Taupo District Councils falling within the area administered by the Hawke's Bay Regional Council.
- 3.6 "Member" means a Local Authority that is a member of the Civil Defence Emergency Management Group that is the subject of this document.

4. PURPOSE OF TERMS OF REFERENCE

- 4.1 The purposes of this Terms of Reference are to:
- (a) Provide for the establishment of the CDEM Group in fulfilment of the Member's obligations under section 12 of the Act;
 - (b) Define the responsibilities of the CDEM Group as delegated to the CDEM

Group by the Members; and

(c) Provide for the administrative arrangements of the CDEM Group.

5. OBJECTIVES OF THE CDEM GROUP

5.1 The functions, powers and duties of the CDEM Group are specified in the Act. To assist the CDEM Group meet the requirements of the Act, the Group adopts the following objectives:

To ensure that hazards (as defined in the Act) and the consequential risks are identified and assessed;

To ensure an effective and efficient region-wide civil defence emergency management capability to respond to and recover from emergencies (as defined in the Act);

To facilitate effective and efficient emergency management through partnership and co-ordination amongst the organisations represented on the Co-ordinating Executive Group and the utility organisations that operate within the region; and

To promote appropriate mitigation of the risks.

6. FORMATION AND MEMBERSHIP OF THE CDEM GROUP

6.1 Pursuant to section 12 of the Act the Parties must unite to establish a CDEM Group as a Joint Committee under section 114S of the Local Government Act 1974.

6.2 The Joint Committee will be known as the Hawke's Bay Civil Defence Emergency Management Group (CDEM Group).

6.3 Rangitikei District Council, whose district is in the area of both the Hawke's Bay Regional Council and Manawatu-Wanganui Regional Council, has chosen to become a member of the Manawatu-Wanganui Civil Defence Emergency Management Group. This choice is irrevocable under section 14(3) of the Act.

6.4 Taupo District Council, whose district is in the area of Hawke's Bay Regional Council, Bay of Plenty Regional Council and Waikato Regional Council has chosen to become a member of the Waikato Civil Defence Emergency Management Group. This choice is irrevocable under section 14(3) of the Act.

6.5 The Members of the CDEM Group will be the Hawke's Bay Regional Council and all those territorial authorities that lie wholly within the boundaries of the Hawke's Bay region. Each member is to be represented on the CDEM Group by one person only, being the Mayor or Chairman of that local authority or an alternate representative who has been given the delegated authority to act for the Mayor or Chairman.

6.6 An alternate representative must be an elected person from that local authority under section 13(4) of the Act.

6.7 Under section 114S(4) of the Local Government Act 1974, and section 30(9) Schedule 7 of the Local Government Act 2002, the powers to discharge any representative on the CDEM Group and appoint his or her replacement shall be exercisable only by the Member that appointed the representative being discharged.

7. REQUIREMENT TO MAINTAIN THE CDEM GROUP

7.1 Section 12(2) of the Act, section 114P(5) of the Local Government Act 1974, and clause 30(5) Schedule 7 of the Local Government Act 2002, must not be read as permitting any Member to discharge or reconstitute the CDEM Group.

It is the responsibility of each Member of the CDEM Group to ensure that they have a representative available to participate in the CDEM Group, as soon as

practicable after their representative is no longer able to represent that Member for whatever reason, with the same delegated functions, duties and powers as their predecessor.

8. DELEGATED AUTHORITY

The CDEM Group has the responsibility delegated by the Members to:

8.1 APPOINT A GROUP CONTROLLER

8.1.1 Appoint in accordance with section 26 of the Act, a suitably qualified and experienced person to be the Group Controller for the Hawke's Bay region.

8.1.2 Appoint a suitably qualified and experienced person(s) to exercise the functions, powers and duties of the Group Controller in the event of a vacancy in or absence in the office of Group Controller.

8.1.3 Delegate to the Group Controller the functions set out in section 28 of the Act.

8.2 APPOINTMENT OF LOCAL CONTROLLERS

8.2.1 Appoint in accordance with section 27 of the Act and following consultation with the relevant Members, one or more persons to be a Local Controller.

8.3 APPOINT PERSON WHO MAY DECLARE STATE OF LOCAL EMERGENCY

8.3.1 Appoint in accordance with section 25 of the Act, and following consultation with the relevant Members, at least one representative of a Member of the CDEM Group as a person authorised to declare a state of local emergency within the Hawke's Bay Region.

8.4 PREPARE, APPROVE, IMPLEMENT AND REVIEW CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP PLAN

8.4.1 In accordance with sections 48 to 57 of the Act, prepare, and after consultation approve a CDEM Group Plan

8.4.2 In accordance with section 17 of the Act, implement and monitor the CDEM Group Plan within the costs that each Member has agreed to pay.

8.4.3 In accordance with section 56 of the Act, review the CDEM Group Plan.

8.5 EXERCISE POWERS TO PERFORM ITS FUNCTIONS

8.5.1 In accordance with section 18(1) of the Act, all the powers that are reasonably necessary or expedient to enable the CDEM Group to perform its functions, including the power to delegate any of its functions to Members, the Group Controller, or any other person.

8.5.2 In accordance with section 18(2) of the Act:

(a) Recruit and train volunteers for civil defence emergency management tasks; and

(b) Conduct civil defence emergency management training exercises, practices, and rehearsals; and

(c) Issue and control the use of signs, badges, insignia, and identification passes authorised under the Act, regulations made under the Act, or the civil defence emergency management plan; and

(d) Ensure the provision, maintenance, control, and operation of warning systems; and)

(e) Ensure the provision of communications, equipment,

accommodation, and facilities for the exercise of the CDEM Group's functions and powers during an emergency; and

- (f) Exercise any other powers that are necessary to give effect to the CDEM Group's Civil Defence Emergency Management Plan.

8.6 MAINTAIN THE CO-ORDINATING EXECUTIVE GROUP

8.6.1 In accordance with section 20 of the Act, establish and maintain a Co-ordinating Executive Group consisting of:

- (a) The chief executive officer of each Member or a senior person acting on that person's behalf; and
- (b) A senior representative of the Police assigned for the purpose by the Commissioner of Police; and
- (c) A senior representative of the Fire Service assigned for the purpose by the National Commander; and
- (d) The chief executive of a District Health Board in Hawke's Bay representing the District Health Board in Hawke's Bay, or a person acting on their behalf; and

Any other persons that may be co-opted by the CDEM Group to assist the CEG to undertake its responsibilities.

9. POWERS NOT DELEGATED

9.1 Section 114Q of the Local Government Act 1974 and Clause 32 Schedule 7 of the Local Government Act 2002 specifically exclude powers of delegation to make a rate, bylaw, borrow money, purchase or dispose of assets (and other powers).

9.2 The determination of internal staff structures of individual Members necessary for the delivery of services required under the Act or the CDEM Group Plan.

9.3 The determination of funding for implementing the CDEM Group Plan.

10. REMUNERATION

10.1 Each Member of the CDEM Group shall be responsible for remunerating its representative on the CDEM Group for the cost of that person's participation in the CDEM Group.

11. MEETINGS

11.1 The New Zealand Standard for model standing orders (NZS 9202: 2001), or any New Zealand Standard substituted for that standard, will be used to conduct CDEM Group meetings as if the CDEM Group were a local authority and the principal administrative officer of the Hawke's Bay Regional Council or his nominated representative were its principal administrative officer.

11.2 Other standing orders may be used, subject to the agreement of the CDEM Group, and in accordance with section 19(1) of the Act.

11.3 The CDEM Group shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under this Terms of Reference. However there will be at least two meetings per year.

11.4 The quorum shall consist of three (3) members.

12. VOTING

12.1 In accordance with section 114Q of the Local Government Act 1974 and clause 32(4) Schedule 7 of the Local Government Act 2002, at meetings of the CDEM Group each Member's representative has full authority to vote and make decisions within the delegations of this Terms of Reference on behalf of that

Member without further recourse to that Member.

- 12.2 Members shall use their best endeavours to avoid use of a casting vote by obtaining majority consensus.
- 12.3 Each Member has one vote.
- 12.4 A casting vote shall not be used unreasonably in favour of one Member.
- 12.5 As general statements of principle, a casting vote is to be used in the best interests of the Hawke's Bay region.

13. ELECTION OF CHAIRMAN AND DEPUTY CHAIRMAN

- 13.1 On the constitution or reconstitution of the CDEM Group Members shall elect a CDEM Group Chairman and may elect a Deputy Chairman;
- 13.2 The Group's Chairman and Deputy Chairman will hold office for an initial term up to the local body elections in October 2004, and thereafter a term of three years or such a lesser period as may be determined by the CDEM Group. The term of office of an appointed Chairman or Deputy Chairman ends if that person ceases to be a representative of a Member of the CDEM Group.

14. ADMINISTERING AUTHORITY

- 14.1 In accordance with the section 23 of the Act, the administering authority for the CDEM Group is Hawke's Bay Regional Council.
- 14.2 In accordance with section 24(2) of the Act, the administrative and related services referred to in clause 14.1 of these Terms of Reference, include services required for the purposes of the Act, or any other Act, regulation, or bylaw that applies to the conduct of the joint standing committee under section 114S of the Local Government Act 1974, and clause 30 Schedule 7 of the Local Government Act 2002.

15. GOOD FAITH

- 15.1 In the event of any circumstances arising that were unforeseen by the parties at the time of adopting this Terms of Reference, the parties hereby record their intention that they will negotiate in good faith to add to or vary this Terms of Reference so to resolve the impact of those circumstances in the best interests of:
 - (a) The Members of the CDEM Group collectively; and
 - (b) The Hawke's Bay community represented by the Members of the CDEM Group collectively.

16. VARIATIONS

- 16.1 Any Member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the CDEM Group.
- 16.2 Once a proposed variation, deletion or addition to this Terms of Reference has been put to the CDEM Group, this Terms of Reference is not amended until each Member adopts the revised terms of Reference giving effect to the proposed variation, deletion or addition.
- 16.3 Notwithstanding clause 16.2, the CDEM Group may amend the Terms of Reference, where the changes will not materially affect the commitment of any individual Member.

17. REVIEW OF THE TERMS OF REFERENCE

- 17.1 The Terms of Reference will be reviewed and if appropriate amended by the CDEM Group at its meeting following the adoption of its Group Plan and any subsequent amendments to or revisions of that Plan.

- 17.2 The adoption of an amended Terms of Reference revised under clause 17.1 will be undertaken in accordance with section 16.

MEMBERS:	An elected member of the Regional Council with the delegated authority of Council to act for the Chairman of the Hawke's Bay Regional Council being: <ul style="list-style-type: none">- Councillor Fenton Wilson The Mayor or an elected member of the following local authorities with the delegated authority to act for the Mayor: <ul style="list-style-type: none">- Wairoa District Council (being Les Probert)- Napier City Council (being Barbara Arnott)- Hastings District Council (being Lawrence Yule)- Central Hawke's Bay District Council (being Peter Butler)
CHAIRMAN:	A member of the Committee as elected by the Committee: being: <ul style="list-style-type: none">-
DEPUTY CHAIRMAN	A member of the Committee as elected by the Committee: being: <ul style="list-style-type: none">-
MEETING FREQUENCY:	As required but at least twice annually
STAFF EXECUTIVE:	Chairman Co-ordinating Executive Group

Resolution:

That the Terms of Reference for the Civil Defence Emergency Management Group Joint Committee be adopted.

**Scott/Rose
CARRIED**

2. Establishes, in principle a new joint Committee for Regional Planning, with membership comprising equal representation of Councillors, and non-Councillors from the Treaty claimant groups and note that the Environmental Management Committee will consider joint plans and RMA functions in the meantime.
3. Re-establishes the Maori Committee, with a review of its role in 12 months.

**Scott/von Dadelszen
CARRIED**

Appointments to Committees

Following discussion on the terms of reference for each committee, specific appointments, including Committee Chairs and members, were made for each of the committees. These took place specifically as follows:

Resolutions:

Chairman - Environmental Management Committee

Chairman Wilson invited nominations for this position.

Councillor von Dadelszen was nominated by Councillor Rose and Seconded by Councillor Scott.

Councillor Remmerswaal was nominated by Councillor Dick and seconded by Councillor Gilbertson.

Each nominee spoke to their nomination.

When the nominations were put to the vote Councillor von Dadelszen received five votes and Councillor Remmerswaal four votes.

Councillor von Dadelszen was declared Chairman of the Environmental Management Committee.

**Rose/Scott
CARRIED
Division:**

**Votes for Councillor von Dadelszen - Wilson, von Dadelszen, Rose, Scott, McGregor
Votes for Councillor Remmerswaal – Dick, Kirton, Gilbertson, Remmerswaal**

Chairman - Asset Management Biosecurity Committee

Chairman Wilson invited nominations for this position.

Councillor Rose was nominated by Councillor Scott and Seconded by Councillor Wilson.

Councillor Kirton was nominated by Councillor Dick and seconded by Councillor Remmerswaal.

Each nominee was invited to speak to their nomination.

When the nominations were put to the vote Councillor Rose received six votes and Councillor Kirton three votes.

Councillor Rose was declared Chairman of the Asset Management Biosecurity Committee.

**Scott/Wilson
CARRIED**

Chairman – Hearings Committee

Chairman Wilson invited nominations for this position.

Councillor Scott was nominated by Councillor Dick and Seconded by Councillor Rose .

Councillor Scott was declared Chairman of the Hearings Committee.

**Dick/Rose
CARRIED**

Members – Hearings Committee

Chairman Wilson invited nominations for the three positions.

Councillor von Dadelszen was nominated by Councillor Scott and Seconded by Councillor Rose.

Councillor Wilson was nominated by Councillor Scott and Seconded by Councillor Rose.

Councillor Kirton was nominated by Councillor Scott but declined the nomination.

Councillor Gilbertson was nominated by Councillor von Dadelszen but declined the nomination.

Councillor Dick was nominated by Councillor Rose but declined the nomination.

Councillor Gilbertson was again nominated by Councillor von Dadelszen and seconded by Councillor Rose, which he accepted.

The Chairman then declared Councillor von Dadelszen, Councillor Wilson and Councillor Gilbertson as members of the Hearings Committee.

**Scott/Rose
CARRIED**

Chairman – Strategic Planning and Finance Committee

Chairman Wilson invited nominations for this position.

Councillor Gilbertson was nominated by Councillor Rose and Seconded by Councillor Kirton.

Councillor Wilson was nominated by Councillor Dick and Seconded by Councillor Scott.

Each nominee and nominator was invited to speak to their nomination. Councillor Gilbertson then withdrew his nomination.

Councillor Wilson was then declared the Chairman of the Strategic Planning and Finance Committee.

**Dick/Scott
CARRIED**

Member – Regional Transport Committee

Councillor Gilbertson was nominated by Councillor McGregor and Seconded by Councillor Kirton.

Councillor Remmerswaal was nominated by Councillor Scott and Seconded by Councillor von Dadelszen.

Councillor Gilbertson then withdrew and declined the nomination.

Councillor Remmerswaal was then declared a Member of the Regional Transport Committee.

**Scott/von Dadelszen
CARRIED**

Member – Civil Defence Emergency Management Group Joint Committee

Councillor Wilson was nominated by Councillor von Dadelszen and Seconded by Councillor Dick.

Councillor Wilson was then declared a Member of the Civil Defence Emergency Management Group Joint Committee.

**von Dadelszen/Dick
CARRIED**

4. Appoints Councillor representatives to the following organisations or groups:

- Environment Awards Committee – Councillor Ewan McGregor and Councillor Liz Remmerswaal

**Rose/Gilbertson
CARRIED**

- Napier and Hastings Rotary Pathway Trusts – Councillor Liz Remmerswaal (Hastings Rotary Pathway Trust) and Councillor Christine Scott (Napier Rotary Pathway Trust)

**Rose/Dick
CARRIED**

- TB Free Hawke's Bay Committee – Councillor Kevin Rose

**Wilson/McGregor
CARRIED**

- Hawke's Bay Drought Committee – Councillor Fenton Wilson

**Rose/Scott
CARRIED**

- Ruataniwha Plains Water Storage: Project Leadership Group – Councillors Ewan McGregor, Tim Gilbertson and Kevin Rose
**Dick/Scott
CARRIED**
- Ruataniwha Plains Water Storage: Stakeholder Liaison Group – Councillor Christine Scott
**Wilson/Dick
CARRIED**
- The Old Customhouse Trust – Councillor Ewan McGregor
**Wilson/Rose
CARRIED**

The meeting adjourned at 12.35pm and reconvened at 1.05pm

Councillor Remmerswaal gave her apology for the remainder of the meeting and left the meeting at 12:35 pm.

RC5/10 **Resolution:**

That the apology from Councillor Remmerswaal be accepted.

**Scott/von Dadelszen
CARRIED**

Councillor Kirton left the meeting at 12:35 pm.

8. OBJECTIVE REPRESENTATIVES ON THE REGIONAL TRANSPORT COMMITTEE

Ms Codlin advised that the constitution of the Regional Transport Committee (RTC) was agreed to earlier in the meeting and the Council needed to now appoint objective representatives to the RTC. Appointments were confirmed for the objectives of Access and Mobility; Environmental Sustainability; and Economic Development.

RC6/10 **Resolution:**

That the Council :

1. Agree that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
 - 1.1 Instruct staff to seek confirmation of the representative from each territorial local authority and the New Zealand Transport Agency on the Regional Transport Committee.
 - 1.2 Instruct staff to invite the Hawke's Bay District Health Board and the New Zealand Police to nominate a representative for the Public Health and Safety and Public Security objectives
 - 1.3 Nominate the Chair of the Maori Committee as the Representative for Cultural Interests.
 - 1.4 Approve the following Objective appointments:
 - David Murray (Access and Mobility),

- Alastair Bramley (Environmental Sustainability) and
- Chris Bain (Economic Development)

1.5 The committee continue to include advisory representatives from road, rail and coastal shipping transport modes.

**Dick/Rose
CARRIED**

9. ANNUAL PLAN PROGRESS REPORT TO 30 SEPTEMBER 2010

Mr John Peacock highlighted key points and answered questions from Council from his report.

In response to question about how often Council's leasehold properties were valued, Mr Peacock advised this was done every three years.

RC7/10

Resolution:

That the Annual Plan Progress Report for the first three months of the 2010/11 financial year be received.

**Scott/Rose
CARRIED**

10. GENERAL BUSINESS

1. Spray Drift

Councillor McGregor spoke about his concern around the spray from a Bayview property that had been well publicised in the media recently.

2. Land Management Symposium

Councillor Rose advised that a Land Management Symposium was being organised by Council's Land Management staff, this would be held at the Hawke's Bay Opera House.

3. Council Communications re Pekapeka Wetland Opening

Councillor Gilbertson raised his concern with the invitation that was apparently sent to him for the Pekapeka Opening that he never received. He also suggested that in future reminders were sent to Councillors about these sorts of events.

4. Update on Hearings

Councillor Scott gave Council an update on Hearings currently taking place and upcoming Hearings scheduled to occur.

Closure:

There being no further business the Chairman declared the meeting closed at 1.50pm on 3 November 2010.

Signed as a true and correct record.

DATE:

CHAIRMAN: