



## MINUTES OF A MEETING OF THE REGIONAL COUNCIL

**Date:** Wednesday 6 November 2019

**Time:** 9.00am

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

**Present:** R Graham - Chairman  
R Barker  
W Foley  
C Foss  
N Kirton  
C Lambert  
H Ormsby  
J van Beek  
M Williams

**In Attendance:** J Palmer – Chief Executive  
J Ellerm – Group Manager Corporate Services  
I Maxwell – Group Manager Integrated Catchment Management  
E Lambert – Group Manager External Relations  
L Hooper – Governance Lead

## 1. Welcome/ Prayer/ Apologies/ Notices

The Chair welcomed everyone to the meeting and Cr Charles Lambert offered a karakia.

The Chair gave notice that the meeting will adjourn for a period to discuss the committee structure including appointments, and reconvene in public to make the associated decisions.

## 2. Conflict of Interest Declarations

There were no conflict of interest declarations.

## 3. Confirmation of Minutes of the Regional Council Meeting Held on 30 October 2019

### RC116/19 Resolution

Minutes of the Regional Council Meeting held on Wednesday, 30 October 2019, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Ormsby/Kirton  
CARRIED**

## 4. Call for Minor Items of Business Not on the Agenda

### Recommendations

That Council accepts the following “Minor Items of Business Not on the Agenda” for discussion as Item 12

Item	Topic	Raised by
1.	Motiti Island	Cr Barker
2.	Firewood	Cr Barker
3.	Councillor feedback in relation to the new software for council papers advised issues with lag times when making annotations and i-Pencil not working	Cr Barker

## 5. Adoption of Standing Orders

James Palmer introduced the item, which was taken as read, highlighting two matters councillors had sought clarity on attendance by audio link not counting toward the quorum and councillor incapacitation on a long term basis due to illness. Discussions traversed:

- Circumstances where a member suddenly falls ill and is unable to carry out his/her role for an extended period of time, and how Council might deal with that situation in relation to remuneration or granting leave
- Ensure cross references to appendices are correct
- Terms of Reference and their relationship to the Standing Orders
- Options for the process of motions and amendments
- Standing orders must not be able to be used to stifle debate
- Interested councillors to work together, starting with the standing orders adopted for the previous triennium, to write a set of standing orders more specifically suited to the way this council operates

### RC117/19 Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the “Adoption of Standing Orders” staff report.
2. Agrees that, in accordance with the Local Government Act, Council is required to adopt a set of Standing Orders, and can therefore make this decision without consulting directly with the community.
3. Confirms retention of the Standing Orders adopted 30 November 2016, with the inclusion of provisions for emergency meetings as agreed, as interim while interested councillors write a version more specifically applicable to this Council for consideration.

**Barker/Williams  
CARRIED**

## **6. Adoption of Code of Conduct for Elected Representatives**

There was some discussion about the effectiveness of the code of conduct, whether substantive changes to the previous version were made, circumstances when councillors might be considered to be ‘undermining’ council policy and suggestion that a significantly shorter Code would be more easily understood and ‘enforced’.

### **RC118/19 Resolutions**

That Hawke’s Bay Regional Council:

1. Receives and notes the “Adoption of Code of Conduct for Elected Representatives” staff report.
2. Leaves the matter to lie on the table, until such time as the Code is clarified and amended in relation to “undermining’ Council policy and clarity of provisions that apply to the Chief Executive.

**Foss/Barker  
CARRIED**

*The meeting adjourned at 9.55am and reconvened at 11am*

## **7. Proposed Governance Structure for the 2019-22 Triennium**

Corporate & Strategic Committee terms of reference to be amended with Climate Change removed and oversight of Consents and Compliance added.

Environment and Integrated Catchments Committee terms of reference to be amended to include responsibility for policy work relating to carbon reduction and climate change.

### **RC119/19 Recommendations**

That Hawke’s Bay Regional Council:

1. Receives and considers the “Proposed Governance Structure for the 2019-22 Triennium”.
2. Agrees that, given the provisions of the Local Government Act 2002, Council can exercise its discretion and make these decisions without consulting directly with the community or others having an interest in the decision.
3. Establishes the following committee structure and adopts the Terms of Reference, membership, meeting frequency and Council Executive responsible for each committee as detailed following.

#### **3.1. Corporate and Strategic Committee**

3.1.1. Terms of Reference, subject to confirmation by the Corporate and Strategic Committee, being:

- 1 The Corporate and Strategic Committee is responsible for recommending actions, responses and changes to Council for:
  - 1.1 Council’s strategic direction and corporate policies including development of Council’s

#### Strategic Plan

- 1.2 Local Government Act planning and decision making requirements including development of Council's Annual and Long Term plans
- 1.3 establishing strategic priorities for organisational direction and performance
- ~~1.4 development of the Climate Change adaptation and mitigation policies that will guide the establishment of work plans~~
- 1.4 the overseeing the effectiveness of Council's compliance and consents activities
- 1.5 consideration of resourcing implications of strategic initiatives and significant financial matters
- 1.6 the strategic direction of Council's investment portfolio
- 1.7 where appropriate, the sale or acquisition of Council investments.

#### **Use of Delegated Powers for the Corporate and Strategic 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  
One appointed member of the Māori Committee  
One appointed Tangata Whenua member of the Regional Planning Committee

**Barker/Ormsby  
CARRIED**

- 3.1.2. Appoints Councillor Neil Kirton as Chair and Councillor Craig Foss as Deputy Chair of the Corporate and Strategic Committee.

**Graham/Foley  
CARRIED**

#### 3.2. ***Environment and Integrated Catchments Committee***

- 3.2.1. Terms of Reference, subject to confirmation by the Environment and Integrated Catchments Committee, being:

##### **Policy**

- 1 To consider and recommend to Council policies with regard to Council responsibilities and involvement in flood protection and drainage
- 2 To consider and recommend to Council policies with regard to Council's responsibilities for biosecurity, biodiversity and pest management
- 3 To develop the carbon reduction and Climate Change adaptation and mitigation policies that will guide the establishment of work plans (added)
- 4 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.

##### **Environmental Monitoring and Research**

- 5 To consider and recommend to Council environmental monitoring strategies and research and investigation programmes, including the State of the Environment Reports.
- 6 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.

##### **Implementation**

- 7 To periodically review the effectiveness of Council's work programmes within the ambit of the Committee and make recommendations to Council for any changes.
- 8 To recommend to Council management plans or any similar such documents for the effective implementation of these programmes of Council.
- 9 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.
- 10 To consider and recommend to Council all other policy implementation issues of Council.

##### **~~Compliance and enforcement~~**

- ~~11 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.~~

##### **Financial Authority**

- 11 To recommend to Council, consideration of possible financial implications of specific initiatives.

### **Advocacy and Liaison**

- 12 To receive reports and liaise with Territorial Authorities on any issues dealt with through the Integrated Environments Committee, as necessary.
- 13 To assist with the coordination of services between the Regional Council, other relevant local authorities and other entities/groups.

### **Use of Delegated Powers for the Integrated Environments Committee**

- 14 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.

<b>Members:</b>	<ul style="list-style-type: none"><li>• All Councillors</li><li>• One appointed member of the Māori Committee</li><li>• One appointed member of the Regional Planning Committee</li></ul>
<b>Chairman:</b>	A member of the Committee as elected by the Council
<b>Deputy Chairman:</b>	A member of the Committee as elected by the Council
<b>Meeting Frequency:</b>	Two-monthly
<b>Staff Executive:</b>	Group Manager Integrated Catchment Management Group Manager Asset Management

**Barker/Ormsby  
CARRIED**

- 3.2.2. Appoints Councillor Rick Barker as Chair, and Councillor Hinewai Ormsby as Deputy Chair of the Environment and Integrated Catchments Committee.

**Graham/Kirton  
CARRIED**

### **3.3. Finance, Audit and Risk Sub-committee**

- 3.3.1 Terms of Reference, subject to confirmation by the Finance, Audit and Risk Sub-committee, being:

#### **Purpose**

1. The purpose of the Finance, Audit and Risk Sub-committee is to:
  - 1.1 Monitor and review the controls that safeguard the Council's financial and non-financial assets
  - 1.2 Review of Council's revenue and expenditure policies and the effectiveness of those
  - 1.3 Monitor the performance of Council's investment portfolio
  - 1.4 Ensure the effectiveness of Council's Internal and External Audit processes by the provision of independent expertise
  - 1.5 Monitor and ensure the adequacy of the Council's risk assessment and risk management framework.

#### **Specific Responsibilities**

2. The responsibilities and duties of the Committee, for reporting to the Corporate and Strategic Committee, will include:
  - 2.1 Consider the appropriateness of the Council's existing accounting policies and principles and any proposed changes
  - 2.2 Enquire of internal and external auditors for any information that affects the quality and clarity of the Council's financial statements and statements of service performance, and assess whether appropriate action has been taken by management in response to this
  - 2.3 Review, and challenge where necessary, the actions and judgements of management in relation to Council's financial statements, operating and financial reviews and related formal statements
  - 2.4 Provide advice to Council regarding the financial statements and recommend their adoption by the Council
  - 2.5 Review the processes in place to ensure that the financial information included in the Annual Report, including the statement of service performance, is consistent with the signed financial statements.
  - 2.6 Satisfy itself that the financial statements and statements of service performance are supported by adequate management signoff and adequate internal controls and recommend adoption of the Annual Report by Council
  - 2.7 Confirm that processes are in place to ensure that financial information included in Council's Annual Report is consistent with the signed financial statements

- 2.8 Review whether Council management has a current and comprehensive risk management framework and associated procedures for effective identification and management of the council's significant risks in place
- 2.9 Undertake periodic monitoring of corporate risk assessment, and the internal controls instituted in response to such risks
- 2.10 Ensure the Council undertakes a programme of reviews of Council operational activities against Council stated performance criteria to determine efficiency/effectiveness of delivery of Council services, as required by section 17A of the Local Government Act
- 2.11 Confirm the terms of appointment and engagement of external auditors, including the nature and scope of the audit, timetable, and fees
- 2.12 Receive the external audit report(s) and review actions to be taken by management on significant issues and audit recommendations raised within the report(s)
- 2.13 Review significant matters reported by the internal audit function and how management is responding to them
- 2.14 Conduct a sub-committee members-only session with external audit to discuss any matters that the auditors wish to bring to the Sub-committee's attention and/or any issues of independence
- 2.15 Review the effectiveness of the system for monitoring the Council's compliance with laws (including governance legislation, regulations and associated government policies), Council's own standards, and best practice guidelines; including health and safety.

#### **Accountability**

- 3. The Finance, Audit and Risk Committee is delegated by Council to:
  - 3.1 Obtain external legal or independent professional advice within approved budgets in the satisfaction of its responsibilities and duties
  - 3.2 Secure the attendance at meetings of third parties with relevant experience and expertise as appropriate
  - 3.3 Receive all of the information and documentation needed or requested to fulfill its responsibilities and duties, subject to applicable legislation
  - 3.4 Ensure that recommendations in audit management reports are considered and, if appropriate, actioned by management
  - 3.5 Review the objectives and scope of the internal audit function, and ensure those objectives are aligned with Council's overall risk management framework
  - 3.6 Assess the performance of the internal audit function, and ensure that the function is adequately resourced and has appropriate authority and standing within Council.

#### **Membership**

- 4. Members of the Finance, Audit and Risk Sub-committee shall comprise **up to** four members of Council and one appointed Independent member.

#### **Meeting Frequency**

- 5. The Committee shall meet **quarterly**, aligned to Council's financial reporting periods.

#### **Quorum**

- 6. The quorum at any meeting of the Committee shall be not less than 3 members of the Sub-committee. ~~including the Independent Chair.~~

#### **Officers Responsible**

Chief Executive  
Group Manager Corporate Services  
Group Manager Office of the Chief Executive and Chair

- 3.3.2 Appoints Councillor Craig Foss as Chair of the Finance, Audit and Risk Sub-committee.

**Graham/Kirton  
CARRIED**

- 3.3.3 Appoints councillors Will Foley and Neil Kirton to the Finance, Audit and Risk Sub-committee.

**Barker/Graham  
CARRIED**

- 3.3.4 Confirms the appointment of Rebekah Dinwoodie as the Independent Member of the Finance, Audit and Risk Sub-committee.

**Kirton/Graham**

### 3.4. *Hearings Committee*

#### 3.4.1. Terms of Reference for the Hearings Committee being:

1. Pursuant to Section 34(1) of the Resource Management Act (RMA) the Hawke's Bay Regional Council delegates the following functions, powers and/or duties under the RMA<sup>1</sup> to the Hearings Committee.
    - 1.1. To hear and make decisions on applications arising out of the Council's regulatory responsibilities on:
      - 1.1.1. notified applications where submissions have been made and submitters wish to be heard;
      - 1.1.2. reviews of conditions (s.128) where consent holder and/or submitters wish to be heard;
      - 1.1.3. notified applications where submissions have been made and where the Committee considers it necessary to hold a hearing;
      - 1.1.4. objections to decisions made under delegated authority by staff, where they wish to be heard (s.357);
      - 1.1.5. where the staff recommendation is to decline any application for reasons other than inadequate information;
    - 1.2. 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.
    - 1.3. 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.
    - 1.4. To hear and make decisions on lapsing of consents under Section 125 of the Act where Council Policy directs, or staff elect not to make a decision under delegated authority, or where a decision of an officer acting under delegated authority is subject to an objection.
    - 1.5. The appointment of Hearings Committee members or independent commissioners to a Hearing Panel to undertake the functions set out above in 1.1 to 1.4 pursuant to s 34A RMA and the appointment of the Chairperson of the Hearing Panel.
  2. Pursuant to section 82 of the Biosecurity Act (BA) the Hawke's Bay Regional Council delegates the following functions, powers and/or duties to the Hearings Committee, under the BA:
    - 2.1. 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.
    - 2.2. 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.
- <sup>1</sup> NOTE: For the avoidance of doubt, the Hearings Committee is not delegated the functions, powers and duties to hear and make decisions on submissions made in relation to a proposed plan, policy statement, plan change or variation under the RMA. Such functions, powers and duties are delegated to a Panel of accredited RMA hearings commissioners appointed by the Council on an as needed basis, based on recommendations from the Regional Planning Committee.
3. Pursuant to section 83 and Schedule 7 (clause 32) of the Local Government Act 2002 the Hawke's Bay Regional Council may, on a case by case basis, delegate the following powers, duties and functions under the LGA to the Hearings Committee:
    - 3.1 to hear submissions and to decide or make recommendations to the Council on a proposal that is subject to a special consultative procedure.<sup>2</sup>
    - 3.2 to further delegate the functions under 3.1 to another subordinate decision making body, or to an officer of the Regional Council.
  4. The Hawke's Bay Regional Council delegates to the Hearings Committee Chair and Council Chair, the ability to appoint Hearings Committee members or Independent Commissioners to a Hearing Panel to undertake the functions set out above in 1 and 2 above and the appointment of the Chairperson of the Hearing Panel.
- <sup>2</sup> NOTE: For the avoidance of doubt, it is not intended that the Hearings Committee will be delegated to hear or make decisions on Long Term Plan, Annual Plan or Transport Plan submissions received.

**Members:** Up to five elected "RMA Making Good Decisions" accredited Members of Council; being:

- Councillors Martin Williams, Rick Barker, Craig Foss, and Hinewai Ormsby

And up to four "RMA Making Good Decisions" accredited members of the

Māori and/or Regional Planning Committee as nominated by the Chair of those Committees; being:

- Toro Waaka, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_

**Hearing Panel  
Composition:**

The Hearing Panel sitting to make decisions relating to 1. and 2. above shall comprise any combination of:

- The Chairperson sitting alone
- Up to three members of the Hearings Committee
- Up to five accredited Commissioners
- If considered advisable in any particular case by the Chairman of the Hearings Committee, a member of the Council's Māori Committee.
- Also, when appropriate, the Chair of the Standing Committee when hearings directly relate to policy originating from that Committee.

The Hearing Panel Chairperson has a Casting vote.

**Chair:**

An "RMA Making Good Decisions" Accredited member of the Committee as elected by the Council being:

- Councillor Martin Williams

**Deputy Chair:**

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

- Councillor Rick Barker

**Meeting Frequency:**

As required

**Quorum:**

The Chair of the Hearings Committee plus one other member of the Hearings Committee or the Chair of the Regional Council

**Staff Executive:**

Group Manager Regulation

Group Manager Asset Management

**Qualifications:**

In accordance with s39B all persons appointed to a Hearing Panel shall be accredited, except that where there is a group, and over half of all the persons in the group are accredited and there are exceptional circumstances that do not provide the time or opportunity to ensure that all persons in the group are accredited.

- 3.4.2. Appoints Councillor Martin Williams as Chair of the Hearings Committee.

**Barker/Graham  
CARRIED**

- 3.4.3. Appoints councillors Rick Barker (Deputy Chair), Hinewai Ormsby, and Craig Foss as members of the Hearings Committee.

**Graham/van Beek  
CARRIED**

3.5. ***Māori Committee***

- 3.5.1. Terms of Reference for the Māori Committee to be confirmed by Council by March 2020, including membership.

- 3.5.2. Appoints Councillors Rick Barker, Charles Lambert, Hinewai Ormsby and Rex Graham as representatives on the Māori Committee.

**Kirton/Williams  
CARRIED**

3.6. ***Tenders Committee***

- 3.6.1. Terms of Reference for the Tenders Committee being:

The Tenders Committee will:

1. consider and accept tenders which exceed the delegated authority of the Chief Executive
2. consider and decide on exemptions to Council's Contracts and Tenders policy

The quorum for the Tenders Committee is a majority of members of the Committee.

**Members:**

The Chairman of the Council being: Rex Graham

The Deputy Chairman of the Council being: Rick Barker

The Chairs of the Corporate & Strategic and Environment & Integrated Catchments committees; being: councillors Neil Kirton and Rick Barker

**Chairman:**

Chairman of the Council being: Rex Graham



**Meeting Frequency:** As required  
**Staff Executive:** Chief Executive  
 Group Manager as relevant

- 3.6.2. Confirms that the Tenders Committee membership is made up of Councillor Rick Barker as Chair of the Environment and Integrated Catchments Committee and Deputy Chair of Council, Councillor Neil Kirton as Chair of the Corporate and Strategic Committee, and Council Chairman Rex Graham.

**Barker/van Beek  
 CARRIED**

3.7. ***Regional Transport Committee (RTC)***

- 3.7.1. Terms of Reference for the Regional Transport Committee, subject to confirmation by the Committee, being:

The purpose of the Regional Transport Committee is to:

1. Prepare the Regional Land Transport Plan (RLTP) for approval by the Regional Council, in accordance with the Land Transport Management Act 2003.
2. Prepare the Regional Public Transport Plan (RPTP) for approval by the Regional Council, in accordance with the Land Transport Management Act 2003.
3. Monitor the implementation of the Regional Land Transport Plan and the Regional Public Transport Plan.
4. Advocate to Government on transport issues of concern to the region.
5. Undertake governance of RoadSafe Hawke's Bay.
6. Monitor passenger transport objectives and make recommendations to the Regional Council on public transport policies.
7. Provide the Regional Council with any advice and assistance it may request in relation to its transport responsibilities.

**Members**

**a. Voting Members**

Two elected members of the Regional Council

One representative, as appointed by Council, from each of the following organisations (which are able to propose to the Committee short term replacements 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

**b. Advisory Members (non- voting)**

- New Zealand Police – representing road safety
- Automobile Association (AA) – representing access and mobility, including private motorists, pedestrians, cyclists and public transport users
- Port of Napier – representing the Port and coastal shipping-
- KiwiRail – representing rail issues
- Road Transport Association NZ – representing the road transport industry
- Cultural interests representative, also representing environmental issues –
- HB District Health Board interests representative –

**Chairman**

One Regional Council elected member, being Councillor Martin Williams

**Deputy Chairman**

One Regional Council elected member, being Councillor Charles Lambert

**Quorum**

A quorum of the Regional Transport Committee shall be four voting members

<b>Voting</b>	<p>In accordance with section 105(7) of the Land Transport Management Act 2003, at any meeting of the RTC, the Chairman, or any other legislated person presiding at the meeting:</p> <ul style="list-style-type: none"> <li>(a) has a deliberative vote; and</li> <li>(b) in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved).</li> </ul> <p><i>Regional Council, Territorial Authority and NZ Transport Agency representative members have full speaking and voting rights on all matters</i></p>
<b>Advisory Members</b>	<p>Advisory members are non-voting.</p> <p>The role of advisory members is to:</p> <ul style="list-style-type: none"> <li>– Provide advice to the Regional Transport Committee on matters pertaining to their advisory portfolios, when requested by the Chair</li> <li>– Report on relevant activities or events pertaining to their advisory portfolios.</li> </ul>
<b>Meeting Frequency</b>	Quarterly, or as required
<b>Staff Executive</b>	Group Manager Strategic Planning and Transport Manager
<b>Technical Advisory Group (TAG)</b>	<p>The Transport Committee considers advice relating to strategic transport issues from a Technical Advisory Group (TAG), generally comprising roading and infrastructural planning officers from NZTA and the Territorial Authorities, and is chaired by the HBRC Transport Manager.</p> <p>TAG members attend but do not vote at the Transport Committee meetings. TAG members may provide advice at meetings when invited to do so by the Chair</p>

- 3.7.2. Appoints Councillor Martin Williams as Chairman, and Councillor Charles Lambert as Deputy Chairman of the Regional Transport Committee.

**Barker/Foss  
CARRIED**

### 3.8. **Regional Planning Committee (RPC)**

- 3.8.1. Terms of Reference for the Regional Planning Committee currently being:

<sup>^</sup> *These Terms of reference have been written in accordance with the Hawke's Bay Regional Planning Committee Act 2015 ('the Act'). There are some matters that are yet to be fully agreed upon and will require further amendment to these Terms of Reference in due course.*

#### **1. Introduction**

##### *Preamble to the Act<sup>2</sup>*

##### **1.1. The Preamble of the Act states:**

- 1.1.1.** *Discussions between the Crown, the Hawke's Bay Regional Council (the Council), Tūhoe, and tāngata whenua of Hawke's Bay in the context of Treaty settlement negotiations have identified a need for greater tāngata whenua involvement in the management of natural resources in the RPC region:*
- 1.1.2.** *In the Deed of Settlement dated 17 December 2010 between the Crown and Ngāti Pāhauwera, the Crown committed to establish a committee comprised of an equal number of Council members and representatives of Treaty settlement claimant groups whose role would relate to natural resource planning processes that affect the region, and include drafting and recommending to the Council, plan and policy changes affecting natural resources in the region:*
- 1.1.3.** *The Deed of Settlement dated 25 May 2013 between the Crown and the Maungaharuru-Tangitū Hapū records that the trustees of the Maungaharuru-Tangitū Trust, the Council, and other Hawke's Bay iwi and hapū have agreed interim terms of reference for the committee that were adopted by the Council on 14 December 2011.*

- 1.2. Membership of the committee is also recorded as redress in the Deeds of Settlement between:
  - 1.2.1. the trustees of Tūhoe Te Uru Taumata and the Crown dated 4 June 2013; and
  - 1.2.2. the trustees of Te Kōpere o te iwi o Hineuru Trust and the Crown dated 2 April 2015; and
  - 1.2.3. the trustees of the Heretaunga Tamatea Settlement Trust and the Crown dated 26 September 2015; and
  - 1.2.4. the trustees of the Mana Ahuriri Trust and the Crown dated 2 November 2016; and
  - 1.2.5. Tātau Tātau O Te Wairoa and the Crown dated 26 November 2016; and
  - 1.2.6. Te Kotahitanga o Ngāti Tūwharetoa and the Crown dated 8 July 2017.
- 1.3. The Crown has also recognised the need to provide for membership of the committee for Ngāti Ruapani ki Waikaremoana before beginning Treaty Settlement negotiations.
- 1.4. The Committee has been operating since April 2012. Legislation was required to ensure that the Committee could not be discharged except by unanimous written agreement of the Appointers and to confirm its role and procedures. Accordingly, the legislation was enacted and came into force on 15 August 2015<sup>3</sup>.
- 1.5. The RPC is a joint committee of the Council deemed to be appointed under Clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

## 2. Purpose

*Purpose of the HB Regional Planning Committee Act s3(1)*

- 2.1. The purpose of the Act is to improve tāngata whenua involvement in the development and review of documents prepared in accordance with the Resource Management Act 1991 for the Hawke's Bay region.

*Purpose, functions and powers of the RPC s9(1)*

- 2.2. The purpose of the RPC is to oversee the development and review of the RMA Documents prepared in accordance with the RMA for the RPC Region.<sup>4</sup>

## 3. Procedure

- 3.1. The Committee is responsible for preparing Proposed Regional Plans and Proposed Regional Policy Statements, or any Plan Changes or Plan Variations, and recommending to the Council the adoption of those documents for public notification, as provided for further in paragraph (4) below. In the event that the Council does not adopt all or any part of any Proposed Regional Plan, Proposed Regional Policy Statement, Plan Change or Plan Variation or other recommendation, the Council shall refer such document or recommendation in its entirety back to the Committee for further consideration, as soon as practicable but not later than two months after receiving a recommendation from the Committee. The Committee must take all steps reasonably necessary to enable the Council to meet any relevant statutory timeframes.

*[EDITOR'S NOTE – Revision of these 'refer-back' procedures is not yet agreed upon so Clause 3 above remains the same as in the previously adopted February 2014 Terms of Reference].*

## 4. Functions and Powers

*Functions and powers of RPC s10 (1)-(4)*

- 4.1. The primary function of the RPC is to achieve the purpose of the RPC. In achieving the purpose of the RPC, the committee may:
  - 4.1.1. implement<sup>5</sup> a work programme for the review of the RMA Documents;
  - 4.1.2. oversee consultation on any RMA Document (prior to notification);
  - 4.1.3. consider the RMA Documents and recommend to Council for public notification the content of any draft –
    - 4.1.3.1. change to the regional policy statement or regional plan;
    - 4.1.3.2. proposed regional policy statement or proposed regional plan;
    - 4.1.3.3. variation to a proposed regional policy statement, proposed regional plan, or change.
  - 4.1.4. in accordance with the process outlined in Clause 3.1 of these Terms of Reference, review any documents which the Council may refer back to the RPC for further consideration;
  - 4.1.5. recommend to Council the membership of Hearings Panels, from appropriately trained and eligible commissioners (which may include members of the RPC), to hear and decide upon submissions on proposed RMA Documents;

- 4.1.6. recommend to Council the scope for the resolution and settlement of appeals on proposed RMA Documents;
- 4.1.7. when required, recommend to Council that officers be delegated with the authority to resolve and settle any appeals on proposed RMA Documents through formal mediation before New Zealand's Courts;
- 4.1.8. monitor the efficiency and effectiveness of provisions of the RMA Documents in accordance with section 35 of the RMA. The monitoring outcomes will be incorporated into a review of the RPC's work programme if relevant to do so.
- 4.1.9. perform any other function specified in these Terms of Reference.
- 4.2. For the purposes of enabling the RPC to carry out its functions, the Council must -
  - 4.2.1. refer all matters referred to in clause 4.1.3 of these Terms of Reference to the RPC; and
  - 4.2.2. provide all necessary documents or other documents to the RPC.
- 4.3. The RPC has the powers reasonably necessary to carry out its functions in a manner consistent with the Specified Legislation.

## 5. Membership of RPC

### *Membership of RPC s11(1)(a)-(i)*

The RPC consists of an equal number of Council Members and Tāngata Whenua Members as follows:

#### 5.1. Tāngata Whenua Members:

The following are Tāngata Whenua Members:

- 5.1.1. 1 member appointed by the trustees of the Maungaharuru-Tangitū Trust:
- 5.1.2. 1 member appointed by the trustees of the Ngāti Pāhauwera Development Trust:
- 5.1.3. 1 member appointed by the trustees of Tūhoe Te Uru Taumatua:
- 5.1.4. 1 member appointed by the trustees of the Te Kotahitanga o Ngāti Tūwharetoa:
- 5.1.5. 1 member appointed by the trustees of the Mana Ahuriri Trust:
- 5.1.6. 1 member appointed by the trustees of the Hineuru Iwi Trust:
- 5.1.7. 1 member appointed by the Tātau Tātau o te Wairoa Trust:
- 5.1.8. 2 members appointed by the trustees of the Heretaunga Tamatea Settlement Trust:
- 5.1.9. 1 member appointed by the appointer for Ngāti Ruapani ki Waikaremoana.

#### 5.2. Council Members:

### *Membership of the RPC s11(1)(j)*

- 5.2.1. The Council Members are 10 members appointed by the Council (who must be councillors of the Council holding office and, if there is an insufficient number of councillors, such other persons appointed by the Council in accordance with clause 31(3) of Schedule 7 of the Local Government Act 2002).

#### 5.3. Appointers:

### *Membership of RPC s11(2)-(5)*

- 5.3.1. When making an appointment of a member to the RPC, an Appointer must notify the RPC in writing of such an appointment and provide a copy of the notice to all other Appointers as soon as is reasonably practicable.
- 5.3.2. If a Tāngata Whenua Appointer fails to appoint a Tāngata Whenua Member in accordance with the Act, then the number of Council Members on the RPC eligible for voting is reduced proportionately until an appointment is made to ensure that the RPC consists of an equal number of Tāngata Whenua Members and Council Members.
- 5.3.3. If a Tāngata Whenua Member fails to attend 3 out of any 5 consecutive meetings of the RPC without the prior written agreement of all other members,
  - 5.3.3.1. the Tāngata Whenua Member's appointment is deemed to be discharged; and
  - 5.3.3.2. the number of Council Members on the RPC eligible for voting is reduced proportionately until a replacement Member is appointed by the relevant Tāngata Whenua Appointer.
- 5.3.4. To avoid doubt, a Tāngata Whenua Member is not, by virtue of the person's membership of the RPC, a member of the Council.

**[EDITOR'S NOTE: clauses relating to a process how to reduce and reinstate equal numbers of Council Members is yet to be agreed upon]**



## **6. Term of Appointment**

*Schedule; further provisions relating to RPC clause 1(1)-(3)*

### **6.1. Subject to the Act:**

- 6.1.1. a Tāngata Whenua Member is appointed to the RPC for the period specified by the relevant Tāngata Whenua Appointer.
- 6.1.2. a Council Member is appointed to the RPC for a term commencing with the first meeting of the Council after the triennial general election of members of a local authority under the Local Electoral Act 2001 and ending with the close of the day before the next triennial general election.
- 6.2. However, if a Council Member is appointed after the date of the first meeting of the Council referred to in **Clause 6.1.2** of these Terms of Reference, the member is appointed from that date until the close of the day before the next triennial general election.
- 6.3. To avoid doubt, the appointment of a Tāngata Whenua Member is not affected by the triennial general election of members of a local authority under the Local Electoral Act 2001.

## **7. Discharge of membership**

*Schedule; Further provisions relating to RPC clause 2*

- 7.1. A Member may be discharged by that member's Appointer.
- 7.2. If **Clause 7.1** of these Terms of Reference applies, the Member's Appointer must, within 10 working days after the date on which the Member was discharged –
  - 7.2.1. notify the RPC in writing that the Member has been discharged; and
  - 7.2.2. provide a copy of the notice to all other Appointers.

## **8. Resignation of membership**

*Schedule; Further provisions relating to RPC clause 3*

- 8.1. A Tāngata Whenua Member may resign by giving written notice to that person's Appointer.
- 8.2. A Tāngata Whenua Appointer must, on receiving a notice given under **Clause 8.1** of these Terms of Reference, forward a copy of the notice to the RPC and the Chief Executive of the Council.

## **9. Vacancies**

*Schedule; Further provisions relating to RPC clause 4*

- 9.1. If a vacancy occurs on the RPC, the relevant Appointer must fill the vacancy as soon as is reasonably practicable.
- 9.2. A vacancy does not prevent the RPC from continuing to perform its functions or exercise its powers.

## **10. Co-chairpersons and deputy co-chairpersons**

*Schedule; Further provisions relating to RPC clause 5(1) - (5)*

- 10.1. The RPC has the following Co-chairpersons:
  - 10.1.1. 1 Member appointed by the Tāngata Whenua Members:
  - 10.1.2. 1 Member appointed by the Council Members.
- 10.2. Each Co-chairperson must be elected at or before the first meeting of the RPC following the triennial general election of members of a local authority under Local Electoral Act 2001.
- 10.3. Each Co-Chairperson is to preside at meetings of the RPC on a pre-arranged basis.
- 10.4. The Co-chairpersons may deputise for each other at meetings of the RPC.
- 10.5. The Co-Chairpersons' role includes working with the Chief Executive and Group Managers of the Council to ensure that the RPC is able to fulfil its purpose and perform its functions, including but not limited to quarterly meetings between the Chief Executive and Co-chairpersons to monitor progress.
- 10.6. The Tāngata Whenua Members may appoint a deputy Co-chairperson and the Council Members may appoint a deputy Co-chairperson.
- 10.7. The deputy Co-Chairpersons' role is to help their respective Co-chairperson to fulfil the role of Co-chairperson and to deputise for that Co-chairperson at meetings of the RPC or other meetings in the absence of that Co-chairperson.
- 10.8. Those persons appointed to the position of Co-chairperson or deputy Co-chairperson shall hold their position until death, resignation, removal<sup>6</sup> or appointment of their successor in accordance with these Terms of Reference, whichever shall occur first.
- 10.9. A Co-chairperson or deputy Co-chairperson may be appointed or discharged in accordance with these Terms of Reference.

## 11. Quorum

- 11.1. The quorum of a meeting of the RPC shall be 75% of the Members of the RPC who are eligible to vote.

*[EDITOR'S NOTE - Notwithstanding this Clause, the quorum threshold is one matter that is within scope of the first statutory review of the RPC's performance. The Act does not specify a quorum threshold, but does require the TOR to specify what the quorum is. The RPC is yet to agree on a quorum figure consequently the 75% threshold is carried over from the RPC's Feb 2014 Term of Reference.]*

## 12. Decision-making

*Schedule; Further provisions relating to RPC clause 7*

- 12.1. The decisions of the RPC must be made by vote at meetings in accordance with these Terms of Reference.

- 12.2. Best endeavours will be made to achieve decisions on a consensus basis, or failing consensus, the agreement of 80% of the RPC Members present and eligible to vote will be required.

*[EDITOR'S NOTE - Notwithstanding Clause 12.2, the voting threshold is one matter that is within scope of the first statutory review of the RPC's performance. The Act does not specify a voting threshold. The RPC is yet to agree on what decision-making looks like on some or all of its functions when consensus is not achieved. Consequently the 80% threshold is carried over from the RPC's Feb 2014 Term of Reference.]*

- 12.3. All members of the RPC have full speaking rights.
- 12.4. Where voting is required, all Members of the RPC have voting entitlements, except in circumstances referred to in [Clause 5.3.2](#) of these Terms of Reference.
- 12.5. Any Member who is chairing a meeting of the RPC may vote on any matter but does NOT have a casting vote.

## 13. Standing Orders

*Schedule; Further provisions relating to RPC clause 6*

- 13.1. The Council's standing orders as adopted on 30 November 2016 shall apply until the RPC adopts a set of standing orders for the operation of the RPC.
- 13.2. The standing orders adopted by the RPC must not contravene –
- 13.2.1. the Hawke's Bay Regional Planning Committee Act 2015; or
  - 13.2.2. these Terms of Reference; or
  - 13.2.3. Tikanga Māori; or
  - 13.2.4. subject to [Clause 13.2.1](#) of these Terms of Reference, the local government legislation or any other enactment.
- 13.3. The RPC may amend the standing orders at any time.
- 13.4. Every Member of the RPC must comply with the standing orders of the RPC.
- 13.5. Where standing orders conflict with these Terms of Reference, the Terms of Reference prevail.

## 14. Conflict of interest

*Schedule; Further provisions relating to RPC clause 9*

- 14.1. Each Member of the RPC must disclose any actual or potential interest<sup>7</sup> to the RPC.
- 14.2. The RPC must maintain an interests register<sup>8</sup>.
- 14.3. A Member of the RPC is not precluded by the Local Authorities (Members' Interests) Act 1968 from discussing or voting on a matter merely because –
- 14.3.1. the Member is a member of an iwi or a hapū; or
  - 14.3.2. the economic, social, cultural, and spiritual values of an iwi or a hapū and their relationship with the RPC are advanced by or reflected in –
    - 14.3.2.1. the subject matter under consideration; or
    - 14.3.2.2. any decision by or recommendation of the RPC; or
    - 14.3.2.3. participation in the matter by the Member.

## 15. Meeting Frequency and Notice

- 15.1. Meetings of the RPC shall be held as required in order to achieve the RMA Documents review and development work programme.
- 15.2. Notice of ordinary meetings will be given well in advance in writing to all RPC Members, and not later than 1 month prior to the meeting.

## 16. Costs of administering and operating the RPC

#### *Terms of Reference of RPC s12(1)(d)*

- 16.1. The costs of administering and operating the RPC will be met by the Council, including—
- 16.1.1. the costs of any advice required by the RPC; and
  - 16.1.2. remuneration of Tāngata Whenua Members, the Tāngata Whenua Co-Chairperson and the Tāngata Whenua Deputy Co-Chairperson for their services to the RPC and reimbursement of their expenses.
  - 16.1.3. the level of remuneration shall be determined promptly following the triennial election of members of a local authority by two independent persons (Independents), one of which shall be appointed by the Council Co-Chairperson, and the other by the Tāngata Whenua Co-Chairperson.
  - 16.1.4. The Independents must have regard to the following matters when determining the level of remuneration for Tāngata Whenua Members:
    - 16.1.4.1. the need to minimise the potential for certain types of remuneration to distort the behaviour of the Tāngata Whenua Members, the Tāngata Whenua Co-Chairperson, and the Tāngata Whenua Deputy Co-chairperson in relation to their respective positions on the RPC;
    - 16.1.4.2. the need to achieve and maintain relativity with the levels of remuneration received by elected representatives in RMA policy development roles; and
    - 16.1.4.3. the need to be fair both:
      - 16.1.4.3.1. to the persons whose remuneration is being determined; and
      - 16.1.4.3.2. to ratepayers; and
    - 16.1.4.4. the need to attract and retain competent persons.
  - 16.1.5. If the Independents cannot agree on the level of remuneration for Tāngata Whenua Members, the dispute resolution procedure in these Terms of Reference applies.
- 17. Review and Amendment of these Terms of Reference**
- Reporting and review by RPC, Schedule clause 10*
- 17.1. Appointers –
- 17.1.1. must, no later than 16 September 2018<sup>9</sup>, undertake a review of the performance of the RPC; and
  - 17.1.2. may undertake any subsequent review of the RPC at a time agreed by all Appointers, and in any event, at least every three years.
- 17.2. Appointers may, following a review, make recommendations to the RPC on relevant matters arising from the review.
- 17.3. These Terms of Reference must be consistent with the Specified Legislation.
- 17.4. In the event of an inconsistency between the obligations of the Council under these Terms of Reference and its obligations under the Specified Legislation, the Specified Legislation prevails.
- 17.5. The Council Members or Tāngata Whenua Members may request changes to the Terms of Reference.
- 17.6. These Terms of Reference may be amended by the written unanimous agreement of the Appointers.
- 18. Technical and administrative support**
- Schedule; Further provisions relating to RPC clause 12*
- 18.1. The Council must provide technical and administrative support to the RPC in the performance of its functions.
- 18.2. The RPC will have full access to Council staff, through the relevant Group Managers, to provide any technical and administrative support in the performance of its functions.
- 18.3. Reports provided to the RPC must also include information and advice that is culturally relevant and appropriate and ensures that the RPC complies with its obligations relating to Māori under the Specified Legislation.

## **19. Service of Notice**

### *Schedule; Service of notices clause 11*

19.1. A notice sent to a person in accordance with these Terms of Reference must be treated as having been received by that person, if the notice is sent –

19.1.1. by post, at the time it would have been delivered in the ordinary course of post;

19.1.2. by email or fax, at the time of transmission.

19.2. A notice required to be given by these Terms of Reference is not invalid because a copy of it has not been given to any or all of the persons concerned.

19.3. Any notices relating to these Terms of Reference will be deemed to be validly given if posted, or forwarded by facsimile transmission, or emailed to the addresses set out in Appendix Two or to any other address that an Appointer may designate by notice to the other Appointers.

## **20. Terms of Reference Interim**

20.1. These Terms of Reference are interim only until amended by legislation enacted to give effect to agreements reached in respect of the Permanent Committee.

## **21. Officers Responsible**

21.1. Chief Executive of Hawke's Bay Regional Council and his/her delegated officers.

3.8.2. Appoints all councillors to the Regional Planning Committee, including Councillor Rex Graham as Co-Chair and Councillor Rick Barker as Deputy Co-Chair.

### **3.9. HB Civil Defence Emergency Management Group Joint Committee**

3.9.1. Terms of Reference for the HB Civil Defence Emergency Management Group Joint Committee being:

#### **1. Preamble**

1.1 The Hawke's Bay Civil Defence Emergency Management Group was established pursuant to a Terms of Reference dated August 2003, which was subsequently amended in December 2013. Pursuant to a resolution passed by the Group on 5 December 2016, this Terms of Reference is adopted to replace and supersede the Terms of Reference dated December 2013.

#### **2. Parties**

2.1 Each of the following local authorities is a Member of the Hawke's Bay Civil Defence Emergency Management Group and is a party to this Terms of Reference:

Central Hawke's Bay District Council

Hastings District Council

Hawke's Bay Regional Council

Napier City Council

Wairoa District Council

#### **3. Definitions**

For the purpose of this Terms of Reference:

3.1 "Act" means the Civil Defence Emergency Management Act 2002.

3.2 "Administering Authority" means the Hawke's Bay Regional Council.

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.

3.4 "Group" means the Hawke's Bay Civil Defence Emergency Management Group.

3.5 "Group Controller" means a person appointed under section 26 of the Civil Defence and Emergency Management Act 2002 and clause 10.1 of this Terms of Reference as a Group Controller.

3.6 "Group Plan" means the Hawke's Bay Civil Defence Emergency Group Plan prepared by the Group in accordance with the Act.

3.7 "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.

3.8 "Member" means a Local Authority that is a member of the Civil Defence Emergency Management Group that is the subject of this document.

3.9 "4Rs" means Reduction, Readiness, Response, and Recovery.

#### **4. The Purpose and Term of this Terms of Reference**



- 4.1 The purposes of this Terms of Reference are to:
  - (a) set out the purposes, functions, powers, and duties of the Group and its members in accordance with the requirements of the Act;
  - (b) define the responsibilities of the Group as delegated to the Group by the Members; and
  - (c) provide for the administrative arrangements of the Group.
5. Joint Committee
  - 5.1 Pursuant to section 12 of the Act the Parties were united in August 2003 to establish a Group as a Joint Standing Committee now under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002. This choice is irrevocable under section 14(3) of the Act.
  - 5.2 In accordance with section 12(2) of the Civil Defence Emergency Management Act 2002, neither clause 30(5) nor (7) of Schedule 7 of the Local Government Act 2002 which provides for a committee to be discharged or reconstituted, or be discharged following the triennial general election, shall apply to the Joint Committee.
6. Membership of the Group
  - 6.1 The Members of the Group are 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 Group by one person only, being the Mayor or Chairperson of that local authority, or if they are unavailable an alternate representative who has been given the delegated authority to act for the Mayor or Chairperson.
  - 6.2 Under section 13(4) of the Act, the alternate representative must be an elected person from that local authority.
  - 6.3 Under clause 30(9) of Schedule 7 of the Local Government Act 2002, the powers to discharge any representative of the Group and appoint his or her replacement shall be exercisable only by the local authority Member that appointed the representative being discharged.
7. Representatives to Have Full Delegated Authority
  - 7.1 Each local authority Member agrees to confer full delegated authority on its Representative, or in their absence the alternate Representative in order for the Group to exercise the functions, powers, and duties of Members under the Act within approved Group budgets.
  - 7.2 At meetings of the Group, each Member's Representative is to have full authority to vote and make decisions on behalf of that Member without further recourse to that Member in respect of the authority granted under 7.1 above.
  - 7.3 If a Member's Representative to the Group is not re-elected at the triennial Local Government Elections that Representative will cease to be a Member of the Group and will be replaced by the elected Mayor or Chairperson of the relevant Local Authority whom will act as the Representative for the relevant Council until such time as a new Representative having full delegated authority, are appointed by that Council.
  - 7.4 It is the responsibility of each Member of the Group to ensure that they have a representative available to participate in the 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. The Group to Give Effect to the Purposes of The Act
  - 8.1 The functions, powers and duties of the Group are specified in sections 16, 17 and 18 the Act. To assist the Group to meet these requirements, the Group adopts the following objectives:
    - (a) To ensure that hazards (as defined in the Act) and the consequential risks are identified and assessed;
    - (b) Improve and promote the sustainable management of identified hazards in a way that contributes to the long term social, economic, cultural, and environmental wellbeing and safety of people and communities;
    - (c) Encourage and enable communities to achieve acceptable levels of risk (as risk is defined in the Act), including, without limitation;
      - (i) identifying, assessing, and managing risks; and
      - (ii) consulting and communicating about risks; and
      - (iii) identifying and implementing cost-effective risk reduction; and
      - (iv) monitoring and reviewing the risk management process.
    - (d) To require local authorities to co-ordinate, through regional groups, planning, programmes, and activities related to civil defence emergency management across the 4Rs, and encourage co-operation and joint action within those regional groups;
    - (e) To encourage through partnership and co-ordination, emergency management planning and civil defence emergency management activities amongst the organisations represented on the Co-ordinating Executive Group, other CDEM partners and the Lifeline

- utility operators that operate within the region;
  - (f) To ensure an effective and efficient region-wide civil defence emergency management capability to respond to and recover from emergencies.
9. Obligations of Members
- 9.1 Each member of the Group will:
- (a) In accordance with section 7 and 8 above, appoint their Mayor or Chairperson to the Joint Committee; and
  - (b) appoint its chief executive officer to the Co-ordinating Executive Group (CEG); and (c) participate in the preparation of and agree to the content of a Group Plan; and
  - (d) contribute technical expertise and resources to maintain an effective Group and local level response capability; and
  - (e) provide to the Group the information or reports that may be required by the Group to discharge its powers, functions and duties under the Act and the Group Plan.
- 9.2 Each local authority Member of the Group will be responsible for the risk reduction, readiness, response and recovery arrangements required of it under the Act, and under the Group Plan or as otherwise agreed by the Group, to the standards agreed by the Group.
10. Delegated Authority
- 10.1 Power to Appoint Group Controller. The Group will appoint one or more suitably qualified and experienced persons or person to be the Group Controller for the CDEM Group pursuant to by section 26 of the Act and in accordance with the Governance and Management section of the current Group Plan. The powers delegated to the Group Controller(s) are as defined in the Group Plan.
- 10.2 Appointment of Local Controllers. The Group may from time to time 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 in accordance with the Governance and Management section of the current Group Plan.
- 10.3 Appoint Persons who may a Declare State of Local Emergency. The Group will appoint at least one person as a person authorised to declare a state of local emergency for its area and in accordance with the Governance and Management section of the current Group Plan.
11. Civil Defence Emergency Management Group Plan
- 11.1 The Group will prepare, approve, adopt and review a Group Plan in accordance with sections 48 to 57 of the Act.
- 11.2 For the avoidance of doubt each and every obligation, agreement, covenant, responsibility and liability under the Group Plan is binding on and will continue to bind each and every Member of the Group and is and will continue to be enforceable as between each of the Members, against each of the other Members, and every Member of the Group agrees and covenants to carry out and perform all of its obligations under the Group Plan.
12. Maintain the Co-ordinating Executive Group
- 12.1 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
  - (e) Any other persons that may be co-opted by the CDEM Group to assist the CEG to undertake its responsibilities.
13. Remuneration
- 13.1 Each Member of the Group shall be responsible for remunerating its representative on the Group for the cost of that person's participation in the Group.
14. Meetings
- 14.1 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 Group meetings as if the 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.
- 14.2 Other standing orders may be used, subject to the agreement of the Group, and in accordance with section 19(1) of the Act.

- 14.3 The 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.
- 14.4 In accordance with clause 23 of Schedule 7 of the Local Government Act 2002 the quorum of the Group is all Members.
- 14.5 In the event that a quorum cannot be achieved, the business at any meeting convened for the Joint Committee may be considered without further notice by a subcommittee of the Joint Committee. The recommendations of this subcommittee will be reported for final decision at the next Joint Committee meeting.
15. Voting
  - 15.1 Each member has one vote at a meeting of the Group or when the Group is required at any time to make a decision in respect of an action to be taken by the Group.
  - 15.2 All actions (other than the entering into of contracts within the authorised Group budget) to be taken by the Group must first be approved by way of a majority vote of all members that are present and voting.
  - 15.3 The Ministry of Civil Defence and Emergency Management shall have observer status on the Group and also the Co-ordinating Executive Group.
16. Election of Chairperson and Deputy Chairperson
  - 16.1 The Group may appoint a Group Chairperson and Deputy Chairperson for the Group at the first meeting following the triennial local government elections, and appoint replacements when any of those offices become vacant between elections.
  - 16.2 The Group's Chairperson and Deputy Chairperson shall hold office until the first meeting following the triennial general election.
17. Administering Authority
  - 17.1 In accordance with section 23 of the Act, the Administering Authority for the Group will be the Hawke's Bay Regional Council. The Administering Authority is responsible for the provision of administrative and related services that may from time to time be required by the Group.
18. Group Emergency Management Office
  - 18.1 The Hawke's Bay Regional Council will establish and manage a Hawke's Bay Emergency Management Group Office on behalf of the Group.
  - 18.2 The Group Office shall coordinate technical expertise, planning and operational functions, performance monitoring, coordination of Group wide projects and any other functions as are assigned to it by the Group. The Group Office will also employ at least one Local Emergency Management Officer to be co-located in each TLA to support and where appropriate implement local emergency management outcomes.
  - 18.3 The Hawke's Bay Regional Council will employ staff for the Group Office as authorised by the Group and manage the office's expenditure in accordance with the principles of the Local Government Act 2002 and amendments.
19. Group Funding and Budget
  - 19.1 The proposed annual Group work programme and budget will be signed off by the Group no later than 30 November of the year proceeding the year which the programme and budget will apply.
  - 19.2 The Group work programme, and administrative and related services pursuant to section 24 of the Act, will be funded by way of a Targeted Rate Uniform General Charge (UGC) across the area of the Group and administered by the Hawke's Bay Regional Council. In order to set the Targeted Rate UGC, the Group will communicate its agreed programme and budget to the Hawke's Bay Regional Council no later than 1 February of the year to which the programme and budget applies.
20. Good Faith
  - 20.1 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 Group collectively.
21. Variations
  - 21.1 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 Group.
  - 21.2 The Terms of Reference will only be amended upon a unanimous vote and resolution passed by the Group and duly recorded in writing.

22. Review of the Terms of Reference
  - 22.1 The Terms of Reference will be reviewed and if appropriate amended by the Group at its first meeting following the following the triennial local government elections.
  - 22.2 The adoption of an amended Terms of Reference revised under clause 22.1 will be undertaken in accordance with section 21 above.
23. Adopted by
  - Central Hawke's Bay District Council
  - Hastings District Council
  - Hawkes Bay Regional Council
  - Napier City Council
  - Wairoa District Council

- 3.9.2. Confirms Chairman Rex Graham as HBRC's representative on the HB Civil Defence Emergency Management Group Joint Committee, and Deputy Chairman Rick Barker as alternate.

### 3.10. ***Clifton to Tangoio Coastal Hazards Strategy Joint Committee***

- 3.10.1. Terms of Reference, subject to confirmation by the Clifton to Tangoio Coastal Hazards Strategy Joint Committee, being:

#### 1. Definitions

For the purpose of these Terms of Reference:

- "Act" means the Local Government Act 2002.
- "Administering Authority" means Hawke's Bay Regional Council.
- "Coastal Hazards Strategy" means the Coastal Hazards Strategy for the Hawke Bay coast between Clifton and Tangoio<sup>1</sup>.
- "Council Member" means an elected representative appointed by a Partner Council.
- "Hazards" means natural hazards with the potential to affect the coast, coastal communities and infrastructure over the next 100 years, including, but not limited to, coastal erosion, storm surge, flooding or inundation of land from the sea, and tsunamis; and includes any change in these hazards as a result of sea level rise.
- "Joint Committee" means the group known as the Clifton to Tangoio Coastal Hazards Strategy Joint Committee set up to recommend both draft and final strategies to each Partner Council.
- "Member" in relation to the Joint Committee means each Council Member and each Tangata Whenua Member.
- "Partner Council" means one of the following local authorities: Hastings District Council, Napier City Council and Hawke's Bay Regional Council.
- "Tangata Whenua Appointer" means:
  - The trustees of the Maungaharuru-Tangitū Trust, on behalf of the Maungaharuru-Tangitū Hapū;
  - Mana Ahuriri Incorporated, on behalf of Mana Ahuriri Hapū;
  - He Toa Takitini, on behalf of the hapū of Heretaunga and Tamatea.
- "Tangata Whenua Member" means a member of the Joint Committee appointed by a Tangata Whenua Appointer

#### 2. Name and status of Joint Committee

- 2.1 The Joint Committee shall be known as the Clifton to Tangoio Coastal Hazards Strategy Joint Committee.
  - 2.2 The Joint Committee is a joint committee under clause 30(1)(b) of Schedule 7 of the Act.
- Partner Council Members
- 2.3 Each Partner Council shall appoint three Council Members and alternates to the Joint Committee. If not appointed directly as Council Members, the Mayors of Hastings District Council and Napier City Council and the Chairperson of Hawke's Bay Regional Council are ex officio Council Members.
  - 2.4 Under clause 30(9) Schedule 7 of the Act, the power to discharge any Council Member on the Joint Committee and appoint his or her replacement shall be exercisable only by the Partner Council that appointed the Member.

#### 3. Tangata Whenua Members

- 3.1 Each Tangata Whenua Appointer may appoint one member to sit on the Joint Committee.
- 3.2 Each Tangata Whenua Appointer must make any appointment and notify all Tangata Whenua Appointers and Partner Councils in writing of the appointment.
- 3.3 The Tangata Whenua Members so appointed shall be entitled to vote.

- 3.4 Under clause 30(9) Schedule 7 of the Act, the power to discharge any Tangata Whenua Member on the Joint Committee and appoint his or her replacement shall be exercisable only by the Tangata Whenua Appointer that appointed the Member.
4. Purpose of Terms of Reference
  - 4.1 The purpose of these Terms of Reference is to:
    - 4.1.1 Define the responsibilities of the Joint Committee as delegated by the Partner Councils under the Act.
    - 4.1.2 Provide for the administrative arrangements of the Coastal Hazards Strategy Joint Committee as detailed in Appendix 2.
5. Meetings
  - 5.1 Members, or their confirmed alternates, will attend all Joint Committee meetings.
6. Delegated authority

The Joint Committee has the responsibility delegated by the Partner Councils for:

  - 6.1 Guiding and providing oversight for the key components of the strategy including:
    - The identification of coastal hazards extents and risks as informed by technical assessments;
    - A framework for making decisions about how to respond to those risks;
    - A model for determining how those responses shall be funded; and
    - A plan for implementing those responses when confirmed.
  - 6.2 Considering and recommending a draft strategy to each of the Partner Councils for public notification;
  - 6.3 Considering comments and submissions on the draft strategy and making appropriate recommendations to the Partner Councils;
  - 6.4 Considering and recommending a final strategy to each of the Partner Councils for approval;
  - 6.5 Advocating for and/or advancing the objectives of the strategy by submitting on and participating in processes, including but not limited to:
    - Council long term plans;
    - Council annual plans;
    - District and regional plan and policy changes;
    - Reserve management plans;
    - Asset management plans;
    - Notified resource consent applications;
    - Central Government policy and legislation.
  - 6.6 Investigating and securing additional sources of funding to support strategy implementation.
7. Powers not delegated

The following powers are not delegated to the Joint Committee:

  - 7.1 Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Local Government Act 2002.
  - 7.2 The determination of funding for undertaking investigations, studies and/or projects to assess options for implementing the Coastal Hazards Strategy.
8. Remuneration
  - 8.1 Each Partner Council shall be responsible for remunerating its representatives on the Joint Committee and for the cost of those persons' participation in the Joint Committee.
  - 8.2 The Administering Authority shall be responsible for remunerating the Tangata Whenua Members.
9. Meetings
  - 9.1 The Hawke's Bay Regional Council standing orders will be used to conduct Joint Committee meetings as if the Joint Committee were a local authority and the principal administrative officer of the Hawke's Bay Regional Council or his or her nominated representative were its principal administrative officer.
  - 9.2 The Joint Committee 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.
  - 9.3 Notice of meetings will be given well in advance in writing to all Joint Committee Members, and not later than one month prior to the meeting.
  - 9.4 The quorum shall be 6 Members, provided that at least one Partner Council Member is present from each Partner Council.
10. Voting
  - 10.1 In accordance with clause 32(4) Schedule 7 of Act, at meetings of the Joint Committee each Council Member has full authority to vote and make decisions within the delegations of this Terms of Reference on behalf of the Partner Council without further recourse to the Partner

Council.

- 10.2 Where voting is required, all Members of the Joint Committee have full speaking rights.
- 10.3 Each Member has one vote.
- 10.4 Best endeavours will be made to achieve decisions on a consensus basis.
- 10.5 As per HBRC Standing Order 18.3: The Chairperson at any meeting does not have a deliberative vote and, in the case of equality of votes, has no casting vote.
11. Election of Chairperson and Deputy Chairperson
  - 11.1 On the formation of the Joint Committee the members shall elect a Joint Committee Chairperson and may elect up to two Deputy Chairpersons. The Chairperson is to be selected from the group of Council Members.
  - 11.2 The mandate of the appointed Chairperson or Deputy Chairperson ends if that person through resignation or otherwise ceases to be a member of the Joint Committee.
12. Reporting
  - 12.1 All reports to the Committee shall be presented via the Technical Advisory Group<sup>2</sup> or from the Committee Chairperson.
  - 12.2 Following each meeting of the Joint Committee, the Project Manager shall prepare a brief summary report of the business of the meeting and circulate that report, for information to each Member following each meeting. Such reports will be in addition to any formal minutes prepared by the Administering Authority which will be circulated to Joint Committee representatives.
  - 12.3 The Technical Advisory Group shall ensure that the summary report required by 13.2 is also provided to each Partner Council for inclusion in the agenda for the next available Council meeting. A Technical Advisory Group Member shall attend the relevant Council meeting to speak to the summary report if requested and respond to any questions.
13. Good faith
  - 13.1 In the event of any circumstances arising that were unforeseen by the Partner Councils, the Tangata Whenua Appointers, or their respective representatives at the time of adopting this Terms of Reference, the Partner Councils and the Tangata Whenua Appointers and their respective representatives 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 the Partner Councils and the Tangata Whenua Appointers collectively.
14. Variations to these Terms of Reference
  - 14.1 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 Joint Committee.
  - 14.2 Amendments to the Terms of Reference may only be made with the approval of all Members.
15. Recommended for Adoption by
  - 15.1 The Coastal Hazards Strategy Joint Committee made up of the following members recommends this Terms of Reference for adoption to the three Partner Councils:  
Napier City Council represented by Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_  
*Appointed by NCC resolution \_\_\_\_\_ 2019*  
Hastings District Council represented by Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_  
*Appointed by HDC resolution \_\_\_\_\_ 2019*  
Hawke's Bay Regional Council represented by Cr Rick Barker, Cr Jerf van Beek and Cr Hinewai Ormsby  
*Appointed by HBRC resolution 6 November 2019*  
Maungaharuru-Tangitū Trust (MTT) represented by Ms Tania Hopmans  
Mana Ahuriri Inc represented by Ms Tania Huata  
He Toa Takitini represented by Mr Peter Paku

<sup>1</sup> The Coastal Hazards Strategy is further defined in Appendix 1 to these Terms of Reference

<sup>2</sup> A description of the Technical Advisory Group and its role is included as Appendix 2 to these Terms of Reference

- 3.10.2. Appoints Councillors Rick Barker, Jerf van Beek and Hinewai Ormsby as HBRC's representatives on the Clifton to Tangoio Coastal Hazards Strategy Joint Committee.

**Williams/Foley  
CARRIED**

**3.11. Hawke's Bay Drinking Water Governance Joint Committee**

- 3.11.1. Terms of Reference, subject to confirmation by the Hawke's Bay Drinking Water Governance Joint Committee, being:

## 1. Background

- 1.1. In August 2016 a significant water contamination event occurred that affected the Hawke's Bay community of Havelock North. The Government established an Inquiry into the Havelock North water supply.
- 1.2. It became apparent during the Government Inquiry that in order to achieve a systematic approach to ensuring safe drinking water, there was a need to strengthen interagency working relationships, collaboration and information sharing pertaining to drinking water.
- 1.3. The Inquiry asked a Joint Working Group (JWG) initially comprising staff representatives of the Hawke's Bay District Health Board, Hawke's Bay Regional Council and the Hastings District Council to implement its 17 initial recommendations. As this group has evolved it has become apparent that many drinking water issues will require an ongoing forum for regional collaboration and decision making. Napier City Council have also joined the Joint Working Group, as well as a Drinking- Water Assessor from the Central North Island Drinking Water Assessment Unit.
- 1.4. Ngāti Kahungunu Iwi Incorporated have called for the agencies involved in water management to view water as a taonga, the lifeblood of the land and people. They consider that drinking water should be set as the number one priority for water use in decision-making processes related to water.
- 1.5. It is within this context that the Hawke's Bay Drinking Water Governance Joint Committee has been established. The principal focus of the Committee is on drinking water, however drinking water cannot be considered in isolation from other fresh water management issues. For that reason the focus of the Committee will be twofold:
  - 1.5.1. To provide governance oversight for planning and decision making on regional drinking water matters; and
  - 1.5.2. To consider and make recommendations where appropriate to decision-making bodies with responsibility for broader freshwater management issues or planning or infrastructure issues that have implications for drinking water and/or drinking water safety.

## 2. Purpose

- 2.1. The parties agree that water is a taonga, the lifeblood of the land and people. They further agree that the Joint Committee established under this Terms of Reference is intended to give practical meaning and effect to this agreement.
- 2.2. The Committee is established to provide governance oversight to the existing JWG regarding the implementation of recommendations from the Inquiry Panel and then the evolution of the JWG into a more permanent officials working group.
- 2.3. In the context of this agreement including 2.1 and 2.2 above, the purpose of the Hawke's Bay Regional Drinking Water Security Joint Committee is to give governance oversight and direction in respect of the following matters:
  - 2.3.1. Programmes and initiatives to protect and enhance drinking water quality and safety
  - 2.3.2. Improving and maintaining effective inter-agency working relationships relating to drinking water, including the extent and effectiveness of cooperation, collaboration and information sharing between the agencies, and mechanisms to achieve these desired outcomes
  - 2.3.3. Provision of governance oversight of strategies and work programmes related to drinking water management, including drinking water sources and infrastructure matters
  - 2.3.4. To recommend to the relevant bodies and decision making for changes to strategies and work programmes to protect and enhance drinking water quality and safety
  - 2.3.5. To encourage the member parties to give adequate consideration of the safety of drinking water in the carrying out of their range of functions
  - 2.3.6. To make recommendations as appropriate to relevant agencies and decision making fora on initiatives and priorities related to water, having regard to the needs of the region for adequate and secure water resources suitable for the supply of safe drinking water.
- 2.4. The geographic scope of the Joint Committee's jurisdiction shall be over drinking water related matters on the land and catchment areas within territorial authorities who elect to be members of the Joint Committee (the participating territorial authorities) plus such other land and catchment areas within the authority of the Hawke's Bay Regional Council that have an impact upon drinking water within the participating territorial authorities.

3. Members/Parties
  - 3.1. If they elect to take up membership and establish the Joint Committee, each of the following shall be a Member Organisation of the Hawke's Bay Drinking Water Governance Joint Committee and a party to this document and the establishment of the Joint Committee:
    - 3.1.1. Hawke's Bay District Health Board
    - 3.1.2. Hawke's Bay Regional Council
    - 3.1.3. Central Hawke's Bay District Council
    - 3.1.4. Hastings District Council
    - 3.1.5. Napier City Council
    - 3.1.6. Wairoa District Council
  - 3.2. Each member organisation may appoint two (2) representatives.
  - 3.3. To ensure the work of the joint Committee is not unreasonably disrupted by absences each party may appoint alternative representatives.
  - 3.4. The Joint Committee shall appoint an Independent Chairperson of the Joint Committee.
  - 3.5. Water is of particular importance to Māori, and Māori have certain statutory rights in respect of decision making relating to water under the Resource Management Act 1991 and the Local Government Act 2002. Some iwi representatives have been involved in discussions leading to the proposal for this Joint Committee but have not determined whether or not they wish to formally participate in the Joint Committee. Provision is made for iwi representation to be added to the Committee should iwi organisations with authority in respect of the geographic areas over which this Joint Committee has jurisdiction indicate that they wish to formally join the Committee.
    - 3.5.1. Notwithstanding any decision by iwi organisations under e. above, the member organisations will take steps to consult with, and take into account the interests of, Māori as appropriate in terms of local authority decision making requirements in respect of matters before the Joint Committee.
4. Name
  - 4.1. The Hawke's Bay Drinking Water Governance Joint Committee shall be known as the **Hawke's Bay Drinking Water Governance Joint Committee (HBDWGJC)**.
5. Status
  - 5.1. By agreement of the local authority members, the Hawke's Bay Drinking Water Governance Joint Committee is to be established as a Joint Committee under clause 30 and clause 30A of Schedule 7 of the Local Government Act 2002.
6. Delegated Authority
  - 6.1. The Hawke's Bay Water Governance Joint Committee shall have authority to undertake such steps as are necessary to give effect to the purpose of the Hawke's Bay Water Governance Joint Committee including but not limited to:
    - 6.1.1. Establishing and amending as it sees fit the Terms of Reference for the JWG
    - 6.1.2. Receiving reports from and giving direction to the officials Joint Working Group that leads interagency cooperation and work programmes on drinking water quality and safety and/or from the Chief Executives of the member agencies
    - 6.1.3. Commissioning reports and studies
    - 6.1.4. Making recommendations to members related to the security and safety of drinking water
    - 6.1.5. Making recommendations to member organisations relating to strategies and work programmes.
    - 6.1.6. Making recommendations to appropriate parties on matters within the purpose of the Joint Committee.
7. Administering Authority and Servicing
  - 7.1. The members of the Hawke's Bay Drinking Water Governance Joint Committee shall work with the JWG established to lead interagency cooperation and work programmes on drinking water quality and safety.
  - 7.2. The Administering Authority of the Joint Committee shall be the Hawke's Bay Regional Council.
8. The Remuneration
  - 8.1. Each member organisation of the Hawke's Bay Drinking Water Governance Joint Committee shall be responsible for the cost of its participation on the Joint Committee.
  - 8.2. The Joint Committee shall agree on the apportionment of the costs of the Independent Chairperson on the recommendation of the JWG.
  - 8.3. The JWG shall agree the apportionment of any costs arising from the work of the Joint Committee.



9. Meetings
    - 9.1 The Standing Orders of the Hawke's Bay Regional Council will be used to conduct Joint Committee meetings.
    - 9.2 The Joint Committee shall meet not less than 6 monthly or at such other times and places as agreed for the achievement of the purpose of the Joint Committee.
  10. Quorum
    - 10.1 The quorum at any meeting shall be not less than eight (8).
  11. Voting
    - 11.1 The membership shall strive at all times to reach a consensus.
    - 11.2 Each representative and the Independent Chairperson shall be entitled to one vote on any item of business.
    - 11.3 There shall be no casting vote.
  12. Chairperson and Deputy Chairperson
    - 12.1 Member representatives shall appoint, by agreement, an Independent Chairperson who shall be entitled to one vote, and in the case of an equality of votes does not have a casting vote.
    - 12.2 The Joint Committee shall also appoint, by simple majority vote from among the representatives, a Deputy Chairperson.
  13. Variations
    - 13.1 Any Member may propose an amendment (including additions or deletions) to the Terms of Reference which may be agreed to by the Joint Committee.
    - 13.2 Once agreed to by the Joint Committee, amendments to the Terms of Reference shall have no effect until each member organisation has agreed to the amendment.
  14. Good Faith
    - 14.1 The parties to this Terms of Reference agree to act in good faith towards each other and to give effect to the purpose of the Joint Committee.
- 3.11.2. Appoints Councillors Hinewai Ormsby and Martin Williams as HBRC's representatives on the Hawke's Bay Drinking Water Governance Joint Committee.

**Graham/van Beek**  
**CARRIED**

## **8. Councillor Appointments to Outside Bodies**

The item was taken as read. Appointments to the Future Farming Trust and HBRIC Ltd were deferred for considered and confirmed at the 27 November Regional Council meeting.

RC120/19

### **Recommendations**

That Hawke's Bay Regional Council:

1. Receives and considers the "Councillor Appointments to Outside Bodies" staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons who have an interest in the decision.
3. Appoints Councillor representatives to the following organisations or groups:
  - 3.1. One representative on the Cycling Governance Group; being Councillor Jerf van Beek.
  - 3.2. Agrees to not appoint a Councillor representative to the HB Sports Council.

**Graham/Barker**  
**CARRIED**

- 3.2. Two representatives on the Heretaunga Plains Urban Development Strategy Implementation Working Group, being Councillors Jerf van Beek and Martin Williams.

**Graham/Ormsby  
CARRIED**

- 3.3. One representative on the TBfree Hawke's Bay Committee; being Councillor Will Foley.

**Graham/van Beek  
CARRIED**

- 3.4. Two representatives on the Hawke's Bay Drought Committee; being Councillors Will Foley and Jerf van Beek.

**Barker/Williams  
CARRIED**

- 3.5. Two representatives on the Tukituki Leaders Forum; being Councillors Will Foley and Jerf van Beek.

**Barker/Williams  
CARRIED**

- 3.6. One representative on the Hawke's Bay Tourism Board of Directors, being Councillor Craig Foss.

**Graham/Ormsby  
CARRIED**

- 3.7. Confirms Hinewai Ormsby and Martin Williams, as the Hawke's Bay Regional Council's representative at Zone 3 meetings of Local Government New Zealand.

- 3.7.1. Authorises Hinewai Ormsby, as HBRC delegate, to vote at the Zone 3 meetings on behalf of the Hawke's Bay Regional Council.

- 3.7.2. Appoints the Chairman as Council's representative on the Regional Sector Group of Local Government New Zealand.

- 3.7.3. Delegates to the Chairman of HBRC, the authority to respond to and provide input into matters relating to Local Government New Zealand, reporting as necessary to Council.

**Graham/Barker  
CARRIED**

*The meeting adjourned at 11.10am and reconvened at 11.50am*

## **9. Councillor Remuneration and Allowances**

Councillors, after discussion, agreed to resolve that remuneration for councillors be set in accordance with Option 3 as outlined in the report.

### **RC121/19 Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the "Councillor Remuneration and Allowances" staff report.
2. Proposes that the remuneration levels to be paid to elected members, subject to confirmation at the 27 November 2019 Regional Council meeting and in accordance with the Local Government Elected Members' Determination 2019 are as follows.
  - 2.1. \$58,000 per annum for a councillor with no additional responsibilities
  - 2.2. \$81,370 for each position of additional responsibility (Committee Chairs x 4) being:
    - 2.2.1 Cr Rick Barker, Chair, Environment and Integrated Catchments Committee and HBRC Deputy Chair

- 2.2.2 Cr Neil Kirton, Chair, Corporate and Strategic Committee
- 2.2.3 Cr Martin Williams, Chair, Regional Transport Committee and Hearings Committee
- 2.2.4 Cr Craig Foss, Chair, Finance Audit and Risk Sub-committee.

**Foss/Ormsby  
CARRIED**

3. Adopts a policy to reimburse Councillors for childcare allowance payments where these payments are incurred, in accordance with the criteria set by the Remuneration Authority, being a contribution towards expenses incurred by the member for childcare provided while the member is engaged on local authority business, and on the basis of reimbursement to the maximum \$6,000 per year per child, on provision of associated receipts or invoices.
4. Adopts the HBRC 2019-20 Elected Members' Expenses and Allowances Policy as updated to incorporate the decisions made today and subject to confirmation at the 27 November 2019 Regional Council meeting.

**van Beek/Ormsby  
CARRIED**

## 10. Affixing of Common Seal

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
<b>1.1</b>	<b>Leasehold Land Sales</b>		
	1.1.1 Lot 122 DP 13055 CT E2/129 - Agreement for Sale and Purchase - Transfer	4354 4355	<b>3 October 2019</b> <b>8 October 2019</b>
	1.1.2 Lot 243 DP 6421 CT E2/436 - Agreement for Sale and Purchase - Transfer	4356 4363	<b>9 October 2019</b> <b>30 October 2019</b>
	1.1.3 Lot 1 DP 14683 CT G4/102 - Transfer	4357	<b>9 October 2019</b>
	1.1.4 Lot 7 DP 7201 CT 115/185 - Agreement for Sale and Purchase	4360	<b>30 October 2019</b>
	1.1.5 Lot 8 DP 15123 CT G4/1406 - Agreement for Sale and Purchase - Transfer	4361 4362	<b>30 October 2019</b> <b>30 October 2019</b>
<b>1.2</b>	<b>Staff Warrants</b>		
	1.2.1 D. Squires N. Zaman (Delegations under Resource	4353 4359	<b>27 September 2019</b> <b>24 October 2019</b>

	<i>Management Act 1991; Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908 and Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.177))</i>		
1.2.2	A. Tuffin <i>(Delegations under Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.177))</i>	4358	<b>10 October 2019</b>
1.2.3	N. Zaman <i>(Delegations under Biosecurity Act 1993; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.177))</i>	4359	<b>24 October 2019</b>
1.2.4	N. Zaman <i>(Delegations under the Maritime Transport Amendment Act 1994 (Section 33G(a))</i>	4359	<b>24 October 2019</b>
1.2.5	N. Zaman <i>(Delegations under the Hazardous Substances and New Organisms Act 1996 (sections 82A and 82B)</i>	4359	<b>24 October 2019</b>

## RC122/19 **Resolutions**

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 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.
2. Confirms the action to affix the Common Seal.

**Barker/Foss  
CARRIED**

## 11. **Schedule of Meetings to 31 December 2019**

The item was taken as read.

## RC123/19 **Resolution**

That Council adopts the Schedule of Meetings to 31 December 2019.

**Barker/van Beek  
CARRIED**

## 12. Discussion of Minor Items Not on the Agenda

Item	Topic	Raised by
1.	Motiti Island Noted the interesting Court of Appeal decision validating a proposed protected marine area surrounding Motiti Island and ruling that regional councils can exercise controls on fishing under the RMA to protect biodiversity. The three areas that make up the protection area comprise of 30 square kilometres and include Ōtaiti (Astrolabe Reef); including Te Papa (Brewis Shoal), Te Porotiti, and O karapu Reef, Motuhaku Island (Schooner Rocks) and Motunau Island (Plate Island).	Cr Barker
2.	Firewood Received a notice about getting your firewood early and offering a discount and was impressed by this proactive approach.	Cr Barker

Councillor Charles Lambert offered a karakia to close the meeting.

### Closure:

There being no further business the Chairman declared the meeting closed at 12.07pm on Wednesday, 6 November 2019.

Signed as a true and correct record.

DATE: .....

CHAIRMAN: .....