Meeting of the Hawke's Bay Regional Council

Date: Wednesday 22 February 2017
Time: 9.00am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

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Information or Performance Monitoring

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Public Excluded Decision Items

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<td>12.</td>
<td>Recommendation from the Corporate &amp; Strategic Committee</td>
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Subject: FOLLOW-UP ITEMS FROM PREVIOUS REGIONAL COUNCIL MEETINGS

Reason for Report

1. On the list attached are items raised at Council meetings that staff have followed up on. All items indicate who is responsible for following up, and a brief status comment. Once the items have been reported to Council they will be removed from the list.

2. Also attached is a list of LGOIMA requests that have been received since the last Council meeting.

Decision Making Process

3. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

That Council receives the report “Follow-up Items from Previous Regional Council meetings”.

Authored by:
Leeanne Hooper
GOVERNANCE MANAGER

Approved by:
Liz Lambert
GROUP MANAGER
EXTERNAL RELATIONS

Attachment/s

attachment 1 Follow-ups from Previous Regional Council Meetings
# Follow-ups from previous Regional Council Meetings

## Meeting held 25 January 2017

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<thead>
<tr>
<th></th>
<th>Agenda Item</th>
<th>Action</th>
<th>Person Responsible</th>
<th>Status Comment</th>
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<tr>
<td>1</td>
<td>Follow-ups from Previous Regional Council meetings</td>
<td>LGOIMA information session for elected representatives to be organised with Ombudsman’s office</td>
<td>L Hooper</td>
<td>Scheduled Thursday 30 March, start time 10.30am in HBRC Council Chamber</td>
</tr>
<tr>
<td>2</td>
<td>Report on 6mos to 31 December 2016</td>
<td>Clean heat funding model as option to subsidise purchase of Electric Cars</td>
<td>P Drury/ J Palmer</td>
<td>Information to be provided as part of the Annual Plan / Strategic Plan processes</td>
</tr>
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<td>3</td>
<td>Staff Work Programmes through February 2017</td>
<td>Update on Te Mata Mushrooms consent application process</td>
<td>M Miller</td>
<td>Update on where the process is at will be provided at 15 March Environment &amp; Services Committee meeting</td>
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## Meeting held 30 November

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<th>Agenda Item</th>
<th>Action</th>
<th>Person Responsible</th>
<th>Status Comment</th>
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<td>4</td>
<td>Confirmation of 9 November minutes</td>
<td>Consideration of Maori Committee iwi representatives’ remuneration policy</td>
<td>E Lambert</td>
<td>To be reviewed following receipt of RPC Tangata Whenua remuneration review findings</td>
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<td>5</td>
<td>Follow-ups</td>
<td>Water Symposium delayed and suggestions for agenda topics to be provided to James Palmer via email by the end of February 2017</td>
<td>Councillors/ J Palmer</td>
<td>ongoing</td>
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## LGOIMA Requests Received between 20 January and 16 February 2017

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<th>Request Subject</th>
<th>Request Summary</th>
<th>Requested By</th>
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<tr>
<td>OIR-17-013</td>
<td>Panpac Effluent Discharge to Marine Environment</td>
<td>all correspondence between HBRC &amp; individuals, community groups, government departments, organisations - re Panpac effluent discharge to marine environment 2011-2017</td>
<td>Warren Kohls</td>
</tr>
</tbody>
</table>
| OIR-17-012 | Panpac TMT kiln                               | 1. HBRC’s compliance files on the Panpac TMT kiln  
2. Resource Consent Discharge Permit (to Air)  
3. discharge consent Application & officers’ Report | Mike McNeib, First Union        |
| OIR-17-011 | Papanui Aquifer Monitoring                    | Water quality monitoring in the Papanui Aquifer:  
1. ID numbers & Locations of monitoring wells/bores  
2. How many of the monitoring wells are located East of the Farm drain the Otane Wastewater plant discharges into?  
3. Any evidence of material from the Otane Wastewater Plant discovered in Papanui Aquifer monitoring wells?  
4. Copies of the monitoring records | Ian McIntosh                       |
| OIR-17-010 | Technical information on Flowking wastewater treatment | Requesting technical information on Flowking wastewater treatment systems and HBRC sampling results from 2005  
Whether the system referred to is fixed or suspended media.  
Whether the system used an aerator.  
Whether it used a branded Flowking electrical unit or some other form of electrical unit.  
Whether you have any schematics or product information in relation to the Flowking system this letter approved to and if so can you please provide a copy.  
Whether you have the actual testing information the attached letter summarises.  
Does the testing undertaken by the HBRC give the system full approval throughout NZ. | Glenn Mason                       |
| OIR-17-009 | RWSS water users                              | • How many water users have signed up to the RWSS as of today?  
• What is the volume of water that water users have signed up to use? | Kimberley Rothwell, Green Party |
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<tr>
<th>Request ID</th>
<th>Request Subject</th>
<th>Request Summary</th>
<th>Requested By</th>
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</table>
| OIR-17-008 | Feedlots                       | # of:  
1. feedlots currently operating in HBRC area  
2. cattle/dairy cows being kept on feedlots in HBRC area  
3. instances of feedlots in HBRC area breaking the rules in the last year, and how have those breaches been remedied?  
4. What monitoring does HBRC do on farms with feedlots  
5. What actions has HBRC taken since announcing a crackdown on feedlot activity in November 2016?  
6. Locations of feedlots in HBRC area | Kimberley Rothwell, Green Party |
| OIR-17-007 | sheep near bore sites          | confirm if the sheep near bore sites where contamination was suspected were vaccinated against campylobacter                                                                                             | Alani Vailahi, NZ First           |
| OIR-17-006 | Water Quality data for Miracle Water | 1. Any water quality data available for the Miracle Water plant bore(s), the aquifer they are abstracting from & nearby bores. At least nitrates, nitrites, calcium & magnesium hardness  
2. which particular aquifer are they abstracting from | In Cognito                        |
| OIR-17-005 | operating commercial piggeries | Are there any operating commercial piggeries in your area and if so, where are they located?                                                                                                                  | Shelley Knight                    |
Subject: CALL FOR ITEMS OF BUSINESS NOT ON THE AGENDA

Reason for Report

1. Standing order 9.12 states:

“A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

(a) the reason the item is not on the agenda; and

(b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

Items not on the agenda may be brought before the meeting through a report from either the Chief Executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision making.”

2. In addition, standing order 9.13 allows “A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.”

Recommendations

1. That Council accepts the following “Items of Business Not on the Agenda” for discussion as Item 10:

1.1. **Urgent** items of Business (supported by tabled CE or Chairpersons’s report)

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<th>Reason discussion cannot be delayed</th>
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1.2. **Minor** items for discussion only

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Leanne Hooper
GOVERNANCE & CORPORATE ADMINISTRATION MANAGER

Liz Lambert
GROUP MANAGER EXTERNAL RELATIONS
Subject: AFFIXING OF COMMON SEAL

Reason for Report

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.

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Decision Making Process

2. Council is required to make every decision in accordance with the provisions of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within these sections of the Act in relation to this item and have concluded:

2.1 Council can exercise its discretion under Section 79(1)(a) and 82(3) of the Act and make a decision on this issue without conferring directly with the community or others due to the nature and significance of the issue to be considered and decided.
2.2 That the decision to apply the Common Seal reflects previous policy or other decisions of Council which (where applicable) will have been subject to the Act's required decision making process.

Recommendations
That 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 and persons likely to be affected by or to have an interest in the decision.

2. Confirms the action to affix the Common Seal.

Authored by:
Diane Wisely
EXECUTIVE ASSISTANT

Approved by:
Andrew Newman
CHIEF EXECUTIVE

Attachment/s
There are no attachments for this report.
HAWKE’S BAY REGIONAL COUNCIL

Wednesday 22 February 2017

Subject: 2016-19 TRIENNIAL AGREEMENT ADOPTION

Reason for Report

1. Council considered the previous Triennial Agreement (2013-16) at the meeting on 25 January 2017, providing feedback to the Chief Executive for taking forward to a meeting of the Mayors and Chairman to agree the final content of the Agreement for adoption.

Final Triennial Agreement

2. There have been two meetings since the January 25 Council meeting. One of these involved staff from all of the primary party Councils to consider changes to the Agreement. The proposed staff changes recognises the progress that has been made across a number of areas in the past triennium and references the formal and informal cooperation that already exists between local authorities, including Matariki – the regional economic development strategy, the HB LIFT/Intersectoral Group, and HBLASS.

3. The existing Mayoral Forum is also acknowledged as the basis for regular discussions on the Agreement, and on areas of collaboration.

4. Arising from the Inquiry into the Havelock North Drinking Water Supply it is also recognised that new priority for collaboration is in the area of water management.

5. The changes were forwarded to the political representatives from all seven councils for consideration, amendment and final agreement. The Mayors and Chair took part in a teleconference hosted by the Chair of HBRC.

6. Their discussions and decisions have resulted in the appended Triennial Agreement being agreed to by the Mayors and Chair of all seven Councils for adoption. It is now put before Council for formal adoption.

Decision Making Process

7. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:

7.1. The Triennial Agreement is a legislative requirement contained within the Local Government Act, so there is no option for Council to not agree a new Agreement for the 2016-19 triennium.

7.2. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That 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 and persons likely to be affected by or to have an interest in the decision.

2. Adopts the 2016-19 Triennial Agreement that has been prepared in accordance with the requirements contained within the Local Government Act 2002 and the Resource Management Act 1991 as agreed to by the Mayors and Chair of the seven parties to the agreement.
Authored and Approved by:
Liz Lambert
GROUP MANAGER
EXTERNAL RELATIONS

Attachment/s
1 Final Triennial Agreement 2016-19
HAWKE'S BAY REGION

TRIENNIAL AGREEMENT

For the Triennium from October 2016
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1. PARTIES

The parties to this Triennial Agreement (the Agreement) are:

Primary Parties:
(those local authorities whose boundaries are completely encompassed within the Hawke's Bay Region)
- Central Hawke’s Bay District Council
- Hastings District Council
- Hawke’s Bay Regional Council
- Napier City Council
- Wairoa District Council

Non-Primary Parties:
(those local authorities whose boundaries bisect the Hawke’s Bay Region and whose principal identification is with another Region)
- Rangitikei District Council
- Taupo District Council

This Agreement applies to all local authorities in the Hawke’s Bay Region. However, it is recognised that for Non-Primary Parties, the degree of involvement in various aspects of the Agreement will be in proportion to the degree to which these parties assess how they will benefit or be affected by decisions, issues, proposals or other matters.

2. PURPOSE

The Local Government Act 2002 (‘the Act’) encourages collaboration between local authorities and other agencies and organisations, and particularly encourages councils to collaborate with one another.

This Agreement provides one framework to achieve this, representing the shared desire of local governments in the Hawke’s Bay region to: work collaboratively, improve communication and co-ordination at all levels of local Government, maximise effectiveness and efficiency, and to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions.

This agreement is deemed to duly constitute fulfilment of the requirements of section 15 of the Local Government Act 2002.

It should be noted that as well as the encouragement towards collaboration, the Local Government Act 2002, and other legislation including the Resource Management Act 1991, recognises that regional councils and territorial authorities have different responsibilities as local government entities. These differences provide an important context for collaboration between the Councils. The requirements contained in legislation for collaboration between Local Authorities are summarised in Appendix One to this Agreement.
3. **PRINCIPLES**

Parties to this Agreement agree to work together in good faith for the good governance of their localities and the Region, and

1. acknowledge that the communities within the Region are diverse and encompass a range of desired outcomes and objectives;

2. support the establishment of processes for communication and collaboration at both governance and management levels in ways that will enhance the overall performance and reputation of local government in the region;

3. recognise that collaboration and co-operation between local authorities of the Region can bring efficiencies in terms of planning, administration costs and decision-making and consultation. There is also the potential to increase available resources and promote co-operative approaches in making strategic choices;

4. will investigate further opportunities for collaboration, co-operation, regional funding and shared services between local authorities of the Region in addition to those prescribed by statute or already being undertaken,

5. agree that collaborative or shared services opportunities may occur between two or more parties to this Agreement, but not in every case between all parties to this Agreement. Although collaboration and co-operation are outcomes that should be strived for, each local authority has the legislative mandate to govern their own area as appropriate;

6. will make every effort to accommodate, acknowledge, or at least fairly represent the dissenting view where some parties to this Agreement have a significant disagreement with the position of other parties to the Agreement; and

7. will show leadership to ensure the implementation of this Agreement makes a positive difference for Hawke’s Bay.

4. **GENERAL APPROACH TO COMMUNICATION AND CO-ORDINATION**

It is recognised that a significant level of formal and informal co-operation already exists between Hawke’s Bay local authorities.

Key priorities within existing co-operative arrangements include:

- Hawkes Bay Local Authority Shared Services Council Controlled Organisation (‘HBLASS’);
- Matariki – Hawke’s Bay regional economic development strategy;
- Civil Defence and Emergency Management activities;
- Regional Transport Committee;
- Hawke’s Bay Tourism;
- participation in wider regional activities through Local Government New Zealand’s Zone 3; and
- participation and contributions to LIFT / Intersectoral Group activities, noting that the governance and structure of this group with possible integration with other regional activities is to be reviewed following the development of the Social Inclusion Strategy.
New priority areas to develop co-operative approaches are:

- To develop a regional funding approach for existing and new regional assets
- To develop a collaborative approach to emerging freshwater management issues, including those identified through the Government Inquiry into Havelock North Drinking Water

Further to this existing cooperation, parties to this Agreement will:

1. Hold quarterly meetings of the Mayors of the primary parties and the Regional Chairman to formally communicate and coordinate on matters of mutual interest.
2. Invite the Chief Executives of the primary parties to attend every Forum for a period of time at the start of each meeting.
3. At the first meeting following the local body election elect a Chair of the Forum from among the attendees. The Council whom the elected Chair represents will provide the administrative support for the Forum for that triennium.
4. Review the performance of the Agreement at least annually.
5. Share resources where feasible for the purposes of preparing information on the various communities in the region. These resources may include information on demographics, survey data, scientific studies and the analysis of social, economic, environmental and cultural trends.
6. Develop joint approaches, where appropriate, to engage Central Government, iwi governance bodies and tribal entities, national agencies and community organisations.
7. Continue to support the HBLASS, which is tasked with the development and implementation of shared services arrangements for the Hawke’s Bay Region.
8. Provide early for notification of, and participation in, decisions that may affect other local authorities in the region.
9. Make draft strategies, policies, and plans available to other local authorities in the region for discussion and development, where they may have regional implications or implications beyond the boundaries of the decision-making council.
10. Apply a “no surprises” policy whereby early notice will be given over disagreements between local authorities concerning policy or programmes before the matter is put out to the public.
11. Establish, as necessary, other forums at both political and operational levels that will help enhance and achieve the purpose of this Agreement.
12. Provide a process for initiating reviews of regional forums that are not working optimally in the view of one or more parties.

These approaches to communication and co-ordination will be used when preparing, reviewing or changing any parts of the Regional Policy Statement and other Resource Management Act planning documents and will be the agreed consultation process for the purposes of section 3A of the First Schedule of the Resource Management Act.
The parties to this agreement recognise that the Regional Policy Statement may contain matters that affect other local authorities in the region and can have regional implications.

5. IMPLEMENTATION PROTOCOLS

Meetings:

1. Meetings will be arranged and minutes kept by the appointed Chair - elected each three-year term - and minutes distributed to all parties to the Agreement. This does not preclude meetings being arranged, on request, by Councils other than that of the appointed Chair.

2. Given the importance accorded to this Agreement each Council will be represented by its Mayor/Chairperson and Chief Executive.

3. Where appropriate, and agreed, the Chief Executive of a Council Controlled Organisation (CCO) may attend an item related to that CCO's activities.

4. Media and communications contact (including the provision of information to the public on request) in relation to matters covered in the Agreement shall be shared on a rotating basis.

5. All public communications from these meetings shall be approved by all participants prior to their release.

6. Where a significant decision or issue affects a particular Council, or its community, it should, in partnership with the other Councils of the region, have the lead role in formulating the collective response of the region's local authorities to this issue or decision.

7. Responsibility for servicing, and making media comment on behalf of, existing specific regional and sub-regional forums, will lie within those specific forums.

Prioritisation of Activities:

1. The parties will agree initial priorities for the upcoming 3 years at the first meeting of the triennium.

2. Priorities will be communicated via the Chief Executive to the respective parties.

6. SIGNIFICANT NEW ACTIVITIES PROPOSED BY HAWKE'S BAY REGIONAL COUNCIL

If the Regional Council or a Regional Council controlled organisation proposes to undertake a significant new activity, and these activities are already undertaken or proposed to be undertaken by one or more territorial authorities within the region, Section 16 of the Act applies.

However, in the spirit of this Agreement, the parties agree to an expanded consultation and communication process. The parties agree to discuss the issues involved at the quarterly meetings (see 4(1) above), and to provide drafts of proposals to affected Councils for early comment in accordance with the requirements of sections 77-89 of the Local Government Act (decision-making and consultation).
The parties also agree that prior to implementing the formal provisions of the Local Government Act Section 15 (2 and 3)\(^1\):

- the Regional Council will inform all territorial authorities within the region of:
  - the nature of the activity proposed to be undertaken;
  - the scope of the proposal (including size, districts covered, and why);
  - the reasons for the proposal.

- Territorial authorities will be given a reasonable period of time, but no less than 40 working days, to respond to any such proposal. The Regional Council agrees to fully consider any submissions and representations on the proposal made by territorial authorities within the region.

Should the mediation processes outlined in LGA Section 15(4) be initiated, the parties agree to the following process.

If no agreement on a mediator is forthcoming, a mediator will be appointed by the President of the Hawke's Bay District Law Society. If mediation is unsuccessful, any of the local authorities affected may ask the Minister of Local Government to make a binding decision on the proposal. The parties that have agreed to the mediation will meet the cost of mediation equally.

7. **CONSULTATION IN RELATION TO REGIONAL POLICY STATEMENT**

For the purposes of meeting the requirements of Schedule 1, Clause 3A, to the Resource Management Act, the consultation process to be used by affected local authorities in relation to policy statements and plans will follow the process outlined below:

**Stage 1: Pre-Plan Preparation**

Meaningful discussion will occur at a staff level to allow:

- A wide range of issues and options to be discussed
- Free, open and frank discussions without prejudice
- Best use of professional resources to evaluate techniques and options

Once a good understanding has been obtained of the

- Reasons for the policy statement review or change
- Minor policy differences and their basis
- Significant policy differences and their basis

the parties will decide if further progress can be made to resolve those differences and a process and timeframe to move forward should be established.

---

\(^1\) Appendix One
Stage 2: Draft Change

When a policy statement or plan review or change reaches a draft stage and before it has been adopted by Council for consultation, it shall be forwarded to councils in the region (where they have an interest) for their comment. Parties will err on the side of inclusion rather than exclusion.

The general principles of comments from recipient councils should be as follows:

- Comments on a draft policy statement change would be semi-formal to the extent that they would generally be:
  - discussed with or reported to the Council; and
  - represent the organisational view.

- Comments on a draft policy statement or plan change should be preceded by a summary of the position reached through pre-consultation.

- Staff focus should be on policy implications with an emphasis on matters of difference already identified. Constructive commenting on style or grammar should be confined to informal exchanges between peers (e.g. as emails).

Stage 3: Notified Change

Once a reviewed policy statement or plan or change to the policy statement or plan has been publicly notified under the First Schedule to the RMA, matters in contention between the parties should be clearly identified and well understood.

Any new matters introduced into the policy statement or plan likely to be of interest to the recipient councils should be clearly communicated by the Council responsible and include the reasons for inclusion at this stage.

Submissions should be formal and be supported by policy and other relevant documentation or evidence including (but not limited to):

- Long Term Plans;
- Other statutory documents including asset management plans, growth management plans, strategies and district plans; and
- Relevant operational requirements and corporate activities.

Stage 4: Appeals to the Environment Court

Given the significant cost, resource and relationship impacts of appeals, best endeavours should be made to reach agreement on matters of significant difference prior to this stage. Differences of professional opinion will arise at times, however, and it is recognised that these can benefit from Environment Court decisions.

Nothing in this Agreement shall interfere with the rights, functions or duties given by statute to any party.
8. DISPUTE RESOLUTION

In the event of a disagreement between the Councils as to the interpretation or implementation of this Agreement, and/or that disagreement between the Councils as to the interpretation or implementation of this Agreement to vary the terms of this Agreement in accordance with s.15(3) of the Act, then the matter in dispute will be referred to mediation.

If the Councils cannot agree on the appointment of a mediator, the President of the Hawke's Bay District Law Society will be requested to appoint the mediator. The costs of the mediation shall be borne by the Councils in equal shares.

9. REVISION OF THE AGREEMENT

1. The Agreement is effective from the date of signing until such time as the Agreement is either amended by the agreement of all parties or is renewed following the 2019 local authority elections which must be before 1 March 2020.

2. If a party to the Agreement requests a review of its terms within the triennium, such a review will begin within four weeks of the request being lodged. Otherwise the Agreement will be renewed following the local body elections as outlined in 9(1) above.

3. The performance of the Agreement shall be reviewed at least annually.

4. Hawke's Bay Regional Council will be the first Council responsible for servicing this Agreement.

10. PARTIES - SIGNATURES

This Agreement is signed on this day of 2017 by the following on behalf of their respective authorities.

PRIMARY PARTIES:

CENTRAL HAWKE'S BAY DISTRICT COUNCIL

HASTINGS DISTRICT COUNCIL

----------------------------------------------------------------------------------
Mayor                                      Mayor
----------------------------------------------------------------------------------
Chief Executive                           Chief Executive
<table>
<thead>
<tr>
<th>Item 7</th>
<th>NON-PRIMARY PARTIES:</th>
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</thead>
<tbody>
<tr>
<td>RANGITIKEI DISTRICT COUNCIL</td>
<td>TAUPO DISTRICT COUNCIL</td>
</tr>
<tr>
<td>Mayor</td>
<td>Mayor</td>
</tr>
<tr>
<td>Chief Executive</td>
<td>Chief Executive</td>
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</table>
APPENDIX ONE: LEGISLATIVE CONTEXT

LOCAL GOVERNMENT ACT 2002

Section 15 requires that:

1. Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement covering the period until the next triennial general election of members.

2. The agreement must include:
   
   (a) protocols for communication and co-ordination among the local authorities; and
   
   (b) a statement of the process by which the local authorities will comply with section 16 in respect of proposals for new regional council activities, and
   
   (c) processes and protocols through which all local authorities can participate in identifying, delivering, and funding facilities and services of significance to more than 1 district.

3. After the date specified in subsection (1), but before the next triennial general election of members, all local authorities within each region may meet and agree to amendments to the protocols.

4. An agreement remains in force until replaced by another agreement.

In addition, other sections of the LGA also require collaboration:

Section 14(e) –

A local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources.

Section 16 – (summary)

If a Regional Council, or a Regional Council-controlled organisation, proposes to undertake a significant new activity, the Regional Council must advise all the territorial authorities within its region of the proposal and seek their agreement.

Section 91(3)(a) –

The local authority –

(a) must, before finally deciding on that process, take steps –

i. to identify, so far as practicable, other organisations and groups capable of influencing either the identification or the promotion of community outcomes; and

ii. to secure, if practicable, the agreement of those organisations and groups to the process and to the relationship of the process to any existing and related plans.

Section 92(2) –

... The local authority must seek to secure the agreement of organisations and groups identified under section 91(3)(a) to the monitoring and reporting procedures including the incorporation of any research, monitoring, or reporting undertaken by those organisations and groups.
RESOURCE MANAGEMENT ACT 1991

Schedule 1, Clause 3A – Consultation in relation to policy statements

1. A triennial agreement entered into under section 15(1) of the Local Government Act 2002 must include an agreement on the consultation process to be used by the affected local authorities in the course of –
   a. Preparing a proposed policy statement or a variation to a proposed policy statement; and
   b. Preparing a change to a policy statement; and
   c. Reviewing a policy statement.
HAWKE’S BAY REGIONAL COUNCIL

Wednesday 22 February 2017

SUBJECT: RECOMMENDATIONS FROM THE MAORI COMMITTEE

Reason for Report
1. The following matters were considered by the Māori Committee on 14 February 2017 and are now presented for consideration and approval.

Decision Making Process
2. These items have been specifically considered at the Committee level.

Recommendations:
The Māori Committee recommends that 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 and persons likely to be affected by or to have an interest in the decision.

Māori Committee Charter And Terms of Reference
2. Notes that the “Māori Committee Charter and Terms of Reference” will be finalised at the Māori Committee meeting on 11 April 2017, for then recommending to Council for adoption and signing.

Confirmation of Māori Committee Representation
4. That Council confirms the appointments of:
   4.1. Mr Peter Eden as the Māori Committee representative for Te Taiwhenua O Te Whanganui-a-Orotū
   4.2. Mr Rangi Puna as the Māori Committee representative for Mana Ahuriri Trust
   4.3. Ms Charmaine Butler as an interim representative for Maungaharuru Tangitu Trust pending a permanent appointment
   4.4. Mr Paora Sciascia as the Māori Committee representative for Te Taiwhenua o Tamatea.

and updates the membership list in the Māori Committee Terms of Reference accordingly.

Reports Received
5. Notes that the following reports were provided to the Maori Committee meeting.
   5.1 Verbal Update on Current Issues by CE
   5.2 Identification of Tangata Whenua in Resource Consent Application and Notification Decision Processes.
   5.3 Lake Tutira Ecological Modelling Report
   5.4 Re-release of Rabbit Calicivirus (RCD)
   5.5 Statutory Advocacy Update.
Item 8

Authored by:

Judy Buttery
GOVERNANCE ADMINISTRATION
ASSISTANT

Approved by:

Liz Lambert
GROUP MANAGER
EXTERNAL RELATIONS

Attachment/s

There are no attachments for this report.
HAWKE’S BAY REGIONAL COUNCIL

Wednesday 22 February 2017

Subject: RECOMMENDATIONS FROM THE CORPORATE AND STRATEGIC COMMITTEE

Reason for Report
1. The following matters were considered for approval by the Corporate and Strategic Committee meeting on 15 February 2017, and additional detail sought in relation to several items considered at that meeting and at the Finance, Audit and Risk Subcommittee meeting on 31 January 2017 is provided following.

HBRIC Ltd Director Appointment Process
2. Council’s Policy on Appointment and Remuneration of Directors (adopted by resolution on 26 March 2014) states:
   2.1. The purpose of this policy is to set out, in accordance with Section 57(1) of the Local Government Act 2002 (the Act), an objective and transparent process for:
      2.1.1. The identification and consideration of the skills, knowledge and experience required of directors of a Council organisation.
      2.1.2. The appointment of directors to a Council organisation.
      2.1.3. The remuneration of directors of a Council organisation.
      2.1.4. Specifically, under the heading “HBRIC Ltd Director appointment process and Identification of required skills, knowledge and experience” the policy states:
      2.2. The Council will establish a Council Appointments Committee after the triennial Council election to recommend to the Council the appointment of Council and independent Directors to HBRIC Ltd. This committee will be comprised of four members who are not seeking appointment to the HBRIC Ltd Board. Where possible the committee members will include the current chair of HBRIC Ltd, a Councillor, a recently retired Councillor and an external experienced director.
   3. In order to clarify the requirements of the Policy, it is suggested that the following recommendation for amendment be included, and that the recommendation from the Corporate and Strategic Committee be confirmed as resolved.
   3.1. The Council will establish a Council Appointments Committee after the triennial Council election to recommend to the Council the appointment of Council and independent Directors to HBRIC Ltd. This committee will be comprised of four members who are not seeking appointment to the HBRIC Ltd Board. Where possible the committee members will include the current Chair of HBRIC Ltd, two current councillors, and an external experienced director.

Council Chambers Upgrades
4. A breakdown of costs for the upcoming Council Chamber upgrades, including replacement of furniture, follows as requested.

<table>
<thead>
<tr>
<th>Item(s)</th>
<th>Cost estimate / Amount Budgeted</th>
<th>Financial year budgeted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tables &amp; chairs in Ahuriri Room</td>
<td>$7851</td>
<td>2016-17</td>
</tr>
<tr>
<td>Replacement of furniture &amp; drapes in Council Chamber, painting &amp; lighting</td>
<td>$45,700</td>
<td>2016-17 &amp; 2017-18</td>
</tr>
<tr>
<td>Upgrade AV in Council Chamber to wireless microphones</td>
<td>$60,000</td>
<td>2017-18</td>
</tr>
<tr>
<td>Carpet replacement</td>
<td>$70,000</td>
<td>2018-19</td>
</tr>
</tbody>
</table>
Item 9

Recommendations from the Finance, Audit and Risk Sub-committee

Six monthly Report on Risk Assessment

5. The sub-committee has recommended that a comprehensive review of Council’s Risk Assessment and Management processes be undertaken in the period leading up to the next report to the Finance, Audit and Risk Sub-committee meeting on 19 September.


6. Audit NZ has asked that consideration be given to the alignment of the Napier Port financial year balance date with the Group’s financial year balance date, being 30 June.

Sub-committee Work Programme

7. The work programme for the Finance, Audit and Risk Sub-committee was provided for agreement and, through discussions, added to as follows.

<table>
<thead>
<tr>
<th>Task</th>
<th>Item</th>
<th>Scheduled / Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal Audits</td>
<td>Fraud Detection and Prevention Review Report</td>
<td>completed</td>
</tr>
<tr>
<td></td>
<td>Event Response Review</td>
<td>May 2017 FA&amp;R meeting</td>
</tr>
<tr>
<td></td>
<td>Taxation Review</td>
<td>May 2-17 FA&amp;R meeting</td>
</tr>
<tr>
<td></td>
<td>Decide on Internal Audit Programme for 2017-18</td>
<td>September 2017 FA&amp;R meeting</td>
</tr>
<tr>
<td>Risk Assessment &amp; Management</td>
<td>Reporting on risks (6-monthly) affecting Council</td>
<td>January &amp; September FA&amp;R meetings</td>
</tr>
<tr>
<td></td>
<td>Review previous 6-month Risk Assessment to note changes / improvements / areas that require attention</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sub-committee to carry out detailed review of individual Group’s Risk Management (as part of the programmed reviews of activities)</td>
<td></td>
</tr>
<tr>
<td>Insurance</td>
<td>Council’s proposed 2017-18 Insurance programme</td>
<td>May 2017 FA&amp;R meeting</td>
</tr>
<tr>
<td>Annual Report</td>
<td>Discussion on the major issues (if any) in the audit report.</td>
<td>Auditor scheduled to attend 19 September 2017 FA&amp;R meeting</td>
</tr>
<tr>
<td></td>
<td>Discussion on Audit Management Letter</td>
<td>Auditor scheduled to attend 4 December 2017 FA&amp;R meeting</td>
</tr>
</tbody>
</table>

8. It was agreed that a comprehensive review of the Council’s capital structure be undertaken given the significant value that investment can and could make to Hawke’s Bay’s long term prosperity and resilience, taking into account the values of dividends in supporting Council operations.

9. Also, the sub-committee will embark on an overall review of Council expenditure on delivery of functions with a view to ensuring and or enhancing efficiency.

Decision Making Process
10. These items were specifically considered at the Committee level, and the following proposed recommendations from the Committee have been amended in line with the additional information sought from the Chief Executive

Recommendations

The Corporate and Strategic Committee recommends that 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 these issues without conferring directly with the community.

HBRIC Ltd Independent Director Recruitments and Appointments

2. Commences the process for recruiting a Chairman of HBRIC Ltd with urgency using the process, coordinated through the HBRC Chief Executive, of:
   2.1. The HBRC CE meets with the Appointments Committee to establish an agreed position on the key criteria (required skills, knowledge and experience necessary for an effective board) for the role the HBRIC Ltd Chairman
   2.2. Upon agreement of those criteria, expressions of interest in the role of the HBRIC Ltd Chairman are sought by way of advertisements in both local and potentially national media
   2.3. On receipt of expressions of interest a short list of candidates is compiled
   2.4. Shortlisted candidates are interviewed by the Appointments Committee with the preferred candidate being recommended to the full Council for ratification
   2.5. Given the significance of the role it may be that the preferred candidate meets with the full Council prior to finalisation of the process
   2.6. Councilors may have possible candidates in mind for this role and if this is the case, they should draw the Appointments Committee’s attention to potential candidates and encourage the person(s) to express interest through the process.

3. Amends the Policy on Appointment and Remuneration of Directors to reflect the composition following; being:
   3.1. The Council will establish a Council Appointments Committee after the triennial Council election to recommend to the Council the appointment of Council and independent Directors to HBRIC Ltd. This committee will be comprised of four members who are not seeking appointment to the HBRIC Ltd Board. Where possible the committee members will include the current Chair of HBRIC Ltd, two current councillors, and an external experienced director.

4. Confirms the composition of the Appointments Panel being two elected councilors, the current Chairman of HBRIC Ltd and one independent experienced director, being:
   4.1. Mr Sam Robinson (current HBRIC Ltd Chairman)
   4.2. Cr x
   4.3. Cr y
   4.4. Independent external experienced director to be confirmed.

Recommendations from the Finance, Audit & Risk Sub-committee

Six Monthly Report on Risk Assessment Management

5. Undertakes a comprehensive review of the HBRC Risk Assessment and Management process to ensure major strategic risks to the public and environment are appropriately managed.

Wairoa-Gisborne Rail Corridor

6. Continues to offer its support for the preservation and preferably restoration of rail
freight options for the Wairoa to Gisborne section of the Napier-Gisborne rail line.

Council Chambers Upgrades

7. Approves the upgrades of the Ahuriri Room and Council Chamber including replacement of the chairs and tables and repainting of the Council Chamber to be carried out over the remainder of the current financial year and ensuing years as budgeted.

8. Initiates discussions with tangata whenua representatives on the Maori Committee and Co-Chair of the Regional Planning Committee in relation to upgrading the foyer and Council Chamber to better represent the region and its culture.

Reports Received

9. Notes that the following reports were provided to the Corporate and Strategic Committee meeting:

9.1. HBRC – ACC: Sale of Leasehold Land Cashflows

Authored by:
Leanne Hooper
GOVERNANCE MANAGER

Approved by:
Liz Lambert
GROUP MANAGER
Andrew Newman
CHIEF EXECUTIVE

EXTERNAL RELATIONS

Attachment/s
There are no attachments for this report.
Reason for Report

1. This document has been prepared to assist Councillors note the Items of Business Not on the Agenda to be discussed as determined earlier in Agenda Item 5.

1.1. Urgent items of Business *(supported by tabled CE or Chairpersons’s report)*

<table>
<thead>
<tr>
<th>Item Name</th>
<th>Reason not on Agenda</th>
<th>Reason discussion cannot be delayed</th>
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1.2. Minor items *(for discussion only)*

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<tr>
<th>Item</th>
<th>Topic</th>
<th>Councillor / Staff</th>
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<tbody>
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