



Meeting of the Hawke's Bay Regional Council

Date: Wednesday 26 February 2020
Time: 11.00am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

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HAWKE'S BAY REGIONAL COUNCIL

Wednesday 26 February 2020

Subject: FOLLOW-UP ITEMS FROM PREVIOUS REGIONAL COUNCIL MEETINGS

Item 4

Reason for Report

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

Decision Making Process

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

Recommendation

That the Council receives and notes the "*Follow-up Items from Previous Meetings*" staff report.

Authored by:

Leeanne Hooper
GOVERNANCE LEAD

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

[1](#) Follow-ups from Previous Regional Council Meetings

Follow-ups from previous Regional Council Meetings

Meeting held 29 January 2020

	Agenda Item	Action	Responsible	Status Comment
1	Report and Recommendations from the Environment and Integrated Catchments Committee	Amount of land in QEII covenants in HB	I Maxwell	Information emailed to Councillors 14 February 2020 (Reference 1 following)
2	Cr Barker Notice of Motion: Council Name Change	Investigate changing name to Environment HB	J Palmer /J Ellerm	Item on 10 June 2020 Corporate & Strategic Committee meeting agenda
3	Significant Activities Through February 2020	Overview of Biosecurity activities including TB control, possum numbers and progress toward achieving Predator Free HB	M Mitchell /I Maxwell	Item on 8 April EICC meeting agenda
4	Discussion of Minor Matters not on the Agenda	Letter to GoBus acknowledging the impressive handling of the accident scene in Hastings by the 2 bus drivers at the scene	J Lawrence	Letter from Chair sent 11Feb20 (reference 4 following)

Meeting held 18 December 2019

	Agenda Item	Action	Responsible	Status Comment
5	Minor Items Not on the Agenda	A presentation /delegation in relation to re-establishment of the rail line between Wairoa and Gisborne was requested	M Williams/ A Redgrave J Lawrence	Following the economic development workshop with councillors on 5 Feb, a meeting with Graeme Carroll (who wrote the BERL report and is a keen supporter of the rail link) took place on 14 February with the CE. Mr Carroll has been provided with a letter of in principle support (attached) and potentially Council may be able to make a small financial contribution to the collective funding of any subsequent PGF business case application.
6	HBRIC Ltd and Napier Port Holdings Ltd Director Appointments	Information Protocol agreed prior to IPO to be provided to councillors, and Council workshops to cover Governance and Functions of both Napier Port and HBRIC to be scheduled	J Ellerm /J Palmer	Information Protocol to be circulated by J Ellerm by end of March. Staff continue to seek opportunities for Council workshop within meeting schedule parameters.

Meeting held 6 November 2019

	Agenda Item	Action	Responsible	Status Comment
7	Adoption of Standing Orders	Re-write of standing orders to be more specific to HBRC	R Barker /M Williams	Verbal update to be invited at the 26 February meeting

Reference 1

QEII has a total number of 254 covenants within the Hawke’s Bay region. The total land area under covenant is 10,790ha. The table below shows the number of covenants and total area per local authority. Please note, QEII regional boundaries do not align with the Hawke’s Bay region.

QEII Region	District Council - Data										Total Count of Covenant nr	Total Sum of Area Surveyed (ha)
	Central Hawke's Bay		Hastings		Napier		Rangitikei		Wairoa			
	Count of Covenant nr	Sum of Area Surveyed (ha)	Count of Covenant nr	Sum of Area Surveyed (ha)	Count of Covenant nr	Sum of Area Surveyed (ha)	Count of Covenant nr	Sum of Area Surveyed (ha)	Count of Covenant nr	Sum of Area Surveyed (ha)		
Gisborne									52	1,355	52	1,355
Hawke's Bay	80	1,283	110	2,958	3	3	1	4,606	3	448	197	9,298
Tararua	5	137									5	137
	85	1,420	110	2,958	3	3	1	4,606	55	1,803	254	10,790

Reference follow-up 4

Item 4

Attachment 1

11 February 2020

The Manager
GoBus
PO Box 735
Hospital Hill
NAPIER 4140

BY EMAIL: hawkesbay@gobus.co.nz

Dear Sir

GO BUS DRIVERS

At our Council meeting on 29 January, Councillor Barker stated that he had witnessed an accident 10 days ago in Hastings at the Eastbourne and Warren Street intersection (he did not mention the time of day). He wanted me to advise you that he was very impressed by how smoothly the two GoBus drivers at the scene reacted and managed the scene and first aid until the Police and ambulance arrived.

Yours sincerely



Rex Graham
Chair
Phone: 021 424 972
Email: rex.graham@hbrc.govt.nz



HAWKE'S BAY REGIONAL COUNCIL

Wednesday 26 February 2020

Subject: CALL FOR MINOR ITEMS NOT ON THE AGENDA

Item 5

Reason for Report

1. This item provides the means for councillors to raise minor matters they wish to bring to the attention of the meeting.
2. Hawke's Bay Regional Council standing order 9.13 states:
 - 2.1. "A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion."

Recommendations

3. That Council accepts the following "Minor Items Not on the Agenda" for discussion as Item 14.

Topic	Raised by

Leeanne Hooper
GOVERNANCE LEAD

James Palmer
CHIEF EXECUTIVE

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 26 February 2020

SUBJECT: SIGNIFICANT ACTIVITIES THROUGH MARCH 2020

Item 6

Reason for Report

1. The following commentary is provided for Councillors' information, to inform them of the status of significant areas of Council activity.

Significant Organisational Work Streams

NPS for Freshwater Management		
Project / Activity Description	Significant Milestone(s) Upcoming	Team & Group or Section
Outstanding water bodies plan change (PC7)	1. Publicly notified on 31 August 2019. Submissions close on 28 February 2020. RPC will be asked to make Hearing Panel appointments on 15 April.	Strategic Planning Policy & Planning
TANK plan change (PC9)	2. RPC to workshop TANK plan change outstanding issues on 26 February in anticipation of decision on notification of the plan mid-late March 2020.	Strategic Planning Policy & Planning
Mohaka Plan Change	3. Following meetings with PSGEs scheduled during February 2020, staff will further engage with iwi and progress the co-design of the plan change with Ngāti Pāhauwera.	Strategic Planning Policy & Planning Team

Southern Catchments		
Project / Activity Description	Significant Milestone(s) Upcoming	Group /Team or Section
CHBDC Wastewater discharge consents	4. Report on future actions to address CHBDC municipal wastewater discharges agreed to by both CHBDC and HBRC was provided to and accepted by the Environment Court. 5. Actions proposed now require further resource consents by CHBDC for new and amended discharges. Staff have met with CHBDC to discuss implementation of the agreed strategies and funding, and a more detailed programme of works will be provided to HBRC.	Regulation Consents & Compliance

Central Catchments		
Project / Activity Description	Significant Milestone(s) Upcoming	Group /Team or Section
Heretaunga Plains Scheme review	6. Hydrodynamic modelling for Tutaekuri being constructed - to model 100yr, 200yr and 500yr flood scenarios, incorporating climate change. 7. Communication and consultation plan being discussed with internal stakeholders 8. Land matters being investigated for future engineering options.	Asset Management Regional Projects

Central Catchments		
Project / Activity Description	Significant Milestone(s) Upcoming	Group /Team or Section
Flood Control Schemes	9. Review of functionality, level of service provided, equity and accuracy of rating areas for the flood control schemes. Esk Catchment review is commencing in February. 10. Asset Management Plans and framework review. Consultant engaged to provide gap analysis and ongoing assistance. Report due March.	Asset Management Engineering
Clive River Dredging	11. Working through land issues and Iwi consultation including ongoing negotiating for land availability. The Property Group is assisting with the market valuation etc.	Asset Management Regional Projects
Te Whanganui-ā-Orotu (Ahuriri Estuary)	12. A consultant engineer has been engaged to assess the risk of stream bank erosion and stream bed degradation of Wharerangi Stream and recommend engineering solutions with this work set to begin in February.	Integrated Catchment Management Project Manager Environmental Hotspots
Lake Tūtira (Te Waiū o Tūtira, the Milk of Tūtira), HBRC partnership with Maungaharuru-Tangitū Trust, 2018-2022	13. It is anticipated that the Cultural Health Monitoring Tool will be ready for the first round of monitoring in February/March 2020.	Integrated Catchment Management Project Manager Environmental Hotspots
	14. Kahakanui Stream Bridge geotech investigation complete and detailed design underway. Engineering cost estimate is higher than original budget so investigating alternatives.	Asset Management Regional Projects
	15. Both Tūtira and Waikopiro have had reasonable seasons this summer, despite power operational issues troubling the air curtain, and a layer of algae persisting at around 10m depth in Tūtira. It is difficult to predict whether algae levels will get better or worse for the remainder of the season.	Integrated Catchment Management Environmental Science
Gravel Management	16. Detailed design and procurement underway for proposed Maraekakaho River Access Road, with some minor construction work (culvert installation) to commence beginning of February. 17. Global gravel extraction consent conditions amended following submissions, and staff are meeting with all submitters to attempt to resolve issues to avoid the need for a Hearing. 18. Gravel allocation 2020-21 programme scheduled including consultation with extractors during Feb/Mar.	Asset Management Regional Projects/Schemes
Heretaunga Plains water take renewals	19. Takes from the Heretaunga Plains unconfined aquifer (approx. 200 lodged) expired 31 May 2018 and are being exercised under s124. These are being processed as a group, as requested by applicants. Report on the individual and combined stream depletion effects now received. Draft report being prepared for discussion with parties. Decision on notification pending.	Regulation Consents

Central Catchments		
Project / Activity Description	Significant Milestone(s) Upcoming	Group /Team or Section
Heretaunga Plains Urban Development Strategy & NPS for Urban Development Capacity	20. Future HPUDS Implementation Working Group meeting schedule for next triennium is being coordinated by Hastings District Council. 21. Quarterly reporting on urban development metrics as required by the NPS for Urban Development Capacity is ongoing. Reports published at www.hpuds.co.nz/resources . 22. Planning staff liaising with officials at MFE & MPI regarding further drafting of the proposed National Policy Statement on Highly Productive Land before it gets approved by Ministers and comes into legal effect in mid 2020.	Strategic Planning Policy & Planning
Public Transport	23. Ongoing monitoring of late running issues during February-March to determine effectiveness of route changes introduced in December.	Strategic Planning Public Transport
HB Transport Study	24. Request for tender released for development of a programme business case, the third stage of the HB Transport Study/	
Regional Land Transport Plan	25. Commencing development of the strategic front-end of the 2021 Regional Land Transport Plan. A workshop on 27 March will look at innovative solutions to manage traffic growth and transport emissions.	
Bayview/Whirinaki track	26. Preliminary alignment and land matters under investigation, with initial communication with affected parties under way, working with NCC/HDC.	Asset Management Regional Projects
NZCT Priority Project Ahuriri Underpass Flooding Safety Issues	27. Working with NZTA around solutions – seawall plan is being finalised by OPUS for Southern End. Funding deficit, asking balance from NZTA. Due to be completed by June 2020. Detour for Northern End using Watchman Rd, signage being installed in Feb/March.	Asset Management Open Spaces
Te Mata Park	28. Working with HDC to complete safer off-road section parallel to Waimarama Road, for all trail users. HDC to complete iwi consultation Fri 21 Feb, expected completion by end of 2020.	Asset Management Open Spaces
Soil conservation nursery expansion	29. A new area of poplar and willow nursery will begin to be developed this Autumn, to supply an additional 20,000 poles/annum in 3 years time to enable milestones in year 4 of the Hill country erosion programme to be met.	Integrated Catchment Management Catchment Management
Hawea Historical Park / Karamu Stream Diversion	30. Draft park management plan prepared and under review. Management committee formed with monthly meetings underway. 31. Construction of the carpark will take place in Autumn 2020.	Asset Management Open Spaces Regional Assets
Waitangi Regional Park	32. Earthworks for future marquee area completed and awaiting topsoil and grass. Planning for Matariki week-long event at the Park. 33. Overflow car park to be constructed in Autumn 2020 34. New Waikahu wetland functioning well as a biodiversity habitat.	Asset Management Regional Projects

Northern Catchment		
Project / Activity Description	Significant Milestone(s) Upcoming	Group /Team or Section
Predator Free Hawke's Bay	<p>35. PFHB is hosting a two day workshop with PF2050 Ltd for all currently funded PF projects as well as some new projects in the pipeline. This is a valuable opportunity for the projects to share knowledge and experiences as we all navigate the challenge to becoming predator free.</p> <p>36. The first meeting of the Whakatipu Mahia Trust will get underway. This trust will drive outcomes led by the community for the community and the enhancement of the Mahia peninsular.</p> <p>37. Bait station installation of phase one 5,500 ha will be completed</p>	Integrated Catchment Management Catchment Services
Nuhaka River Road	38. HBRC assisting WDC, as required, with consultation on preferred option.	Asset Management Regional Projects
WDC Wastewater discharge consent	39. Wairoa District Council wastewater discharge replacement consent application was notified on 10 August 2019 with the submission period closing on 13 September 2019. 22 submissions were received by the closing date. A prehearing meeting was held on 17 October 2019 and a further prehearing is scheduled for 28 February 2020.	Regulation Consents

Biosecurity / Biodiversity		
Project / Activity Description	Significant Milestone(s) Upcoming	Group /Team or Section
Biodiversity	40. The proposed National Policy Statement on Indigenous Biodiversity has been released for consultation, closing 14 March. MfE has signaled intent for this NPS to get Ministers' approval and come into legal effect mid 2020. LGNZ on behalf of the wider local government sector has drafted a submission. Key HBRC staff reviewed the proposed NPS-IB and are drafting a submission in liaison with staff from the region's city and district councils.	Integrated Catchment Management Biodiversity Strategic Planning Policy and Planning
Biodiversity priority ecosystems	41. High resolution aerial imagery has been captured (in partnership with BOPRC) over frost flats south of Lake Taupo and is being processed. Mapping of wilding pine infestations will begin once the imagery has been processed which will guide management decisions. Frost flats are a historically rare ecosystem, developing in a harsh environmental conditions, and occur nowhere else on the planet.	Integrated Catchment Management Biodiversity
Plant pests	<p>42. The woolly nightshade control programme will be undertaken in both urban and rural areas.</p> <p>43. Boom spraying of TaskForce at large Chilean needle grass sites on willing landowner properties to be undertaken.</p>	Integrated Catchment Management Pest Management

Biosecurity / Biodiversity		
Project / Activity Description	Significant Milestone(s) Upcoming	Group /Team or Section
Possum management	<p>44. HBRC, in partnership with WDC, will be initiating a semi urban possum control programme this month.</p> <p>45. HBRC, in partnership with DOC, will be managing possum control in DOC estates at Elsthorpe, Hatuma, Tangoio and White pine scenic reserves</p>	<p>Integrated Catchment Management</p> <p>Pest Management</p>
Bovine Tuberculosis	<p>46. TB has been detected in 29 cattle (9 herds) near the Napier-Taupo road. Infection is from <u>wildlife</u> north of the area (most likely possums) which has been under OSPRI management. It is not part of the HBRC possum control area programme.</p> <p>47. A further 15 herds are currently under investigation. Some of these are expected to have infected animals.</p> <p>48. OSPRI, which manages the national TBfree programme, has expanded its regional office in Napier to lead a response. Their focus is possum control, TB testing and stock movement controls.</p> <p>49. OSPRI is expanding the livestock movement control area (MCA) in Hawke's Bay from 1 March. Cattle and deer heading for stock sales need to have returned a clear TB test within 60 days prior to the date of movement. Movements directly to slaughter are exempt from these requirements</p> <p>50. Small clusters of disease outbreak like this are not uncommon. They're expected from time-to-time in an eradication programme such as this, which spans decades. There is minimal risk to human health, though health authorities advise against the consumption of unpasteurised milk.</p> <p>51. OSPRI's planned possum control will impact on HBRC's possum control programme. HBRC is working with OSPRI.</p>	<p>Integrated Catchment Management</p> <p>Pest Management</p>

Significant Team and Section Work Streams

Environmental Science		
Project / Activity Description	Significant Milestone(s) Upcoming	Group /Team or Section
3D Aquifer Mapping	<p>52. Helicopter survey has been successfully completed, on budget and ahead of schedule, in the Ruataniwha, Heretaunga and Otane/Poukawa aquifer systems. Public enquiries and concerns were received and managed effectively, as part of an excellent PR campaign from HBRC MarComms. Data processing, additional data collection and modelling work will now continue until project closure in February 2023.</p>	<p>Integrated Catchment Management</p> <p>Hydrology/ Hydrogeology</p>

Regulation		
Project / Activity Description	Significant Milestone(s) Upcoming	Group /Team or Section
Large/ significant application Processes	<p>53. Te Mata Mushrooms HBRC - HDC joint hearing issued their decision on Te Mata Mushroom on 20 December 2019. This decision was to allow the activity to continue to operate, to upgrade on a specific time scale and to expand production once improvements are made and demonstrated to be effective in terms of no offensive odour. Two appeals were lodged by the close of the appeal period on 31 January 2020. The Court has now issued directions to HBRC and HDC to set out a mediation process by end March 2020.</p> <p>54. The applications lodged with HBRC & CHBDC for mushroom composting and production by Te Mata Mushrooms on a Mt Herbert Road Waipukurau site are on hold awaiting provision of more information.</p> <p>55. Omaranui landfill expansion application received and to be notified at the applicants request.</p>	Consents
Major consents on hold	<p>56. HBRC gravel extraction Ngaruroro, Tukituki, Waipawa and Tutaekuri. Applicant consulting with submitters.</p> <p>57. Landcorp and NCC consents for discharging stormwater and drainage water into the Ahuriri Estuary.</p> <p>58. Ruataniwha Tranche 2.</p> <p>59. Michael Glazebrook Trust. Water storage and Augmentation Scheme proposal. To take water from the Ngaruroro River at times of high flow to fill dams with the purpose of augmenting the Ngaruroro River and the Karamu Stream Catchment</p>	

Regulation		
Project / Activity Description	Significant Milestone(s) Upcoming	Group /Team or Section
Low flows Complaints (odour) Enforcement National Environmental Standard for Plantation Forestry (NesPF)	60. River flows continue to drop with no significant rain in the long-range forecast. The compliance and water information services team have been working together on ban notifications and low-flow management. We're not aware of anyone blatantly ignoring bans and staff will be monitoring compliance in the field and this may include fly-overs. 61. We have received a large number of odour complaints relating to the Awatoto Industrial area. Staff have been responding and following up. This has resulted in a number of infringements and abatement notices issued to businesses operating at Awatoto. Staff will continue to respond and take appropriate enforcement action, including higher level enforcement to achieve compliance. 62. The Enforcement team currently have over half a dozen prosecution investigations in progress at varying stages before the courts. We will report back to council on these when we are able to. 63. Compliance with the NESPF is being monitored by staff, this is being done on a risk prioritisation basis. We are further assessing resourcing needs for the LTP as more forestry comes out of rotation for harvest. We are review HBRCs draft Erosion and Sediment Controls in light of new Forestry Association industry guidance.	Compliance

Strategic Planning		
Project / Activity Description	Significant Milestone(s) Upcoming	Group /Team or Section
Ngaruroro River & Clive River Water Conservation Order (WCO) application	64. Pre-hearing expert witness conferencing is scheduled to occur over March. Four sessions are currently scheduled covering hydrology, water quality, avifauna, fish and planning. 65. The Environment Court hearing is scheduled for the weeks of 25 May and 1 June 2020.	Strategic Planning Policy & Planning
High Court proceedings for applications under Marine and Coastal Area (Takutai Moana) Act 2011	66. The Clarkson application has been determined to be one of the priority application. 67. The Court has set the hearing date for the 2 November 2020.	

Strategic Planning		
Project / Activity Description	Significant Milestone(s) Upcoming	Group /Team or Section
Climate Change Response Programme Development	<p>68. Regional engagement programme under development, including preliminary liaison with city and district councils and iwi. Staff report to be presented to Maori Committee meeting 4 March as agreed at February meeting of Environment and Integrated Catchments Committee.</p> <p>69. Staff leading this programme development project are to liaise with councillors Barker, Ormsby and Williams about scope and priorities of project and governance arrangements (as agreed at February meeting of Environment and Integrated Catchments Committee).</p>	
Statutory Advocacy (upcoming national direction from Central Government)	<p>70. Government officials have invited staff to be involved in possible revisions to the proposed NPSs for Highly Productive Land and Urban Development. Joint HB council submissions on both were lodged in November 2019.</p> <p>71. Proposed National Policy Statement for Indigenous Biodiversity (NPSIB), submissions close 14 March 2020.</p> <p>72. Taumata Arowai – Water Services Regulator Bill submissions close 4 March 2020.</p> <p>73. MfE has a web-page dedicated to national direction instruments under the RMA: https://www.mfe.govt.nz/rma/national-direction/status-of-national-direction-instruments</p>	
LGA Corporate Planning and Organisation Performance	<p>74. Annual Plan 2020-21 – draft budget and early content to be workshopped by Council 11 March 2020.</p> <p>75. Strategic Plan refresh – changes agreed at 11Feb council workshop to be presented to Maori Committee then brought back to council on 1 April</p> <p>76. Long Term Plan project– level of service reviews underway and to be presented to council in a series of workshops starting 22 April 2020. Pre-engagement community meetings (Napier, Hastings, Wairoa, CHB) scheduled for May 2020.</p>	Strategic Planning Strategy & Projects Team

Decision Making Process

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

Recommendation

That the Hawke's Bay Regional Council receives and notes the **Significant HBRC Activities through March 2020** staff report.

Authored by:

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Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 26 February 2020

Subject: HAWKE'S BAY REGION TRIENNIAL AGREEMENT FOR THE TRIENNIUM OCTOBER 2019 – 2022 FOR ADOPTION

Item 7

Reason for Report

1. This item provides Council with the final version of the Triennial Agreement for adoption as required by the Local Government Act (LGA) section 15, by 1 March 2020.

Officers' Recommendation(s)

2. Council officers recommend that Hawke's Bay Regional Council adopts the 2019-22 Triennial Agreement attached, as agreed by all other signatories, and delegates the Chief Executive and Chair to sign the document and enter into the Agreement.

Executive Summary

3. The version of the 2019-22 Triennial Agreement proposed for adoption today is the result of an iterative process of review by the Hawke's Bay Leaders Forum comprised of the region's Mayors, Chief Executives (CEs) and the Regional Council Chair, and includes the amendments requested by councillors at the Regional Council meeting on 18 December 2019.
4. The Agreement has been adopted by resolution and entered into by all four of the TLA primary parties, and agreed by the Rangitikei and Taupo Mayors and CEs (as non-primary parties) via teleconference on 17 February 2020.

Background /Discussion

5. Development of the 2019-22 Triennial Agreement was initiated by the HB Leaders Forum immediately following the 2019 Local Elections, at the first meeting of the group. Subsequently, the Agreement has been reviewed by each of the primary parties through workshops with newly elected councillors, and feedback provided to the Leaders Forum, who have recommended the final version for adoption.
6. Amendments incorporated into the previous Agreement through the development phase include:
 - 6.1. Re-ordered the document sections
 - 6.2. Re-worded, to simplify, section 2. *Purpose* of the Agreement being "to provide the framework for local government in the region to:
 - 6.2.1. work collaboratively
 - 6.2.2. improve communication and coordination at all levels
 - 6.2.3. maximise effectiveness and efficiencyin order to meet the purposes of Local Government to:
 - 6.2.4. enable democratic local decision-making by and on behalf of communities
 - 6.2.5. promote the social, economic, environmental and cultural wellbeing of communities in the present and for the future"
 - 6.3. Updated the introductory paragraph of section 3. *Principles* to further support the purpose of the Agreement, by:
 - 6.3.1. adding "to develop our collective strategic capacity from available resources and achieve our strategies by working together, through co-design and partnership so every whanau and every household is actively engaged in growing a thriving Hawke's Bay economy to support inclusive and connected communities and sustainable and resilient environments."

- 6.4. Added 4. *Strategic Priorities* and aligned those to the five pou (pillars) of Matariki, with inclusion of the representative diagram
- 6.5. Added 6. *Benefits Realisation* section and *Appendix One: Reporting* to initiate tracking and reporting achievements in the strategic priority areas to the HB Leaders Forum
- 6.6. Simplified section 8. *Consultation in Relation to the Regional Policy Statement*.
- 7. Following receiving feedback on the Agreement from each of the region's councils, the HB Leaders Forum met and agreed the Agreement to be put to all councils for adoption in time to meet the legislative deadline of 1 March 2020. This version includes the Regional Council's 18 December 2019 suggested amendments, with amendments shown in *red italicised text* following.
 - 7.1. Develop joint approaches to the development of *Annual and Long Term plans* and, where appropriate, to engagement with Central Government, iwi governance bodies and tribal entities, national agencies and community organisations.
 - 7.2. Establish, as necessary, other forums *including bi-lateral meetings*, at both political and operational levels that will help enhance and achieve the purpose of this Agreement.
 - 7.2.1. In addition to the *bi-lateral meetings* reference in the Agreement as above, Council will consider an item at the 11 March Corporate and Strategic Committee meeting to discuss and recommend an approach to the establishment of strategic bilateral meetings between Hawke's Bay Regional Council (HBRC) and the TAs across the Hawke's Bay region to ensure consistent engagement on infrastructure challenges and issues that impact on the receiving environment, taking into account the effects of climate change.

Options Assessment

- 8. There is no option for Council other than to enter into the Triennial Agreement by 1 March as required by LGA section 15.

Strategic Fit

- 9. The Triennial Agreement is one of the vehicles that assists Council to achieve its strategic goals and objectives in the Sustainable Services and Infrastructure area, including:
 - 9.1. High performing regional infrastructure enables the region's natural resources to transform into goods and services that underpin the prosperity and wellbeing of the Hawke's Bay community
 - 9.2. The region has resilient physical, community and business infrastructure to unlock potential growth and prosperity from our natural resources base
 - 9.3. Work with others to implement the Matariki Hawke's Bay Regional Economic Development Strategy and Action Plan
 - 9.4. Strategically plan for future coastal erosion and sea level rise with Napier City and Hastings District councils.
- 10. The Agreement also reinforces the organisation's values of partnership, collaboration and accountability as a means to:
 - 10.1. Work with our community in everything we do
 - 10.2. Hold ourselves to account to deliver results, be responsive to community expectations, and the best use of ratepayers' funds and assets
 - 10.3. Develop our skills and capacity to partner with Tangata Whenua, communities, councils, central government, businesses, farmers and growers for collective action

- 10.4. Clearly identify the core business priorities for our communities and target our resources and capabilities for tangible results, alongside the resources of partners.

Decision Making Process

11. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 11.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 11.2. The use of the special consultative procedure is not prescribed by legislation.
 - 11.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 11.4. The decision is not inconsistent with an existing policy or plan.
 - 11.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That Hawke's Bay Regional Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring with the community.
2. Adopts the *Hawke's Bay Region Triennial Agreement for the Triennium October 2019 – 2022* as agreed and proposed by the Hawke's Bay Leaders Forum.
3. Delegates the Hawke's Bay Regional Council Chairman and Chief Executive to sign and therefore enter into the *Hawke's Bay Region Triennial Agreement for the Triennium October 2019 – 2022*.

Authored by:

Leeanne Hooper
GOVERNANCE LEAD

Approved by:

Joanne Lawrence
GROUP MANAGER OFFICE OF THE
CHIEF EXECUTIVE AND CHAIR

James Palmer
CHIEF EXECUTIVE

Attachment/s

- [1](#) Hawke's Bay Region Triennial Agreement for the Triennium October 2019 – 2022

Attachment 1



version 29 December 2019

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1. Parties

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

1.1 Primary Parties

(those local authorities whose boundaries are completely encompassed within the Hawke's Bay Region)

- Central Hawke's Bay District Council
- Hastings District Council
- Hawke's Bay Regional Council
- Napier City Council
- Wairoa District Council

1.2 Non-Primary Parties

(Those local authorities whose boundaries bisect the Hawke's Bay Region and whose principal identification is with another Region)

- Rangitikei District Council
- Taupo District Council

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

2. Purpose

The Triennial Agreement provides the framework for local government in the Hawke's Bay region to:

- 2.1 work collaboratively
- 2.2 improve communication and coordination at all levels
- 2.3 maximise effectiveness and efficiency

in order to meet the purposes of Local Government to:

- 2.4 enable democratic local decision-making by and on behalf of communities
- 2.5 promote the social, economic, environmental and cultural wellbeing of communities in the present and for the future.

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

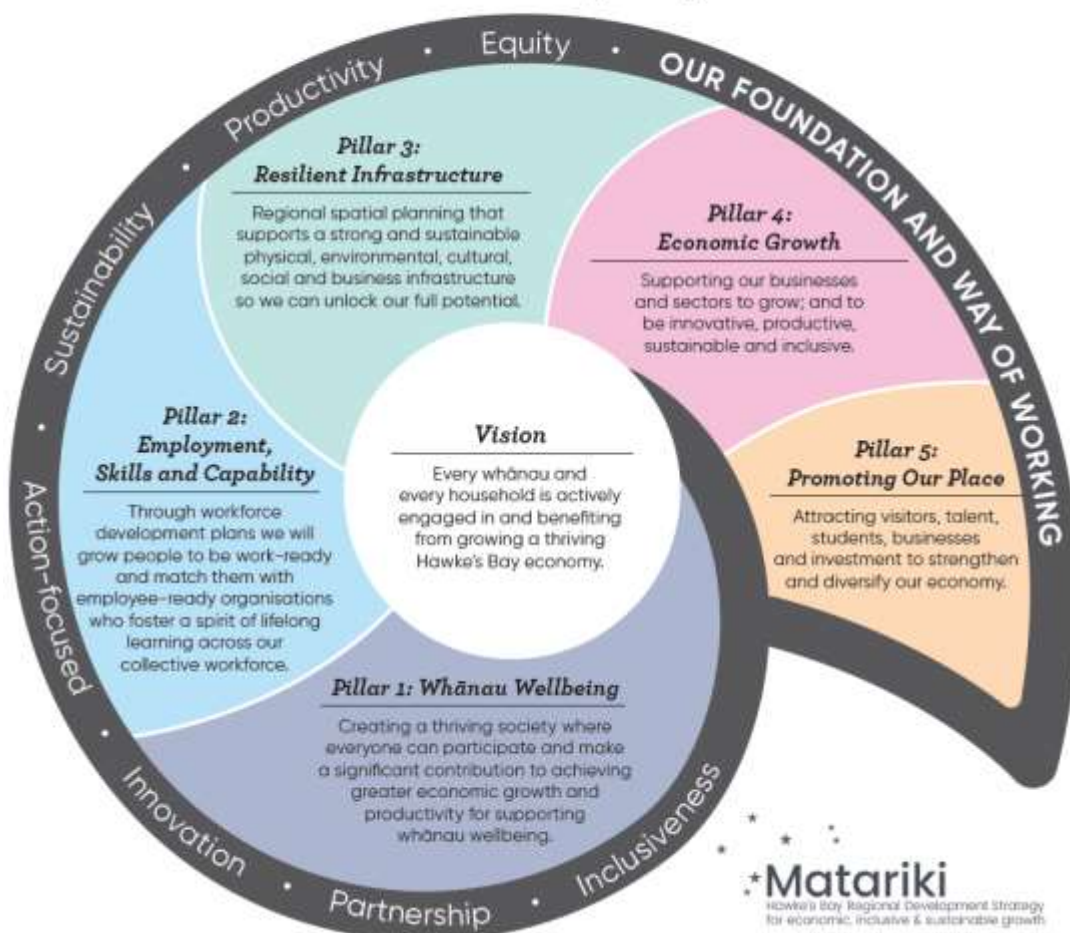
It should be noted that as well as the encouragement towards collaboration, the Local Government Act 2002, and other legislation including the Resource Management Act 1991, recognises that regional councils and territorial authorities have different responsibilities. These differences provide an important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

3. Principles

Parties to this Agreement agree to work together in good faith for the good governance of their local communities and the Region; to develop our collective strategic capacity from available resources and achieve our strategies by working together, through co-design and partnership so every whānau and every household is actively engaged in growing a thriving Hawke's Bay economy to support inclusive and connected communities and sustainable and resilient environments. In doing so, we:

- 3.1 acknowledge that the communities within the Region are diverse and encompass a range of desired outcomes and objectives
- 3.2 support the establishment of processes for communication and collaboration at both governance and management levels in ways that will enhance the overall performance and reputation of local government in the region
- 3.3 recognise that collaboration and co-operation between local authorities of the Region can bring efficiencies in terms of planning, administration costs and decision-making and consultation. There is also the potential to increase available resources and promote co-operative approaches in making strategic choices
- 3.4 will investigate further opportunities for collaboration, co-operation, regional funding and shared services between local authorities of the Region in addition to those prescribed by statute or already being undertaken
- 3.5 agree that collaborative or shared services opportunities may occur between two or more parties to this Agreement, but not in every case between all parties to this Agreement. Although collaboration and co-operation are outcomes that should be strived for, each local authority has the legislative mandate to govern their own area as appropriate
- 3.6 will make every effort to accommodate, acknowledge, or at least fairly represent the dissenting view where some parties to this Agreement have a significant disagreement with the position of other parties to the Agreement
- 3.7 will show leadership to ensure the implementation of this Agreement makes a positive difference for Hawke's Bay.

Hawke's Bay Regional Development Strategy Matariki Action Plan (MAP) Overview



4.1 Local Government priority areas for the 2019-22 triennium, aligned to the five pou of Matariki (above) and agreed by the Hawke's Bay Leaders' Forum on 25 November 2019, are (in no particular order):

- Water – *safety, security and planning*
- Climate Change – *adaptation and mitigation*
- Social Inclusion – *a thriving society where everyone can participate and make a significant contribution*
- Housing – *regionally focused housing strategy*
- Economic Development and Tourism
- Transport.

4.2 Priority areas where cooperative approaches exist include:

- Water – Drinking Water safety and security response to Havelock North contamination Inquiry recommendations through Joint Working Group and HB Drinking Water Governance Joint Committee comprising elected representatives of the five local authorities, the District Health Board and Ngāti Kahungunu
- Water – Regional Three Waters review of the provision of drinking, waste and storm water services
- Climate Change – Clifton to Tangoio Coastal Hazards Strategy development through the Joint Committee comprising representatives of NCC, HDC, HBRC and Tangata Whenua
- Transport – Regional transport planning through the Regional Transport Committee comprising representatives of the five local authorities and the NZ Transport Agency

4.3 Priority areas to develop, or further develop, cooperative approaches include:

- Water – freshwater management issues, including Three Waters infrastructure and service delivery to meet requirements of Central Government reform
- Climate change – the development of a coordinated regional response to a changing climate, including integration with regional transport and hazard management planning
- Information sharing and strategy development – regional Elected Representatives' fora (workshops) on topics of regional priority will be held as required, and at least twice per year.

4.4 Any new priorities or services of significance to more than one district will be communicated to the Chief Executives by the Hawke's Bay Leaders' Forum for further development in accordance with the protocols in section 5 following.

5. Protocols for communication and coordination

It is recognised that a significant level of formal and informal cooperation already exists between Hawke's Bay's local authorities. Further to this existing cooperation, parties to this Agreement will:

- 5.1 Hold monthly meetings of the Mayors of the primary parties and the Regional Chairman (aligned to the other Committee meetings as appropriate) to formally communicate and coordinate on matters of mutual interest, in accordance with arrangements detailed in Appendix Two.
- 5.2 Invite the Chief Executives of the primary parties to attend every Forum for a period of time.
- 5.3 At the first meeting following the local body elections, elect a Chair of the Forum from among the attendees. The Council whom the elected Chair represents will provide the administrative support for the Forum for that triennium.
- 5.4 Share resources where feasible for the purposes of preparing information on the various communities in the region. These resources may include information on demographics, survey data, scientific studies and the analysis of social, economic, environmental and cultural trends.
- 5.5 Develop joint approaches to the development of Annual and Long Term plans and, where appropriate, to engagement with Central Government, iwi governance bodies and tribal entities, national agencies and community organisations.
- 5.6 Provide early for notification of, and participation in decisions that may affect other local authorities in the region.
- 5.7 Make draft strategies, policies, and plans available to other local authorities in the region for discussion and development, where they may have regional implications or implications beyond the boundaries of the decision-making council.
- 5.8 Apply a "*no surprises*" policy whereby early notice will be given over disagreements between local authorities concerning policy or programmes before the matter is put out to the public.
- 5.9 Review the performance of the Triennial Agreement and benefits realised in the priority areas at least quarterly, as outlined in section 6 following.
- 5.10 Establish, as necessary, other forums including bi-lateral meetings, at both political and operational levels that will help enhance and achieve the purpose of this Agreement.
- 5.11 Provide a process for initiating reviews of regional forums that are not working optimally in the view of one or more parties.

6. Benefits Realisation

Achievements in each of the priority areas will be reported to the HB Leaders Forum quarterly, in a format to be agreed by the Forum.

7. Significant New Activities Proposed By Hawke's Bay Regional Council

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

However, in the spirit of this Agreement, the parties agree to an expanded consultation and communication process which includes discussion of the issues involved at the first available monthly meeting (see 5.1 above), and to provide drafts of proposals to affected Councils for early comment in accordance with the requirements of sections 77-87 of the Local Government Act (decision-making and consultation).

The parties also agree that prior to implementing the formal provisions of section 16¹:

- 7.1 the Regional Council will inform all territorial authorities within the region of
 - 7.1.1 the nature of the activity proposed to be undertaken
 - 7.1.2 the scope of the proposal (including size, districts covered, and why) and
 - 7.1.3 the reasons for the proposal.
- 7.2 territorial authorities will be given a reasonable period of time, but no less than 40 working days, to respond to any such proposal. The Regional Council agrees to fully consider any submissions and representations on the proposal made by territorial authorities within the region.

8. Consultation in Relation to the Regional Policy Statement

The following consultation process will apply to any change, variation, or review of the Hawke's Bay Regional Policy Statement, and the preparation of any future Regional Policy Statement:

- 8.1 The Regional Council will seek the input of territorial authorities into the review of the Regional Policy Statement
- 8.2 The Regional Council will make available to all local authorities, for discussion and development, draft copies of:
 - 8.2.1 any change or variation of to the Regional Policy Statement
 - 8.2.2 any proposed Regional Policy Statement.
- 8.3 Territorial authorities will be given a reasonable period of time, but no less than [20] working days, to respond to any such proposal. The Regional Council agrees to consider fully any submissions and representations on the proposal made by territorial authorities within the Region.
- 8.4 The parties to this agreement acknowledge their obligation to act in accordance with the principles of collaboration set out in the Local Government Act 2002.

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

9. Dispute Resolution

In the event of a disagreement between the Councils as to the interpretation or implementation of this Agreement, and/ or that disagreement between the Councils as to the interpretation or implementation of this Agreement to vary the terms of this Agreement, then the matter in dispute will be referred to mediation.

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

¹ Appendix Three

10. Revision of the Agreement

10.1 The Agreement is effective from the date of signing until such time as the Agreement is either amended by the agreement of all parties or is renewed following the 2022 local authority elections (by 1 March 2023).

10.2 If a party to the Agreement requests a review of its terms within the triennium, such a review will begin within four weeks of the request being lodged. Otherwise the Agreement will be renewed following the local body elections as outlined in 10.1 above.

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

11. Parties - Signatures

This Agreement is signed on this day _____ of _____ 2020 by the following on behalf of their respective authorities.

PRIMARY PARTIES**Central Hawke's Bay District Council****Hastings District Council**.....
Mayor Alex Walker.....
Mayor Sandra Hazlehurst.....
Chief Executive Monique Davidson.....
Chief Executive Nigel Bickle**Hawke's Bay Regional Council****Napier City Council**.....
Chair Rex Graham.....
Mayor Kirsten Wise.....
Chief Executive James Palmer.....
Chief Executive Wayne Jack**Wairoa District Council**.....
Mayor Craig Little.....
Chief Executive Steven May

NON-PRIMARY PARTIES

Rangitikei District Council

Taupo District Council

.....
Mayor Andy Watson

.....
Mayor David Trewavas

.....
Chief Executive Peter Beggs

.....
Chief Executive Gareth Green

Item 7

Attachment 1

Appendix One: Reporting

Joint Committees

- Mayor/Chair ex-officio on all joint committees – to receive meeting invitations and copy of Agenda
- Meeting minutes and a Meeting Summary (prepared by the Technical Advisory Group (TAG) lead) will be provided to the Hawke's Bay Leaders' Forum Chair's executive assistant within 10 days of the meeting having been held for presentation to the next monthly meeting.
- A diagram of the current committee structure across Hawke's Bay is below.



Achievements

- A work programme for each of the priority areas will be developed and agreed, to enable strategic level reporting against milestones and projects (*examples following*).

Priority: Water – safety, security and planning

Activity	Lead	Achievements	Due for Completion
Regional Water Security Program (supported by PGF)	Tom Skerman (HBRC)	1.	
National Policy Statement on Freshwater Management (NPSFM)	Tom Skerman (HBRC)		
Three waters review			

Priority: Climate Change adaptation and mitigation

Activity	Lead	Achievements	Due for Completion
Regional Climate Response Strategy	Tom Skerman, Gavin Ide (HBRC)		

Appendix Two: Meetings

Hawke's Bay Leaders' Forum

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

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

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

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

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

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

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

Item 7

Attachment 1

Appendix Three: Legislative Context

Local Government Act

Section 15 Triennial agreement

- (1) Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement under this section covering the period until the next triennial general election of members.
- (2) An agreement under this section must include—
 - (a) protocols for communication and co-ordination among the local authorities; and
 - (b) a statement of the process by which the local authorities will comply with section 16 in respect of proposals for new regional council activities; and
 - (c) processes and protocols through which all local authorities can participate in identifying, delivering, and funding facilities and services of significance to more than 1 district.
- (3) An agreement under this section may also include—
 - (a) commitments by local authorities within the region to establish or continue 1 or more joint committees or other joint governance arrangements to give better effect to 1 or more of the matters referred to in subsection (2); and
 - (b) the matters to be included in the terms of reference for any such committees or arrangements, including any delegations.
- (4) An agreement under this section may be varied by agreement between all the local authorities within the region.
- (5) An agreement under this section remains in force until it is replaced by another agreement.
- (6) If a decision of a local authority is significantly inconsistent with, or is expected to have consequences that will be significantly inconsistent with, the agreement under this section that is currently in force within the region, the local authority must, when making the decision, clearly identify—
 - (a) the inconsistency; and
 - (b) the reasons for the inconsistency; and
 - (c) any intention of the local authority to seek an amendment to the agreement under subsection (4).
- (7) As soon as practicable after making any decision to which subsection (6) applies, the local authority must give to each of the other local authorities within the region notice of the decision and of the matters specified in that subsection.

Section 14 Principles relating to local authorities

- (1) in performing its role, a local authority must act in accordance with the following principles:
 - (e) a local authority should actively seek to collaborate and cooperate with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its identified priorities and desired outcomes.

Section 16 Significant new activities proposed by regional council

- (1) This section applies if,—
 - (a) in the exercise of its powers under section 12(2), a regional council proposes to undertake a significant new activity; or
 - (b) a regional council-controlled organisation proposes to undertake a significant new activity; and

- (c) in either case, 1 or more territorial authorities in the region of the regional council—
 - (i) are already undertaking the significant new activity; or
 - (ii) have notified their intention to do so in their long-term plans or their annual plans.
- (2) When this section applies, the regional council—
 - (a) must advise all the territorial authorities within its region and the Minister of the proposal and the reasons for it; and
 - (b) must include the proposal in the consultation document referred to in section 93A.
- (3) A proposal included in the consultation document referred to in section 93A must include—
 - (a) the reasons for the proposal; and
 - (b) the expected effects of the proposal on the activities of the territorial authorities within the region; and
 - (c) the objections raised by those territorial authorities, if any.
- (4) If, after complying with subsection (2), the regional council indicates that it intends to continue with the proposal, but agreement is not reached on the proposal among the regional council and all of the affected territorial authorities, either the regional council or 1 or more of the affected territorial authorities may submit the matter to mediation.
- (5) Mediation must be by a mediator or a mediation process—
 - (a) agreed to by the relevant local authorities; or
 - (b) in the absence of an agreement, as specified by the Minister.
- (6) If mediation is unsuccessful, either the regional council or 1 or more affected territorial authorities may ask the Minister to make a binding decision on the proposal.
- (7) Before making a binding decision, the Minister must—
 - (a) seek and consider the advice of the Commission; and
 - (b) consult with other Ministers whose responsibilities may be affected by the proposal.
- (8) This section does not apply to—
 - (a) a proposal by a regional council to establish, own, or operate a park for the benefit of its region; or
 - (b) a proposal to transfer responsibilities; or
 - (c) a proposal to transfer bylaw-making powers; or
 - (d) a reorganisation application under Schedule 3; or
 - (e) a proposal to undertake an activity or enter into an undertaking jointly with the Crown.
- (9) For the purposes of this section,—

affected territorial authority means a territorial authority—

 - (a) the district of which is wholly or partly in the region of a regional council; and
 - (b) that undertakes, or has notified in its long-term plan or annual plan its intention to undertake, the significant new activity

annual plan—

 - (a) means a report adopted under section 223D of the Local Government Act 1974; and
 - (b) includes such a report that section 281 applies to

new activity—

 - (a) means an activity that, before the commencement of this section, a regional council was not authorised to undertake; but
 - (b) does not include an activity authorised by or under an enactment

regional council-controlled organisation means a council-controlled organisation that is—

- (a) a company—
 - (i) in which equity securities carrying 50% or more of the voting rights at a meeting of the shareholders of the company are—
 - (A) held by 1 or more regional councils; or
 - (B) controlled, directly or indirectly, by 1 or more regional councils; or
 - (ii) in which 1 or more regional councils have the right, directly or indirectly, to appoint 50% or more of the directors of the company; or
- (b) an organisation in respect of which 1 or more regional councils have, whether or not jointly with other regional councils or persons,—
 - (i) control, directly or indirectly, of 50% or more of the votes at any meeting of the members or controlling body of the organisation; or
 - (ii) the right, directly or indirectly, to appoint 50% or more of the trustees, directors, or managers (however described) of the organisation.

Resource Management Act 1991

Schedule 1 Preparation, change, and review of policy statements and plans

3A Consultation in relation to policy statements

- (1) A triennial agreement entered into under section 15(1) of the Local Government Act 2002 must include an agreement on the consultation process to be used by the affected local authorities in the course of—
 - (a) preparing a proposed policy statement or a variation to a proposed policy statement; and
 - (b) preparing a change to a policy statement; and
 - (c) reviewing a policy statement.
- (2) If an agreement on the consultation process required by subclause (1) is not reached by the date prescribed in section 15(1) of the Local Government Act 2002,—
 - (a) subclause (1) ceases to apply to that triennial agreement; and
 - (b) 1 or more of the affected local authorities—
 - (i) must advise the Minister and every affected local authority as soon as is reasonably practicable after the date prescribed in section 15(1) of the Local Government Act 2002; and
 - (ii) may submit the matter to mediation.
- (3) If subclause (2) applies, the parts of the triennial agreement other than the part relating to the consultative process referred to in subclause (1) may be confirmed before—
 - (a) an agreement on the consultative process is reached under subclauses (4) and (5)(a); or
 - (b) the Minister makes a binding determination under subclause (5)(b).
- (4) Mediation must be by a mediator or a mediation process agreed to by the affected local authorities.
- (5) If the matter is not submitted to mediation or if mediation is unsuccessful, the Minister may either—
 - (a) make an appointment under section 25 the purpose of determining a consultation process to be used in the course of preparing a proposed policy statement or reviewing a policy statement; or
 - (b) make a binding determination as to the consultation process that must be used.
- (6) The consultative process must form part of the triennial agreement, whether or not the other parts of the triennial agreement have been confirmed, in the event that—

- (a) an agreement is reached under subclause (4) or subclause (5)(a) as to a consultative process, as required by subclause (1); or
 - (b) the Minister makes a binding determination under subclause (5)(b).
- (7) In this clause, **affected local authorities** means—
 - (a) the regional council of a region; and
 - (b) every territorial authority whose district is wholly or partly in the region of the regional council.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 26 February 2020

Subject: REGIONAL PLANNING COMMITTEE TĀNGATA WHENUA REMUNERATION REVIEW

Item 8

Reason for Report

1. This item provides the means for Council to resolve the remuneration to be paid to Tāngata Whenua representatives (TWR) on the Regional Planning Committee (RPC).

Officers' Recommendations

2. Because Council officers consider that circumstances for RPC members have not changed substantially since the findings of the 2019 Strategic Pay review were released, it is recommended that Council sets the remuneration for Tāngata Whenua RPC representatives in accordance with the recommendations of that review.

Executive Summary

3. Strategic Pay undertook a review of remuneration for Tāngata Whenua RPC representatives during 2019, and provided their report to Council in July. Due to delays caused by the election cycle Council has been unable, until now, to implement the recommendations of the review.
4. It is now timely for Council to resolve remuneration for Tāngata Whenua RPC representatives for the 2019-22 Triennium based on the recommendations of the 2019 Strategic Pay review and councillors' current base salary, and advise Tāngata Whenua accordingly.

Background /Discussion

5. Clause 13.2 in the 2014 Regional Planning Committee Terms of Reference states:
 - 5.1. The Tāngata Whenua Representatives and the Tāngata Whenua Co-Chair shall be remunerated for their services by the Council. The level of remuneration shall be determined promptly following each triennial election of Councillors by two independent persons (Appointees), one of which is appointed by the Council Co-Chair, and the other by the Tāngata Whenua Co-Chair. The Appointees must have regard to:
 - 5.1.1. the need to minimise the potential for certain types of remuneration to distort the behaviour of the Tāngata Whenua Representatives and the Tāngata Whenua Co-Chair in relation to their respective positions on the Committee
 - 5.1.2. the need to achieve and maintain fair relativity with the levels of remuneration received by elected representatives in RMA policy development roles, and
 - 5.1.3. the need to be fair both:
 - 5.1.3.1 to the persons whose remuneration is being determined; and
 - 5.1.3.2 to ratepayers; and
 - 5.1.3.3 the need to attract and retain competent persons.
6. Tāngata Whenua representatives' remuneration was reviewed in 2017-18, with effect from 1 July 2018, and again in 2019. The 2019 report by Strategic Pay is attached for information.

7. In its conclusion, Strategic Pay's report said "annual base fees for the tangata whenua members of the RPC should be set in a range [to] not exceed 25% of the Councillors' base annual fee as a matter of relativities... That means annual committee "fees for tāngata whenua members should be set in a range up to \$13,258" (based on June 2019 councillor base salary \$53,030). By targeting midpoints, and using the new \$62,000 pa base councillor salary, this equates as follows.

	Current Annual Base Fee	Annual Base Fee proposed 18 Sept (% increase)	2020 Recommended range	2020 mid-point base fee	Annual Base Fee proposed (% increase)
TW Member	\$12,000	13,000 (8.3%)	13,000 – 15,500	13,750	13,750 (8.7%)
Deputy Co-Chair	\$18,000	19,000 (5.5%)	19,000 – 23,250	20,625	20,625 (8.7%)
Co-Chair	\$24,000	26,000 (8.3%)	25,000 – 31,000	27,500	27,500 (8.7%)

Consultation

8. The agenda item that went to the 18 September 2019 RPC meeting was not considered due to the meeting's quorum failing, and the remuneration item was deferred to the 25 September meeting. However, following a subsequent discussion between the Co-chairs and the Chief Executive, it was determined the remuneration of the TWR was not a decision for the RPC to make, but sat instead with Council. Consequently, the remuneration review was not formally discussed at the 25 September RPC meeting.
9. At that time Tania Hopmans, former Deputy Co-Chair, felt that it would make best sense to go with the midpoint in the range suggested by Strategic Pay rather than selecting the lowest point, to avoid any dispute as to what is fair and reasonable. It can be noted that the original item from 18 September 2019 suggested a modest increase that sat higher than the lowest point in the recommended range.

Remuneration Review cycle

10. The Terms of Reference for the RPC require that Tāngata Whenua remuneration is set promptly following each triennial election. Due to the timing of the completion of this latest review falling only weeks before the start of the next triennium, staff will seek the agreement of the Committee that the next Tāngata Whenua remuneration review will not be undertaken until immediately following the 2022 local body elections.

Financial and Resource Implications

11. Any increases in remuneration have an impact on the organisation's budgets; the higher the increase, the more significant the impact. Staff consider the remuneration increases proposed in paragraph 7 can be accommodated within existing the 2018-2028 Long Term Plan budgets but to contribute to a broad range of unbudgeted cost pressures for the Council.

Decision Making Process

12. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
- 12.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 12.2. The use of the special consultative procedure is not prescribed by legislation.
 - 12.3. The decision does not fall within the definition of Council's policy on significance.
 - 12.4. The persons affected by this decision are the Tāngata Whenua representatives appointed to the Regional Planning Committee.
 - 12.5. The decision is not inconsistent with an existing policy or plan.

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

Recommendations

1. That Hawke's Bay Regional Council:
 - 1.1. Receives and considers the "*Regional Planning Committee Tāngata Whenua Remuneration Review*" staff report.
 - 1.2. 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 with the community.
 - 1.3. Sets the remuneration for Tāngata Whenua representatives appointed to the Regional Planning Committee in accordance with the findings of the Strategic Pay report and the agreed \$62,000 base councillor remuneration, for effect from 1 January 2020 and for the remainder of the 2019-22 Triennium, at:
 - 1.3.1. \$13,750 per annum for a Tāngata Whenua committee member
 - 1.3.2. \$20,625 per annum for the RPC Deputy Co-Chair
 - 1.3.3. \$27,500 per annum for the RPC Co-Chair
 - 1.3.4. A payment of \$37.50 per hour (after the first hour of eligible travel) to be paid to upon submission of an approved Travel Claim form.

Authored by:

Leeanne Hooper
GOVERNANCE LEAD

Approved by:

Joanne Lawrence
GROUP MANAGER OFFICE OF THE
CHIEF EXECUTIVE AND CHAIR

James Palmer
CHIEF EXECUTIVE

Attachment/s

- [1](#) 2019 Strategic Pay RPC Remuneration Report



Hawke's Bay Regional Council: Regional Planning Committee

Fees Review for Tangata Whenua Members

Prepared by:
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Strategic Pay
July 2019

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Overview

Joanne Lawrence, Group Manager, Office of the Chief Executive and Chair for the Hawke's Bay Regional Council ("HBRC" hereafter), has commissioned Strategic Pay Ltd to provide a review of fee levels for Tangata Whenua members of the Regional Planning Committee ("RPC" hereafter).

Ms Lawrence and Ms Leeanne Hooper have supplied our background information. John McGill met with both Tangata Whenua Committee members and Councillors of the RPC in Napier in conjunction with a scheduled Committee meeting in July. We subsequently phone interviewed the Co-Chairs: Toro Waaka and Rex Graham, to discuss the DirectoRate and CommitteeRate factors.

We understand that past analyses regarding appropriate fee levels have largely relied on application of the State Services Commission's Cabinet Fees Framework methodology. Fees were last reviewed in December 2017 by another party.

Our approach involved:

- Using a modification of our proprietary Director Evaluation Methodology ("DirectoRate" which considers nine factors involving Board of Director work) called for convenience "CommitteeRate," to consider Committee work and relying on seven factors, to develop our understanding of the RPC roles;
- Reviewing what similar roles would be paid if the RPC were under the purview of the NZ Government's State Services Commission's Cabinet Fees Framework;
- Looking at Committee fee levels and overall fee levels compared to data collected and analysed in our annual February 2019 [New Zealand Directors' Fees Survey](#);
- Reviewing the fees paid to the HBRC Councillors and understanding the relativities between Councillor roles and pay and those of the RPC;
- Contacting the New Zealand Remuneration Authority requesting advice. This request was declined as the issue is not in its jurisdiction.



TERMS OF REFERENCE

Strategic Pay Limited has been selected to deliver the following work outputs in this project:

- ☐ Confirm current composition of Council and its committees;
- ☐ Confirm current Regional Planning Committee (RPC) fees paid: base annual fees, separate committee fees; governance pool from when RPC fees were last reviewed;
- ☐ Examination of Council and committee meeting schedule, and consider the time commitment for Tangata Whenua representatives on the RPC;
- ☐ Examination of any projects or challenges of note confronting the RPC at this time;
- ☐ Acknowledgement of any particular board skills or expertise that need to be considered e.g. "Making Good Decisions" training with respect to the Resource Management Act;
- ☐ Reference to the Remuneration Authority for the setting of Councillor fee levels and fee structure;
- ☐ Reference to current arrangements for the salary setting arrangements for Tangata Whenua representatives of the RPC;
- ☐ Provide remuneration advice which is consistent with similar organisations throughout New Zealand to determine appropriate Committee fee levels for the RPC's Tangata Whenua representatives;
- ☐ Provide "scoring" of governance roles and positions on an independent, objective basis which is consistent with the State Services Commission's Cabinet Fees Framework 2012;
- ☐ Evaluate the RPC governance roles and size these against fees paid in the NZ market for comparably sized roles;
- ☐ Provide a final report within four weeks from project approval and delivery of all requested background materials which covers the following information:
 - ☐ Background information and the context identified above
 - ☐ Recommendation summary
 - ☐ Application of SSC's Cabinet Fees Framework to governance roles of Tangata Whenua members
 - ☐ Results of Director evaluation methodology



This report presents the following:

- 1 Overview
- 2 Terms of Reference
- 3 Background information
- 4 Context and Process
- 5 Recommendation
- 6 State Services Commission Analysis
- 7 DirectoRate and CommitteeRate Analysis
- 8 Relativities Analysis – Councillors and Tangata Whenua Committee members
- 9 Appendix 1 – Remuneration Authority response to Strategic Pay request for advice
- 10 Appendix 2 - February 2019 [New Zealand Director Fees Survey](#) highlights on Committee Fees and Committee Practice
- 11 Appendix 3 – DirectoRate Methodology
- 12 Appendix 4 - CommitteeRate Questionnaire and Factors
- 13 Appendix 5 - Tangata Whenua Member Position Description
- 14 Appendix 6 - Strategic Pay Ltd – Capabilities and Offerings.

Background

HAWKES' BAY REGIONAL COUNCIL ("HBRC")

The HBRC is the local authority charged with regional planning responsibilities for managing the natural resources (air, water, land, coast, biodiversity) across a large portion of the east coast of the North Island.

The region's total land area is around 14,200 square kilometres (1.42 million hectares). It includes mountain ranges to the north and west, 350km of diverse coastline (cliffs, estuaries, sand beaches, gravel beaches), and productive plains and hill country.

The region is determined by river catchments and Hawke's Bay has 7 major rivers; Wairoa, Mohaka, Esk, Ngaruroro, Tutaekuri, Tukituki, and Waipawa.

The Council is composed of nine Councillors with a Chair and Deputy Chair.

The HBRC Council is paid as follows, as of 1 July 2019:

- ☐ Chairman - \$127,436 (net of vehicle benefit)
- ☐ Deputy Chairman - \$66,287;
- ☐ Councillor - \$53,030;
- ☐ Councillor with Committee Chair - \$66,287

The HBRC Council reports its meeting schedule as follows for 2018/2019:

- ☐ 20 full Council Meetings
- ☐ 41 Council Committee meetings – not all Councillors sit on all Committees, however all Councillors sit on three committees, including RPC. There are nine Committees in total.
- ☐ 10 workshops
- ☐ 7 Joint Committee meetings.

REGIONAL PLANNING COMMITTEE

The focus of this report is the determination of the annual fees for Tangata Whenua members of the RPC and we note the following concerning this committee:

The work of the RPC covers all aspects of natural resource use in the Council's catchment area. Decisions made and recommendations put forward to Council are designed to determine the use of the natural resources of the region for the indefinite future and therefore the committee's work represents a significant part of the work of Council and has a significant influence on the economic future of Hawke's Bay. Understanding and applying the Resource Management Act (RMA) is central to this Committee's work.

Thus, the responsibilities of the RPC are fairly narrow and focussed on RMA issues as stated above. We note that Council Chair, Rex Graham, feels that the RPC is "the most important" of all HBRC committees.

The RPC was established under special legislation in 2014, as a joint committee with equal representation from Tangata Whenua and all HBRC Councillors. All members have voting rights, with recommendations to HBRC requiring 80% consensus before full Council consideration. The legislation intended that the RPC's decisions are binding for the HBRC. To date, HBRC has not overridden the RPC's recommendations, an indication of the RPC's power.



The RPC is comprised of 9 representatives of Post Settlement Governance Entities (Tangata Whenua) and nine elected representatives (all Councillors). There are two Co-Chairs and two Co-Deputy Chairs, one from each group respectively. Payment is as follows:

- The Tangata Whenua representatives are each paid a \$12,000 base annual fee per year plus \$0.79/km travel reimbursement and accommodation upon claim;
- The Co-Deputy Chair is paid an \$18,000 base annual fee.
- The Co-Chair is paid a \$24,000 base annual fee.
- Those Tangata Whenua members who serve on Council Committees are paid \$400/meeting plus travel, which may run from 4 to 8 additional meetings per year. *(Two sit on the Hearings Committee, one on the Corporate and Strategic Committee, and one on the Environment & Services Committee).* We note there is a separate Maori Advisory Committee which has a broader mandate.)

There are six-weekly RPC meetings throughout the year, with a Tangata Whenua hui the day prior. Meetings run from 4 to 6 hours.

RPC members are an equal mix of Councillors and Tangata Whenua with chairmanship shared jointly. The Co-Chairs alternate chairing the formal meetings. This is an unusual arrangement in NZ that has been mandated through legislation.

Recommendation Summary

We recommend that annual Committee fees for Tangata Whenua Members of the RPC be set in a range from **\$12,000 to \$15,000**.

Likewise, we recommend that annual Committee fees for the Co-Chair of RPC be set in a range from **\$24,000 to \$30,000**.

Since the Co-Deputy Chair carries additional responsibilities and workload, we support continuation of the 50% premium to Member fees. Calculating this on fee range above, we recommend that committee fees for the Deputy Chair be set in a range from **\$18,000 to \$22,500**.

As you can see, while there is scope for an uplift, current fee levels are appropriate in our view, thus no adjustment is immediately required.

Recommendation Summary – Tangata Whenua Members of RPC:

Fees	Current (\$)	Number	Proposed (\$)	Number	Proposed Total (\$)
Co-Chair	24,000	1	24,000 to 30,000	1	24,000 to 30,000
Co-Deputy Chair	18,000	1	18,000 to 22,500	1	18,000 to 22,500
Committee Member	12,000	7	12,000 to 15,000	7	84,000 to 105,000
Total	126,000	9		9	126,000 to 157,500

Depending on your final decisions within the recommended ranges, the annual cost may rise from **\$126,000** to as much as **\$157,700**. At maximum, this represents an increase of as much as **25%**.

Additionally, we recommend that, in addition to mileage, Tangata Whenua members receive hourly payment for travel time consistent to that paid to HBRC Councillors. We understand this is currently paid at \$37.50 per hour (after the first hour of eligible travel.)

Summary Results – Methodologies for Regional Planning Committee

Sample	Base Annual Fee (\$)
SSC Fees Framework	8,288
DirectoRate and CommitteeRate	14,570
Relativities to Councillor Analysis	Up to 13,258
Remuneration Authority (Appendix 1)	n/a no authority on the issue

We have considered the results of these three methodologies, and find consensus in the **\$12,000 to \$15,000** range. *No one methodology overrides the others.*

CONTEXT AND PROCESS TO FEE SETTING RECOMMENDATION

In reviewing the fees, we have taken into account the fact that committee members often have considerable travel requirements to be present at meetings.

We agree with an earlier decision to move away from setting fees on a per meeting basis rather setting an overall fee level that represents the "whole" job of the committee.

In setting fee levels the importance of understanding both the extent, context and scope of the workload is important. We have done this through application of the State Services Commission's Fees Framework scoring methodology as well as our DirectorRate methodology. There is overlap between the two in terms of factors to be considered. This is explained in the appendices.

In reviewing the fee levels we have taken into account:

- ☐ The fees Councillors receive, and respective relativities to RPC fees;
- ☐ The broader marketplace for governance fees including the Cabinet Fees framework, other broadly similar work we have conducted
- ☐ Our annual [New Zealand Directors' Fees Survey](#) as of February 2019.

We have also noted that the fees for Councillors are set by the Remuneration Authority and they specifically allow for a "Public Service discount" in setting levels. In this regard we are also aware that the fees in the Cabinet Fees framework have only had the most minor of adjustments since 2012. In our view the recommended fee levels in this document have fallen behind the wider marketplace in a number of areas. We also believe it is wholly appropriate that Tangata Whenua members of the RPC are likewise covered by this "Public Service" discount.

In assessing fee levels for the RPC, we believe that relativity is important and our view is that fees paid to Councillors should be factored into a final determination on fee levels for Tangata Whenua members. We note this is consistent with other work within local government and Iwi that we have conducted and reflects the position across the country as to the setting of fee levels in the Public Sector regardless of who is appointed, what the nature of the organisation is, or what sector we are talking about. Please note that the Tangata Whenua members did not raise this issue when we met with them.

We were asked to check with the Remuneration Authority in terms of their fee setting ability within LG committees. They replied that they had no authority in this area. (See Remuneration Authority response in Appendix 1.)

We have reviewed the following documents in the course of our review:

- ☐ Position Description
- ☐ Terms of Reference – Regional Planning Committee
- ☐ Glossary – Regional Planning Committee



State Services Commission – Cabinet Fees’ Framework

In our view, the State Services Commission’s Cabinet Fees Framework, last reviewed in June 2019, is the most applicable methodology for the Regional Planning Committee’s request for assessment of fee levels for Tangata Whenua members. It is designed to address appropriate fees for members appointed to bodies in which the Crown has an interest. Certainly, this includes Hawkes’ Bay Regional Council generally and the Regional Planning Committee specifically.

Such Bodies are classified into four groups as follows:

- ☐ Royal Commissions, Commissions of Inquiry and Ministerial Inquiries
- ☐ Statutory Tribunals and Authorities
- ☐ Governance Boards
- ☐ All Other Committees and Other Bodies.

In our view, the Regional Planning Committee falls into Group 4: All Other Committees.

Within the Group 4 assessment, there are four Factors as follows:

- ☐ Skills, Knowledge and Experience Required for Members
- ☐ Function, Level and Scope of Authority
- ☐ Complexity of Issues
- ☐ Public Interest and Profile.

Each Factor has its own range of Scores.

We have scored the Regional Planning Committee as follows, based on our understandings;

- ☐ Skills, knowledge and experience **Score: 8** out of 12 maximum
- ☐ Function, Level and Scope of Authority; **Score: 4** out of a maximum of 6
- ☐ Complexity of Issues: **Score: 4** out of a maximum of 5
- ☐ Public Interest and Profile: **Score: 4** out of a Maximum of 5
- ☐ **Total Score: 20.**

Daily rates: SSC Fees Framework Group 4; Level 2

Total Score	Level	Daily Rate Fees Range Chair	Daily Rate Fees Range Member
20 to 23 points	2	\$360 to \$818	\$375 to \$518

As stated earlier, fee levels in the State Services Commission’s Cabinet Fees Framework have not been adjusted in any meaningful way since 2012. Accordingly, we believe it is appropriate to rely on the top end of the respective ranges as the basis for calculating committee fees:

- ☐ \$818 daily rate for Chairs. Estimated days = 16. 16 x \$818 = **\$13,088.**
- ☐ \$518 daily rate for Members. Estimated days = 16. 16 x \$518 = **\$8,288.**



DirectoRate Approach – “CommitteeRate” Variation

Specifically for this project with HBRC, we have modified our Strategic Pay Limited proprietary DirectoRate methodology to assess market competitive Committee fees rather than Board Director Fees. The complete DirectoRate methodology appears in Appendix 3.

Specifically for use in this project, we have developed our Questionnaire (Appendix 4) to determine scores against factors reflecting committee work. You will note the similarity of our 7 Factors with the 4 Factors used by State Services Commission in its Fees Framework.

We have scored these factors based on the feedback and input from our discussions with the two Co-Chairs respectively as follows:

Factor	Score 1-5
1 Complexity of Operating Environment	5
2 Innovation/Intellectual Complexity	3
3 Committee Discretion/Autonomy	3
4 Stakeholder Management	4
5 Financial Impact	2
6 Liability/Risks	2
7 Public Perception/Reputational Risk	4
Average	3.28

This score, approximately the midpoint of the Score range, suggests fee placement for RPC at Committee Fee **median levels**.

Per the Strategic Pay Limited February 2019 [New Zealand Directors' Fees Survey](#), the market median Committee member fee is **\$7,285**. (See Appendix 2 on page 15).

Given that the RPC workload is approximately twice that of a typical Board committee, **we calculate a base annual Committee fee for RPC of \$14,570 (2 x \$7,285)**.



Relativities to Councillor Roles and Fees

We have considered the respective complexity, scope, workload and decision-making powers of both HBRC Councillors and the Tangata Whenua members of the RPC.

It is our view that the work of the committee does not equate to the workload of an elected councillor, specifically in three areas:

- 1 The work of the RPC is but one committee of Council. We note there are nine other committees plus the full Council meetings that Councillors attend;
- 2 The RPC meetings account for 8 of the 41 Committee meetings attended by Councillors annually.
- 3 Councillors have to weigh up the work of not only the RPC but also other committees and work coming through to full council in making their decisions. While we acknowledge the RPC will and does consider the wider work of Council, the legislation does require them to focus specifically on one area
- 4 Councillors' workloads and mandate requires them to work across a number of committees and understand a wide variety of issues unrelated to the mandate of the RPC. Hence their volume of work is higher overall.

All members of the Committee - both Councillors and Tangata Whenua members - are involved and expected to be involved as a normal responsibility - in constituent interaction.

Both Tangata Whenua members and Councillors spend time in preparation for the eight formal meetings. We note that Tangata Whenua members do so through scheduled meetings the prior day, when HBRC advisors assist in reviewing and analysis of agenda matters as needed.

The current \$12,000 annual fees received by Tangata Whenua members of RPC compares to the \$53,030 annual fee paid to Councillors. This represents **22.6%**.

CONCLUSION:

Considering the information provided by all parties regarding workload, time commitment, complexity and scope of work, we believe that the base annual fees for the Tangata Whenua members of the RPC should be set in a range not exceed **25%** of the Councillor's base annual fees as a matter of relativities as we understand it.

That means that **RPC annual committee fees for Tangata Whenua members should be set in a range up to \$13,258.**



APPENDIX 1: REMUNERATION AUTHORITY VIEW

As outlined in HBRC's proposal request for the Regional Planning Committee's fee review, we requested guidance from the New Zealand Remuneration Authority. The guidance we received from Geoff Summers, Deputy Chairman of the Authority, is presented in full below:

"I can inform that the Remuneration Authority does not have any "methodology and rules for setting Councillor Fee levels and fee structure". The Authority used to set meeting fees for Councillors but those were eliminated some years ago now. Setting meeting fees could have the potential to distort behaviours and therefore not be in compliance with the Local Government Act, Schedule 7, Clause 7(1)(a); albeit we could (but do not) set a meeting fee under Clause 7(2) but only in addition to salary. Consequently, we now set the annual remuneration for Councillors which they are paid for undertaking their full elected member role.

We allow Councils to have an additional pool of money, of up to twice the Councillor annual salary, from which they can recommend to the Authority additional salary to be paid for Councillors with additional responsibility. In this way we set the salary for the Deputy Mayor and Chairpersons of Committees etc. So there could be an amount of salary that the elected members on the committee got paid, but if there were it would not be a substantial sum of money; a few thousand dollars at most.

So there is nothing in our systems that is likely to be of assistance to you in recommending what the Tangata Whenua members of the committee should be paid. We also cannot advise or set the rates for such people because we are only mandated to set rates of remuneration for roles where there is legislation specifically authorising that to occur (the Local Government Act, Schedule 7, Clause 6 provides the limitations for local government in that regard).

So you will need to seek an alignment with some other appropriate source.

I hope this information is of assistance."

APPENDIX 2: NEW ZEALAND DIRECTORS' FEES SURVEY – FEBRUARY 2019

This annual Survey is the basis for understanding current trends and practices in the payment of Director Fees at New Zealand organisations. This is the 26th annual survey of its type conducted by Strategic Pay Ltd (the longest running survey of directors' fees in the country). 382 organisations contributed data to the 2019 New Zealand Directors' Fees Survey. 2,444 individual directorships were analysed for the data.

The Survey combines information from three sources:

- ☐ Organisations from the Strategic Pay database
- ☐ Questionnaires sent to Strategic Pay master mailing list
- ☐ Publicly available annual reports and NZX listings.

The data is reported as at 1 February 2019.

Board Committees

Of the organisations that responded, ninety-seven percent have an audit committee and ninety-two percent have a remuneration committee.

Thirty-eight percent of participants also have other committees, which encapsulate a range of priorities from technology and innovation to due diligence or strategic planning.

Type of Committee

Committee	Boards (% of sample)	Av. No. Meetings p.a.	Av. No. of Directors	Pay Chair Fee (% of sample)	Pay Member Fee (% of sample)
Audit	97%	4	4	53%	19%
Remuneration	92%	3	3	37%	17%
Risk	51%	4	4	16%	-
Health & Safety	24%	5	4	36%	13%
Finance	59%	4	4	6%	-
Investment	13%	6	4	-	-
Nominations / Governance	52%	3	4	10%	-
Other	38%	6	4	58%	23%

- Not enough data to calculate

While 24% of boards have a Health & Safety Committee, 36% of those boards pay the chair a fee compared to only 13% of committee members getting paid a fee, so while in the next table it might seem that a Health & Safety chair gets paid a lower median fee than the members, the difference is due to members being paid a fee much less frequently.

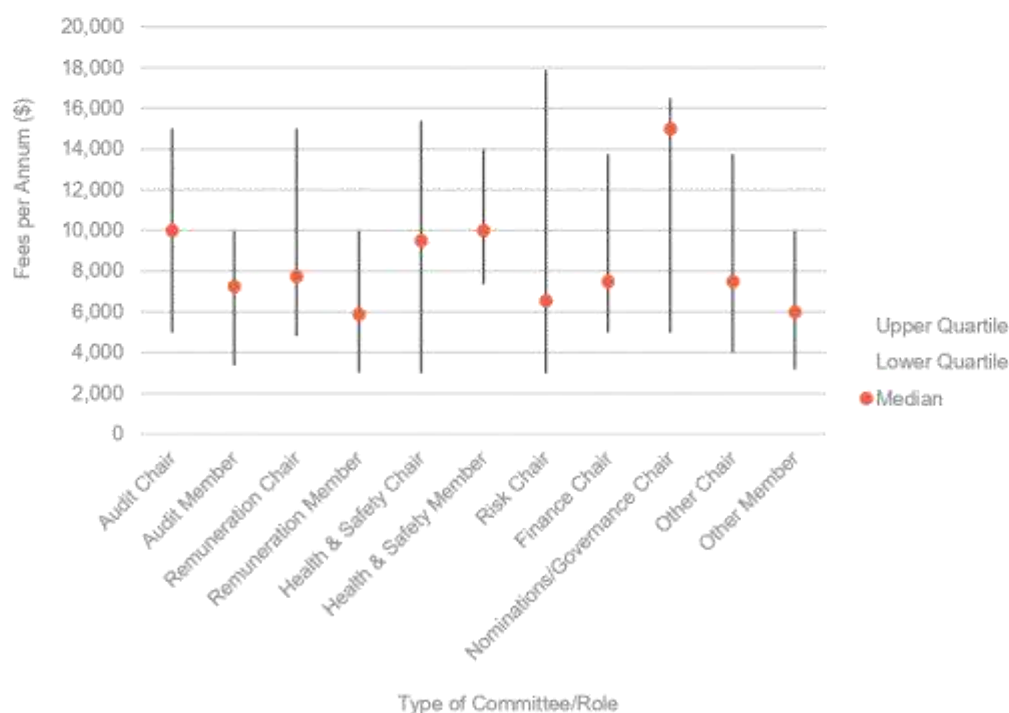
Committee Fees by Committee Type

Committee	Chair Fees				Director Fees			
	Upper Quartile	Median	Lower Quartile	Average	Upper Quartile	Median	Lower Quartile	Average
Audit	15,000	10,000	5,000	12,064	10,000	7,250	3,375	8,569
Remuneration	15,000	7,750	4,819	10,532	10,000	5,890	3,026	6,793
Risk	17,875	6,552	3,000	11,841	-	-	-	-
Health & Safety	15,375	9,500	3,000	11,509	14,000	10,000	7,375	10,644
Finance	13,750	7,500	5,000	11,648	-	-	-	-
Nominations / Governance	16,500	15,000	5,000	11,636	-	-	-	-
Other	13,750	7,500	4,000	10,528	10,000	6,000	3,192	9,294
Average		9,115				7,285		

- Not enough data to calculate

The graph below demonstrates considerable ranges of committee fees. For example, at the median, the audit committee chair is paid \$10,000 per annum, but those fees rise to an upper quartile of \$15,000 and lower quartile of \$5,000.

Committee Fees





APPENDIX 3: STRATEGIC PAY DIRECTOR FEE METHODOLOGY

Strategic Pay has developed an evaluation methodology to assess the relative complexity, risk and scale of an organisation. The methodology has a number of factors we believe can be applied to any organisation to provide a means of assessing appropriate director fees. This is not an evaluation of the individual directors, or the performance of the organisation, but an evaluation of the organisation as a whole, in relation to the role of the directors. The factors are also based on the fundamentals of the organisation, not the skills or requirements of individual directors.

The methodology can be applied to a governance board for any type of organisation. **We have distilled the key factors that affect the complexity, workload, responsibility and risk carried by directors, and that therefore should have some influence on overall fees.**

All of the factors we have selected are interdependent and potentially impact on each other. However, we have tried to capture the most important elements that may impact on the complexity of the governance role and how this should be rewarded.

As a whole, we believe they are a good measure of the overall relative size, complexity and responsibility of the directors.

DirectorRate® Factors

☐ Complexity of Operating Environment

This factor evaluates the complexity of the environment in which the organisation operates.

☐ Innovation/Technology/Intellectual Complexity

Organisations have varying levels of complexity of the products or services that they provide. This adds to the difficulty of the directors' role.

☐ Board Discretion/Autonomy

Whilst a governance board always has overall responsibility for the direction and strategy of the organisation, this can vary greatly between organisations.

☐ Stakeholder Management

The level of interaction required with shareholders also adds to the complexity of the directors' role.

☐ Revenue/Capital Risk

Some organisations have very little risk regarding their income and funding, whilst for others income can be highly variable and requiring constant monitoring by the board.

☐ Liability Risk to Organisation

The risk of insolvency, or serious financial uncertainty, or potential for serious health and safety events is a significant responsibility for directors.

☐ Public Perception/Organisation Profile Risk

Most directors will evaluate the potential reputational risk in joining a board.

☐ Organisation Revenues and Assets

Annual revenues/turnover and Total Assets of the organisation

APPENDIX 4: QUESTIONNAIRE – COMMITTEE-RATE

FACTOR	QUESTIONS	SCORE Least to Most	FACTOR TOTAL
1. Complexity of Operating Environment	1. How rapidly is the environment changing?	1 2 3 4 5	
	2. How volatile is the market in which the entity operates?	1 2 3 4 5	
	3. Does the entity operate internationally?	1 2 3 4 5	
	4. How much competition – from competitors or shifts in resources – exist?	1 2 3 4 5	
	5. Availability of sufficient resources to realise objectives or outcomes?	1 2 3 4 5	
TOTAL		TOTAL	
2. Innovation/Technology/ Intellectual Complexity	1. How hard or easy is it to communicate the nature of the entity's work?	1 2 3 4 5	
	2. Is the entity involved in new or novel things that have not been done previously or elsewhere?	1 2 3 4 5	
	3. How much emphasis on innovation, R&D, nurturing of ideas?	1 2 3 4 5	
	4. To what extent is the entity subject to rapid technology change?	1 2 3 4 5	
	5. How much intellectual capacity "grunt" is required?	1 2 3 4 5	
TOTAL		TOTAL	
3. Discretion/Autonomy	1. How influential are the members in developing plans and strategies?	1 2 3 4 5	
	2. How much input does the entity have into budget matters that relate to it?	1 2 3 4 5	
	3. How much independence does the entity have to independently determine strategy?	1 2 3 4 5	
	4. To what extent can the entity significantly change direction?	1 2 3 4 5	
	5. To what extent does the entity source new investments/projects/ acquisitions?	1 2 3 4 5	
TOTAL		TOTAL	

APPENDIX 4: QUESTIONNAIRE

FACTOR	QUESTIONS	SCORE Least to Most	FACTOR TOTAL
4. Stakeholder Management	1. How diverse are the needs of the multiple stakeholder groups?	1 2 3 4 5	
	2. How vocal are stakeholders?	1 2 3 4 5	
	3. To what extent do entity members meet with (or need to meet with) different stakeholders?	1 2 3 4 5	
	4. How often is special reporting or consultation needed?	1 2 3 4 5	
	5. How important is an understanding of political processes?	1 2 3 4 5	
TOTAL		TOTAL	
5. Financial Impact	1. What is financial size/cost impact of recommendations or proposals relative to overall Council totals?	1 2 3 4 5	
	2. To what extent are Committee views and analyses adopted or accepted?	1 2 3 4 5	
	3. Extent of designated financial authorities approved – financial scope for decisions	1 2 3 4 5	
	4. Financial cost justifications or return analyses prepared as part of recommendations?	1 2 3 4 5	
TOTAL		TOTAL	
6. Liability Risks	1. How high is the risk of financial uncertainty?	1 2 3 4 5	
	2. To what extent is the entity subject to a highly regulated environment?	1 2 3 4 5	
	3. How high are the reporting and disclosure requirements?	1 2 3 4 5	
	4. To what extent are health and safety issues risk factors for the entity?	1 2 3 4 5	
	5. To what extent are legal issues a risk factor for the entity?	1 2 3 4 5	
TOTAL		TOTAL	
7. Public Perception/ Reputational Risk	1. To what extent are entity members in the media?	1 2 3 4 5	
	2. How high is the general public's and Tangata Whenua's awareness of the entity and its activities?	1 2 3 4 5	
	3. To what extent is the entity involved in contentious and/or political issues?	1 2 3 4 5	
	4. To what extent are the entity members subject to legal action?	1 2 3 4 5	
	5. How high are the reputational risks?	1 2 3 4 5	
TOTAL		TOTAL	

APPENDIX 5: POSITION DESCRIPTION

Position Description

Hawke's Bay Regional Planning Committee Tāngata Whenua Representative

Position Title:	Tāngata Whenua representative
Employment Period:	N/A
Date created:	September 2017
Remuneration:	To be determined; market related package commensurate with the responsibilities of the position
Department:	n/a
Responsible To:	Appointing Governance Entity
Location:	Hawke's Bay region
Primary Purpose:	Actively participate in the Hawke's Bay Regional Planning Committee as the Tāngata Whenua representative appointed by their respective Governance Entity. Joint responsibility as a member of the Regional Planning Committee for the management of natural resources within the Hawke's Bay region, including development and review of the Council's regional planning documents prepared under the Resource Management Act 1991.
Direct Reports:	HBRC staff (when approved by the Chief Executive) Independent Technical Advisor/s (as engaged by the Hawke's Bay Regional Council)
Indirect Reports:	n/a
Functional Relationships:	<input type="checkbox"/> Board of the respective Governance Entity; <input type="checkbox"/> Tāngata Whenua Representatives on the Hawke's Bay Regional Planning Committee; <input type="checkbox"/> Chair of the Tāngata Whenua Representatives (also Co-Chair of the Hawke's Bay Regional Planning Committee); <input type="checkbox"/> Hawke's Bay Regional Council members on the Hawke's Bay Regional Planning Committee; <input type="checkbox"/> Chief Executive and Senior Staff within Hawke's Bay Regional Council;
Other Relationships:	<input type="checkbox"/> Independent Technical Advisor/s (as engaged by the Hawke's Bay Regional Council); <input type="checkbox"/> Hawke's Bay Regional Council staff; <input type="checkbox"/> Ministerial staff (where required);

Primary Purpose:	<p>The Tāngata Whenua Representative sits on the Hawke's Bay Regional Planning Committee as one of ten Tāngata Whenua Representatives with the same status, roles and responsibilities as an elected Council member. The Tāngata Whenua Representatives shall be guided by the matters set out in the Hawke's Bay Regional Planning Committee Act 2015 and the Hawke's Bay Regional Planning Committee Terms of Reference.</p> <p>Tāngata Whenua representatives have a collective responsibility, along with all members of the Regional Planning Committee, to ensure effective governance and decision-making, including in the development of regional planning documents, regarding natural resources across the Hawke's Bay region.</p> <p>The Tāngata Whenua Representative is responsible for representing and articulating the positions of their respective Governance Entity in matters that are considered by the Hawke's Bay Regional Planning Committee.</p> <p>The Tāngata Whenua representative is also responsible for participating in the governance and decision making for the whole Hawke's Bay Region, not just for issues directly within the rohe of their Governance Entity. This will likely require the representative to use sound judgement in formulating a position on a wide range of matters that may not directly impact their rohe.</p> <p>The Tāngata Whenua Representative is accountable to their respective Governance Entity and is expected to report to their Governance Entity on the outcome of matters considered by the Hawke's Bay Regional Planning Committee.</p>
Key Result Areas:	<ul style="list-style-type: none"> <input type="checkbox"/> To articulate the positions of their appointing Governance Entity in respect of the matters that are considered by the Hawke's Bay Regional Planning Committee; <input type="checkbox"/> To report to the Board of their Governance Entity on the outcome of matters considered by the Hawke's Bay Regional Planning Committee; <input type="checkbox"/> To build and maintain strong relationships with the other Tāngata Whenua Representatives on the Hawke's Bay Regional Planning Committee to influence the direction of the Council; <input type="checkbox"/> To work in partnership with elected Council members to ensure sound resource management outcomes in the Hawke's Bay region; <input type="checkbox"/> To actively participate in Hawke's Bay Regional Council committees where active participation would support the purpose of the Hawke's Bay Regional Planning Committee Act 2015; <input type="checkbox"/> To actively participate in Tāngata Whenua Representative pre-RPC hui to agree on, and prepare positions for, Hawke's Bay Regional Planning Committee meetings; <input type="checkbox"/> Collectively with Tāngata Whenua Representatives, to direct the work of the Independent Technical Advisor/s;
Core Competencies:	<ul style="list-style-type: none"> <input type="checkbox"/> Detailed understanding of Mātauranga Maori and ability to apply this knowledge to a broad range of issues; <input type="checkbox"/> Strong oral communication/debating skills and active listening skills; <input type="checkbox"/> Sound decision-making skills; <input type="checkbox"/> Ability to korero with Tāngata Whenua Representatives to agree on positions to advance to the Hawke's Bay Regional Planning Committee;



	<input type="checkbox"/> Ability to engage with Hawke's Bay Regional Councillors on the Hawke's Bay Regional Planning Committee; <input type="checkbox"/> Working knowledge of Local Government processes including the Standing Orders and Terms of Reference for the Hawke's Bay Regional Planning Committee; <input type="checkbox"/> Working knowledge of Resource Management Act 1991 processes;
Requirements	<input type="checkbox"/> Capacity to dedicate the necessary time and effort required to actively participate as a member of the Hawke's Bay Regional Planning Committee; <input type="checkbox"/> Ability to deal with imperfect information, complex issues or ambiguity; <input type="checkbox"/> Knowledge of commercial, financial and legal matters; <input type="checkbox"/> Knowledge of science/research and technical information;

Item 8

Attachment 1



APPENDIX 6: ABOUT STRATEGIC PAY LTD

At Strategic Pay we provide innovative solutions to help organisations meet their strategic remuneration, performance development and performance improvement goals. We help improve your overall performance by ensuring employee effort, remuneration and rewards are closely aligned with business objectives.

Deliver Strategic Rewards

We work alongside you to provide a compelling proposition that attracts retains and motivates the best people.

Our adaptable solutions include:

- ☐ Remuneration and reward strategy development
- ☐ Executive remuneration and performance advice (including incentives)
- ☐ Salary options using job evaluation, grades, bands or benchmarks
- ☐ Salary review management, including processes, tools and training
- ☐ Performance development systems, including customised design and implementation

Access New Zealand's Largest Remuneration Data Services

Strategic Pay offers an unrivalled suite of nation-wide and specialist industry and sector remuneration survey reports, based on a database of more than 180,000 employees from nearly 1,100 organisations.

Our key nation-wide surveys and reports include:

- | | |
|---|--|
| <input type="checkbox"/> NZ Remuneration Report (published 6 monthly) | <input type="checkbox"/> Corporate Services and Executive Management |
| <input type="checkbox"/> CEO and Top Executive Remuneration Report | <input type="checkbox"/> Directors' Fees Report |
| <input type="checkbox"/> NZ Benchmark Report | <input type="checkbox"/> HR Metrics Survey |

Use Smart Technology

We understand busy HR practitioners' needs and offer a range of smart tools to manage remuneration and survey submissions:

- ☐ RemWise®: a remuneration tool to manage all aspects of your salary review, market data and survey submissions
- ☐ Rem On-Demand®: online access to remuneration reports, resources and insights
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Drive Organisation Performance

Superior organisational performance is critical to delivering strategic business objectives. Speak to us today about using PLUS+ to develop a future proof strategy, an organisational model and structure that supports the strategy and matching the right people to accountabilities best designed to deliver the strategy in your organisation.

Build Capability

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Consult Nationwide

Strategic Pay is nationwide, servicing clients across all parts of New Zealand from our various locations. Our consultants regularly travel to visit clients around the country and are happy to meet wherever you are. Find out more at www.strategicpay.co.nz

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 26 February 2020

Subject: CR MARTIN WILLIAMS NOTICE OF MOTION: TUKITUKI WATER SECURITY

Item 9

Reason for Report

1. Councillor Martin Williams has submitted a Notice of Motion (attached) requesting that Council gives priority and urgency to the Tukituki Water Security project by progressing the evaluation of feasible options to provide water security to land owners and progressing the Plan B Options Evaluation.

Process for Considering Notice of Motion

2. Councillor Williams moves his Notice of Motion (following), and if there is a seconder for it, the Motion is debated in accordance with Standing Orders before being put and voted on.
 - 2.1. That Hawke's Bay Regional council gives priority and urgency to the Tukituki Water Security project, progressing the evaluation of feasible options to provide water security to land owners and activities subject to the restrictions on taking water as set for Tukituki River catchment areas under Change 6 to the Regional Resource Management Plan.
 - 2.2. That the Plan B Options Evaluation be progressed by Council in consultation with relevant stakeholders, retaining external experts or consultants as considered reasonably necessary, within the budget provision set under the 2018-28 Long Term Plan.
 - 2.3. That the Plan B Options Evaluation be completed for reporting back to Council by 30 November 2020, with recommendations for the preferred option(s) for water security within the Tukituki River catchments areas to inform the setting of the draft Long Term Plan (2021-31) prior to formal public consultation on those options.
3. If there is not a seconder, then the Notice of Motion lapses.
4. Following resolution of the Motion (either CARRIED or LOST), the meeting moves to resolve the substantive motion (CARRIED) as per the "Recommendations" section following or debate an alternative motion (LOST).

Decision Making Process

5. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and advise that the decision to resolve Cr Williams' Notice of Motion:
 - 5.1. Will not significantly alter the service provision or affect a strategic asset.
 - 5.2. Does not fall within the definition of Council's policy on significance.

Recommendations

For putting as Substantive Motion should Cr Williams' motions be CARRIED

That Hawke's Bay Regional Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community and persons likely to have an interest in the decision.
2. Instructs staff to give priority and urgency to the Tukituki Water Security project and progress the evaluation of feasible options (Plan B Options Evaluation) to provide water

security to land owners and activities subject to the restrictions on taking water as set for the Tukituki Catchment under Change 6 to the Regional Resource Management Plan, within existing budget provisions and for completion for reporting back to Council by 30 November 2020.

Authored by:

Leeanne Hooper
GOVERNANCE LEAD

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

[↓](#)1 Cr Martin Williams Notice of Motion

NOTICE OF MOTION – WATER SECURITY

Motion Proposed

1. That the Council give priority and urgency to the Tukituki Water Security project, progressing the evaluation of feasible options to provide water security to land owners and activities subject to the restrictions on taking water as set for Tukituki River catchment areas under Change 6 to the Regional Resource Management Plan ("**Plan B -Options Evaluation**").
2. That the Plan B Options Evaluation be progressed by Council in consultation with relevant stakeholders, retaining external experts or consultants as considered reasonably necessary, within the budget provision set under the 2018-21 Long Term Plan.
3. That the Plan B Options Evaluation be completed for reporting back to Council by 30 November 2020, with recommendations for the preferred option(s) for water security within the Tukituki River catchment areas to inform the setting of the draft Long-Term Plan (2021-2024), prior to formal public consultation on those options.

Background

1. This paper and the proposed motion for a time bound 'Plan B' water security options evaluation centred on Central Hawke's Bay/Tukituki River catchments has been prepared in the context of an abnormally dry summer period with some of the lowest recorded river flows for the Tukituki River, and whereby at time of writing some 16 sites across Hawke's Bay are subject to bans on taking water.
2. While water security is more broadly being addressed by the Council through the Regional Water Security programme, the Tukituki River sub catchments are a special case warranting targeted priority Council attention in the following context:
 - The rural economy of Central Hawke's Bay is critically reliant on secure access to water, the demand for which places significant pressure on ground water resources and in turn surface water flows within the Tukituki catchment.
 - When restrictions on ground water and surface water takes were set through the introduction of Change 6 to the Regional Resource Management Plan, the Council was actively promoting the Ruataniwha Water Storage Scheme (RWSS).
 - The RWSS has been abandoned but the regulatory restrictions on water takes remain and are now in force.
 - This situation is creating considerable anxiety within rural communities in Central Hawke's Bay.

- As well as sustaining the life supporting capacity of the ground and surface water resources concerned, this Council has a statutory responsibility to consider the social and economic consequences of regulation imposed through regional plans.
 - With climate change, the tensions inherent to this situation are going to become all the more significant and intense over time.
3. As noted, the history of this matter is that from 2013 to 2016, as part of the overall Tukituki Catchment Proposal, the Council actively promoted the RWSS which would have mitigated the regulatory consequences of the Change 6 allocation framework and minimum surface (river and stream) flow requirements.
 4. The communities of Central Hawke's Bay who are reliant on a secure water supply participated in the Board of Inquiry process which confirmed the minimum flow and ground water allocation limits under Change 6, with that understanding of the Council's position. They have a legitimate and reasonable expectation that with Council having since abandoned the RWSS, alternative options to mitigate the regulatory effect of Change 6 would be forthcoming (i.e. 'Plan B').
 5. Since abandoning the RWSS, attempts by the Council to mitigate the regulatory effect of Change 6 through (for example) deferring implementation of the new river minimum flow requirements were not able to progress (e.g. through a plan change for the purpose).
 6. The Council has received deputations from the Central Hawke's Bay rural community raising real concern over the "course of dealings" on this matter, and seeking urgent Council attention to the current situation now faced.
 7. The reality is that Council policy envisages development of a form of 'Plan B', but progress with the evaluation has not yet gained sufficient momentum.
 8. There is \$5M allocated within the Long-Term Plan for water augmentation, including technical investigation and feasibility (Part 3, page 31). The Council's *Fresh Water Security Scheme Policy* (adopted by Council in March 2019), outlines how this Long-Term Plan funding would be allocated and administered. The Policy states that \$500,000 of the \$5M is for a Regional Freshwater Assessment, the remaining \$4.5M for a 'Ready Reaction Fund' (RRF) to "enable targeted investment for further investigation into and support for specific initiatives", particularly for the Tukituki and TANK catchments. The objectives of the RRF Fund are to develop candidate projects, feasibility studies and a viable commercial model.
 9. Two candidate projects referred to in the Policy include the Heretaunga Flow Enhancement Scheme and the *Tukituki Water Security Project*.

10. The Policy states that the Council will work with local authorities, tangata whenua, land and water users and the wider community to 'review, inform and further develop' these projects.
11. The successful bid in 2019 for Provincial Growth Fund support for water security projects in Hawke's Bay includes an allocation to the Regional Freshwater Assessment (with \$450,000 PGF funding approved towards that). This wide-ranging evaluation of longer term regional water supply and demand requirements (factoring in conservation, efficiency and climate change) will take some time to complete.
12. Progression of the Tukituki Water Security Project under the Ready Reaction Fund umbrella need not and should not be delayed while that broader assessment is carried out.
13. As well as the \$2.1 million of PGF funding directed to the Sky TEM project, significant funding is intended for development of water security initiatives for both the TANK and Tukituki catchments. This funding can be applied alongside the Long-Term Plan Ready Reaction Fund to get water security projects for the Tukituki catchments underway, but there is an imperative to ensure real progress is made towards confirmation of the specific project following the investigation and feasibility phases. There is an element of "use it or lose it" to the current situation.
14. Against that background it is considered that the case for a proactive and timebound "Plan B" evaluation of water security options for the Tukituki catchment is compelling if not overwhelming.
15. Given the scale of overall capital investment likely needed for a viable project (or projects), the proposal obviously has longer term resource implications for the Council which would need to be considered in the context of next year's Long -Term Plan review, as addressed in the motion. The 30 November timing for completion of the evaluation is proposed with this in mind, and to ensure demonstrable progress is made with the process before next summer.
16. Staff may be able to advise as to the alignment of that proposed timeframe with the Long-Term Plan review cycle, and timeframes they consider reasonable for community/stakeholder engagement and feasibility phases of the evaluation. The important point is that the process should have a deadline for completion, and the Council needs to give direction over its expectations in this regard.
17. Finally, it is noted that, consistent with the Council's Freshwater Security Scheme Policy, the motion proposed envisages an "all" options assessment – it is not directed to resurrecting large scale water storage.
18. A combination of land management practices, water storage, managed aquifer recharge, and stream flow enhancement might be involved. Given the range of community input received in the process surrounding the Tukituki Catchment Proposal,

there is no doubt a rich and diverse range of 'readily available' views about these options, along with Council held technical information available to draw upon, in addition to any further external consultant or expert resource that needs to be retained.

19. The Group Manager (Strategic Planning) and other staff have been meeting with Central Hawke's Bay community stakeholder groups including the Tukituki Leaders Forum to discuss this initiative during February. To give impetus, direction and support to the Council staff working through this challenging and complex issue, we need to show governance level support and commitment to 'getting on with it'.
20. In similar fashion to the Working Group for climate change mitigation/adaptation, it is suggested that Councillors Foley, Williams and Council Chair Rex Graham oversee the Plan B Options Evaluation in conjunction with relevant staff, reporting back to the full Council as the evaluation progresses. Given his expertise in the area and for discussion, it is further suggested that former HBRIC Ltd director Sam Robinson be involved from the outset.



Martin Williams / Will Foley

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 26 February 2020

Item 10

Subject: REPORT AND RECOMMENDATIONS FROM THE CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

Reason for Report

1. The following matters were considered by the the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meeting on 4 February 2020 and the recommendations agreed are now presented for Council's consideration alongside any additional commentary the Chair, Jerf van Beek, may wish to provide.

Officers' Recommendation(s)

2. Council officers recommend that the Terms of Reference as agreed by the Committee is adopted by Council, and that an additional representative is appointed to the Joint Committee as an alternate to attend in the absence of other members.

Meeting Summary

3. An update on progress of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee is attached.

Financial and Resource Implications

4. As the Terms of Reference were not amended to accommodate the appointment of an Independent Chairperson there are no financial or resource implications.

Decision Making Process

5. These items were specifically considered by the Clifton to Tangoio Coastal Hazards Strategy Joint Committee on 4 February 2020 and are now the subject of the following recommendations to Council.

Recommendations

The Clifton to Tangoio Coastal Hazards Strategy Joint Committee recommends that Hawke's Bay Regional Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community.
2. Adopts the Terms of Reference as agreed by the Clifton to Tangoio Coastal Hazards Strategy Joint Committee on 4 February 2020.
3. Notes the election of HBRC Councillor Jerf van Beek as Chair of the Joint Committee, and Deputy Mayors Tania Kerr (Hastings) and Annette Brosnan (Napier) as deputies.
4. Appoints Councillor _____ as an Alternate member of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee, and advises the appointment to the Joint Committee.

Authored by: Approved by:

Annelie Roets
GOVERNANCE ADMINISTRATION
ASSISTANT

Chris Dolley
GROUP MANAGER
ASSET MANAGEMENT

Attachment/s

- [1](#) Coastal Hazards Joint Committee - 4 February 2020 Meeting Summary
- [2](#) Clifton to Tangoio Coastal Hazards Strategy Joint Committee Terms of Reference

Clifton to Tangoio Coastal Hazards Strategy

Summary Notes of Meeting held 4 February 2020

Item 10

1. PURPOSE

This briefing note has been prepared to communicate the activity of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee to the Partner Councils, as the Committee progresses with Stage 4 of the Strategy. More information on the Strategy can be found on the project website at www.hbcoast.co.nz.

2. JOINT COMMITTEE MEETING SUMMARY: 4 FEBRUARY 2020

Key points from the Joint Committee meeting held 4 February 2020 are highlighted below. The full minutes of the meeting will be provided to each Partner Council in due course.

Joint Committee Terms of Reference

- As the first meeting of the Joint Committee in this triennium, the Committee's current Terms of Reference were re-considered.
- A potential change to the Terms of Reference to provide for an independent Chair was discussed. No decision was taken at this stage, but the Joint Committee requested further investigation of this option and a report back to their next meeting.
- The Joint Committee considered and re-confirmed the current Terms of Reference with no changes.

Election of Chair and Deputy Chair(s)

- **Chair:** The Joint Committee elected Councillor Jerf van Beek (Hawke's Bay Regional Council) as the Chair.
- **Deputy Chairs:** The Joint Committee elected Deputy Mayor Annette Brosnan (Napier City Council) and Deputy Mayor Tania Kerr (Hastings District Council) as the Deputy Chairs.

Coastal Hazards Strategy Overview

- For the benefit of new and returning Joint Committee members, an overview of the Strategy development process and current status was provided.
- It was highlighted that a key challenge for the next 12 months is the resolution of funding arrangements for Strategy implementation.
- The Joint Committee resolved to call a workshop with Councillors from all Partner Councils to brief them on the Strategy and to move forward with discussion on funding options.

Communications and Engagement Plan

- An updated Communications and Engagement Plan was tabled for discussion. The Plan outlines increased communications activity for the next 12 months, including re-engaging with the Assessment Panels.

Attachment 1

Next Meeting

- The next formal meeting of the Joint Committee will be held on 1 May 2020, however a workshop with Councillors from all Partner Councils has been called for 3 March 2020.

Terms of Reference for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee

As at 28 September 2018

*As adopted by resolution by:
Hastings District Council 23 March 2017
Napier City Council 31 May 2017
Hawke's Bay Regional Council 28 June 2017*

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 Tangoio².
- “**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 tsunami; 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;
 - Heretaunga Tamatea Settlement Trust, 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.

3. Partner Council Members

- 3.1 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 The Coastal Hazards Strategy is further defined in Appendix 1 to these Terms of Reference.

- 3.2 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.

4. Tangata Whenua Members

- 4.1 Each Tangata Whenua Appointer may appoint one member to sit on the Joint Committee.
 4.2 Each Tangata Whenua Appointer must make any appointment and notify all Tangata Whenua Appointers and Partner Councils in writing of the appointment.
 4.3 The Tangata Whenua Members so appointed shall be entitled to vote.
 4.4 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.

5. Purpose of Terms of Reference

- 5.1 The purpose of these Terms of Reference is to:
 5.1.1 Define the responsibilities of the Joint Committee as delegated by the Partner Councils under the Act.
 5.1.2 Provide for the administrative arrangements of the Coastal Hazards Strategy Joint Committee as detailed in Appendix 2.

6. Meetings

- 6.1 Members, or their confirmed alternates, will attend all Joint Committee meetings.

7. Delegated authority

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

- 7.1 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.
 7.2 Considering and recommending a draft strategy to each of the Partner Councils for public notification;
 7.3 Considering comments and submissions on the draft strategy and making appropriate recommendations to the Partner Councils;
 7.4 Considering and recommending a final strategy to each of the Partner Councils for approval;
 7.5 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.
 7.6 Investigating and securing additional sources of funding to support strategy implementation.

8. Powers not delegated

The following powers are not delegated to the Joint Committee:

- 8.1 Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Local Government Act 2002.
 8.2 The determination of funding for undertaking investigations, studies and/or projects to assess options for implementing the Coastal Hazards Strategy.

9. Remuneration

- 9.1 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.

- 9.2 The Administering Authority shall be responsible for remunerating the Tangata Whenua Members.

10. Meetings

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 The quorum shall be 6 Members, provided that at least one Partner Council Member is present from each Partner Council.

11. Voting

- 11.1 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.
- 11.2 Where voting is required, all Members of the Joint Committee have full speaking rights.
- 11.3 Each Member has one vote.
- 11.4 Best endeavours will be made to achieve decisions on a consensus basis.
- 11.5 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.

12. Election of Chairperson and Deputy Chairperson

- 12.1 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.
- 12.2 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.

13. Reporting

- 13.1 All reports to the Committee shall be presented via the Technical Advisory Group³ or from the Committee Chairperson.
- 13.2 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.
- 13.3 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.

14. Good faith

- 14.1 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.

³ A description of the Technical Advisory Group and its role is included as Appendix 2 to these Terms of Reference.

15. Variations to these Terms of Reference

- 15.1 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.
- 15.2 Amendments to the Terms of Reference may only be made with the approval of all Members.

16. Recommended for Adoption by

- 16.1 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 Annette Brosnan, Cr Hayley Browne and Cr Keith Price.

Appointed by NCC resolution 19 November 2019

Hastings District Council represented by Cr Tania Kerr, Cr Ann Redstone and Cr Malcolm Dixon

Appointed by HDC resolution 10 December 2019

Hawke's Bay Regional Council represented by Cr Rick Barker, Cr Hinewai Ormsby and Cr Jerf van Beek

Appointed by HBRC resolution 6 November 2019

Maungaharuru-Tangitū Trust (MTT) represented by Ms Tania Hopmans

Mana Ahuriri Trust represented by Ms Tania Huata

Heretaunga Tamatea Settlement Trust represented by Mr Peter Paku

Appendix 1 – Project Background

Project Goal

A Clifton to Tangoio Coastal Hazards Strategy is being developed in cooperation with the Hastings District Council (HDC), the Hawke's Bay Regional Council (HBRC), the Napier City Council (NCC), and groups representing Mana Whenua and/or Tangata Whenua. This strategy is being developed to provide a framework for assessing coastal hazards risks and options for the management of those risks for the next 105 years from 2015 to 2120.

The long term vision for the strategy is that coastal communities, businesses and critical infrastructure from Tangoio to Clifton are resilient to the effects of coastal hazards.

Project Assumptions

The Coastal Hazards Strategy will be based on and influenced by:

- The long term needs of the Hawke's Bay community
- Existing policies and plans for the management of the coast embedded in regional and district council plans and strategies.
- Predictions for the impact of climate change
- The National Coastal Policy Statement

Project Scope

The Coastal Hazards Strategy is primarily a framework for determining options for the long term management of the coast between Clifton and Tangoio. This includes:

- Taking into account sea level rise and the increased storminess predicted to occur as a result of climate change, an assessment of the risks posed by the natural hazards of coastal erosion, coastal inundation and tsunami.
- The development of a framework to guide decision making processes that will result in a range of planned responses to these risks
- The development of a funding model to guide the share of costs, and mechanisms to cover those costs, of the identified responses.
- The development of an implementation plan to direct the implementation of the identified responses.
- Stakeholder involvement and participation.
- Protocols for expert advice and peer review.
- An action plan of ongoing activity assigned to various Members.

The Strategy will:

- Describe a broad vision for the coast in 2120, and how the Hawke's Bay community could respond to a range of possible scenarios which have the potential to impact the coast by 2120.
- Propose policies to guide any intervention to mitigate the impact of coastal processes and hazards through the following regulatory and non-regulatory instruments:
 - Regional Policy Statement
 - District Plans
 - Council long-term plans
 - Infrastructure Development Planning (including both policy and social infrastructure networks).

Appendix 2 - Administering Authority and Servicing

The administering authority for the Coastal Hazards Strategy Joint Committee is Hawke's Bay Regional Council.

The administrative and related services referred to in clause 16.1 of the conduct of the joint standing committee under clause 30 Schedule 7 of the Local Government Act 2002 apply.

Until otherwise agreed, Hawke's Bay Regional Council will cover the full administrative costs of servicing the Coastal Hazards Strategy Joint Committee.

A technical advisory group (TAG) will service the Coastal Hazards Strategy Joint Committee.

The TAG will provide for the management of the project mainly through a Project Manager. TAG will be chaired by the Project Manager, and will comprise senior staff representatives from each of the participating councils and other parties as TAG deems appropriate from time to time. TAG will rely significantly on input from coastal consultants and experts.

The Project Manager and appropriate members of the TAG shall work with stakeholders. Stakeholders may also present to or discuss issues directly with the Joint Committee.

Functions of the TAG include:

- Providing technical oversight for the study.
- Coordinating agency inputs particularly in the context of the forward work programmes of the respective councils.
- Ensuring council inputs are integrated.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 26 February 2020

Subject: REPORT AND RECOMMENDATIONS FROM THE HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE MEETING

Item 11

Reason for Report

1. The following matters were considered by the the Hawke's Bay Drinking Water Governance Joint Committee (HBDWGJC) meeting on 13 February 2020 and the recommendations agreed are now presented for Council's consideration alongside any additional commentary by the Group Manager Regulation, Liz Lambert.
2. The **Confirmation of the HBDWGJC Appointments** item confirmed the appointments of the five respective Councils, HB District Health Board and a representative from Ngati Kahungunu as members of the *Hawke's Bay Drinking Water Governance Joint Committee*.
3. The **Independent Chairperson's Appointment and Election of a Deputy Chairperson** item re-appointed Mr Garth Cowrie as Independent Chair and Cr Hinewai Ormsby as Deputy Chair of the HBDWGJC.
4. The **Submission to Central Government's Government Drinking Water Regulator and Regulations Proposals** item set out a number of issues and background of proposed legislation. The committee collectively agreed that a joint submission be submitted through the HBDWGJC, and Hastings District Council advised that they will also submit an independent submission which offers to house the Regulator in Hastings.
5. The **Introduction to the Joint Committee, its role and responsibilities** provided the background to the establishment of the HBDWGJC and the Drinking Water Joint Working Group (JWG) and highlighted the roles and responsibilities of the agencies involved in these entities.
6. The **Three Waters Governance Funding Review** item updated the HBDWGJC on the 27 January 2020 announcement from Central Government of \$1.55M funding for the Hawke's Bay Three Waters Review, and further steps to proceed with a project plan, detailed analysis and potential service delivery options.
7. **Drinking Water Joint Working Group Work Plan** provided an update on the Joint Working Group's (JWG) work plan.

Decision Making Process

8. These items were specifically considered by the Hawke's Bay Drinking Water Governance Joint Committee on 12 February 2020 and are now the subject of the following recommendations to Council.

Recommendations

The Hawke's Bay Drinking Water Governance Joint Committee recommends that Hawke's Bay Regional Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community.
2. Confirms the following appointments to the Hawke's Bay Drinking Water Governance Joint Committee.
 - 2.1. Representatives of Central Hawke's Bay District Council – Mayor Alex Walker and Councillor Brent Muggeridge

- 2.2. Representatives of Hastings District Council – Mayor Sandra Hazlehurst and Councillor Kevin Watkins
- 2.3. Representatives of the Hawkes' Bay District Health Board – Ana Apatu and another representative to be confirmed.
- 2.4. Representatives of Hawke's Bay Regional Council – Councillors Hinewai Ormsby and Martin Williams
- 2.5. Representatives of Napier City Council – Councillors Nigel Simpson and Ronda Chrystal
- 2.6. Representative of Ngati Kahungunu Iwi Inc – Ngahiwi Tomoana
- 2.7. Representatives of Wairoa District Council – Mayor Craig Little and Councillor Denise Eaglesome-Karekare.
3. Adopts the Terms of Reference as agreed by the Hawke's Bay Drinking Water Governance Joint Committee on 13 February 2020.
4. Notes the re-appointment of the Independent Chair, Mr Garth Cowrie, and the election of Councillor Hinewai Ormsby as Deputy Chair.

Reports Received

5. Notes that the following reports were provided to the Hawke's Bay Drinking Water Governance Joint Committee:
 - 5.1. Introduction to the Joint Committee, its role and responsibilities
 - 5.2. Three Waters Governance Funding Review
 - 5.3. Drinking Water Joint Working Group Work Plan.

Authored by:

Annelie Roets
GOVERNANCE ADMINISTRATION
ASSISTANT

Approved by:

Liz Lambert
GROUP MANAGER REGULATION

Attachment/s

- [!\[\]\(c33cb967c8fc4f5e27188a389b621c8e_img.jpg\) 1](#) HB Drinking Water Governance Joint Committee Terms of Reference adopted 13Feb2020

Hawke's Bay Drinking Water Governance Joint Committee Terms of Reference

Adopted by HB Drinking Water Governance
Joint Committee resolution 13 February 2020

Item 11

Attachment 1

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
- 1.4. 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.
- 1.5. 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.
- 1.6. 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:
 - 1.6.1. To provide governance oversight for planning and decision making on regional drinking water matters; and
 - 1.6.2. 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 also 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.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 26 February 2020

Subject: AFFIXING OF COMMON SEAL

Item 12

Reason for Report

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

		Seal No.	Date
1.1	Leasehold Land Sales		
1.1.1	Lot 144 DP 10912 CT D4/928 - Transfer	4380	28 January 2020
1.1.2	Lot 1 DP 25978 CT W1/163 - Agreement for Sale and Purchase - Transfer	4381 4384	28 January 2020 14 February 2020
1.2	Staff Warrants		
1.2.1	B. Friar J. Harlen <i>(Delegations under sections 34A(1) and 38(1) of the Resource 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 (Clauses 32(1) and 32B Schedule 7))</i>	4382 4385	29 January 2020 18 February 2020
1.2.2	M. Alton E. Huggett <i>(Delegations under sections 34A(1) and 38(1) of the Resource Management Act 1991; and Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (Clauses 32(1) and 32B Schedule 7))</i>	4383 4386	13 February 2020 18 February 2020

Decision Making Process

2. Council is required to make every decision in accordance with the provisions of Sections 77, 78, 80, 81 and 82 of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within these sections of the Act in relation to this item and have concluded:
 - 4.1 Council can exercise its discretion and make a decision on this issue without conferring directly with the community
 - 4.2 That the decision to apply the Common Seal reflects previous policy or other decisions of Council which (where applicable) will have been subject to the Act's required decision making process.

Recommendations

That Hawke's Bay Regional Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community.
2. Confirms the action to affix the Common Seal.

Authored by:

Diane Wisely
EXECUTIVE ASSISTANT

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 26 February 2020

Subject: REPORT FROM THE ENVIRONMENT AND INTEGRATED CATCHMENTS COMMITTEE

Item 13

Reason for Report

1. The following matters were considered by the the Environment and Integrated Catchments Committee (EICC) meeting on 5 February 2020 and are now presented for Council's information alongside any additional commentary the Chair, Councillor Rick Barker, may wish to provide.

Agenda items

2. The **Council's Climate Change Response Options** item presented associated climate change response actions underway and developing a comprehensive programme of work in response to climate change. Agreed to form an initial governance working party comprising Crs Barker, Ormsby and Williams plus one nominee each from the Māori Committee and Tangata Whenua members of the Regional Planning Committee. Initially, that working group will assist HBRC staff during 2020 to scope, prioritise needs for programme development and align that work with and development of HBRC's 2021-31 Long Term Plan and associated community engagement initiatives. Regular reporting back to future EICC meetings is intended.
3. The **Summary of Activity and Investment in the Coastal and Marine Area** item outlined key areas of activity undertaken with Council's total investment of some \$1.1 million of annual direct investment and 6 FTE. Discussions highlighted Council's engagement with the fishing sector through the Hawke's Bay Marine and Coastal Group (HBMaC), a multi-stakeholder group with representation from government agencies, tangata whenua, recreational and commercial fishing interests. Currently, HBMaC is involved in an ecosystem mapping project with funding granted under the Sustainable Seas National Science Challenge.
4. The **Right Tree Right Place - Principles to guide the business case** item posed key questions to the Committee to assist staff in preparing a business case and leading into development of the 2021-31 Long Term Plan. A Council workshop on the Right Tree Right Place programme is scheduled on 18 March, and subsequent reporting will be to future EICC meetings.
5. The **Heretaunga Plains Flood Control Scheme Level of Service review** item presented a progress report on the review which is investigating the merits of upgrading the scheme from its current level of protection for 1 in 100 year (1% Annual Exceedance Probability (AEP)) to a new 1 in 500 year (0.2% AEP) level of protection. The Preliminary/concept design work and economic analysis currently under way will feed into the business case and refined budget to be delivered to EICC in July 2020.

Decision Making Process

6. These items were specifically considered by the Environment and Integrated Catchments Committee on 5 February 2020 and are now the subject of the following recommendations to Council.

Recommendations

That Hawke's Bay Regional Council receives and notes the "Report from the Environment and Integrated Catchments Committee".

Authored by:

**Leeanne Hooper
GOVERNANCE LEAD**

**Gavin Ide
PRINCIPAL ADVISOR STRATEGIC
PLANNING**

Approved by:

**Chris Dolley
GROUP MANAGER ASSET
MANAGEMENT**

**Iain Maxwell
GROUP MANAGER INTEGRATED
CATCHMENT MANAGEMENT**

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 26 February 2020

Subject: DISCUSSION OF MINOR MATTERS NOT ON THE AGENDA

Reason for Report

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

Item	Topic	Raised by
1.		
2.		
3.		

Item 14

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 26 February 2020

Item 15

SUBJECT: Confirmation of Public Excluded Minutes of the Regional Council Meeting held on 29 January 2020

That the Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 15 with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
HBRIC Ltd Board Chairperson Appointment	7(2)(a) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect the privacy of natural persons	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.
Confirmation of the Public Excluded Minutes of the Meeting held on 18 December 2019		

Authored by:

Leeanne Hooper
GOVERNANCE LEAD

Approved by:

James Palmer
CHIEF EXECUTIVE