



Meeting of the Hawke's Bay Regional Council

Date: Wednesday 30 June 2021
Time: 11.00am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street, NAPIER

Agenda

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1.	Welcome/Karakia/Apologies/Notices	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Regional Council meetings held on 19 May and 26 May 2021	
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HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 June 2021

Item 4

Subject: FOLLOW-UPS FROM PREVIOUS REGIONAL COUNCIL MEETINGS

Reason for Report

1. On the list attached are items raised at Council Meetings that staff have followed up on. All items indicate who is responsible for follow up, and a brief status comment. Once the items have been reported to Council they will be removed from the list.
2. Also attached is a list of LGOIMA requests that have been received between 22 April and 23 June 2021.

Decision Making Process

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

Recommendation

That Hawke's Bay Regional Council receives and notes the "Follow-up Items from Previous Regional Council Meetings".

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

Desiree Cull
STRATEGY AND GOVERNANCE
MANAGER

Attachment/s

- 1 [!\[\]\(54a282d3ed55c9b1ac66d6fb81d5de2b_img.jpg\)](#) Followups for June 2021 Council mtg

Follow-ups from previous Regional Council Meetings

Meeting held 26 May 2021

	Agenda Item	Action	Responsible	Status Comment
1	Upper Tukituki Gravel	Information on different flood protection scheme models including "give rivers room"	C Dolley	As part of our commitment to review all Drainage and Flood Control Schemes over the next 10 years to assess the scheme performance and impact of climate change "giving rivers room" will be one of the options explored. This option will be assessed against others in terms of flood control/ drainage performance, environmental performance and cost with other options developed. As part of upskilling in the "give rivers room" concept key staff will be attending a 2 day conference in November dedicated to the subject. As these reviews are completed Council will be kept informed of the outcomes.
2	Section 36 Charges – Freshwater Science and Monitoring Cost Recovery Charges	Water use data showing the actual use in relation to the amounts allocated	K Brunton	Information emailed to councillors.
3	30-Year Infrastructure Strategy and the Asset Management Group of Activities	Karamu faecal source tracking initiative update to be provided to a future Environment and Integrated Catchments Committee meeting	C Dolley	Sampling has been undertaken for faecal source tracking in the Karamu catchment. Results for the final round of sampling are being processed at the lab. An update on the results/analysis will be provided to the September EICC meeting.

LGOIMA Requests Received

The following LGOIMA requests were received between 21 April and 23 June 2021

Request Date	Request ID	Request Status	Request Subject	Request Summary	Requested By
21/06/2021	OIR-21-048	Active	Tukituki irrigation consents	1. details of Tukituki Catchment irrigation consents - ground & surface water takes - incl landuse, allocated volume & actual use for past 3 irrigation seasons. 2. Are Tukituki water resources fully allocated? 3. Status of Emergency water allocations 4. Status of tranche 2 consent applications	Duncan Macleod, Ruataniwha Holdings Ltd
17/06/2021	OIR-21-047	Active	UAGC and General Rate breakdowns	Breakdown of what makes up UAGC and General Rate incl Healthy Homes-Clean Heat and Economic Development.	Elizabeth Gear
15/06/2021	OIR-21-046	Completed	Ruataniwha Dam consent holder	Name of current holder of Ruataniwha Dam resource consents	Grenville Christie
10/06/2021	OIR-21-045	Active	River gravel allocation	1. Why Holcim has been moved & why not consulted as part of this? 2. Who has been allocated Section 55 & why? 3. Why Holcim was moved to a Section with no access? 4. What consultation with local residents has been undertaken re the impact of carting 100,000m3 through the community?	Brian Bouzaid, Holcim NZ Ltd
8/06/2021	OIR-21-044	Active	fish passage status and mitigation	a copy of any resource consents or any relevant fish passage information relating to hydroelectric structures	Ngahuia Herangi, NIWA
8/06/2021	OIR-21-043	Completed	Council and Committee meetings	by month, for the last 12 months: 1. # of Council meetings & # of PE Council meetings 2. # of Committee meetings & # of PE Committee meetings 3. # of Council or Committee PE workshops	NZ Taxpayers Union Inc
4/06/2021	OIR-21-042	Active	Waikorure River and Paritu Stream resource consents	Waikorure River and Paritu Stream 1. resource consents for water take/use, & whether any or all apps were publicly notified 2. resource consents to modify or change the natural course of the Waikorure River 3. Is there a rule, preventing walking down the river, specifically across private property 2214 Maraekakaho Road, Washpool Station and adjoining wineries.	Pera Davies
2/06/2021	OIR-21-041	Active	gravel allocation	Copy of info re 2021-22 river gravel allocation process, specifically volumes requested and allocated - sorted by catchment	Brian Bouzaid, Holcim NZ Ltd

Request Date	Request ID	Request Status	Request Subject	Request Summary	Requested By
1/06/2021	OIR-21-040	Completed	Synthetic Nitrogen consent applications	between 28 May 2020 and 1 June 2021: 1 # of consent applications lodged requesting consent to use more than 190kg/hectare synthetic nitrogen on pasture & the numbers of those 1) approved 2) declined 3) still being processed 4) withdrawn 2 copies of all consents granted	Farah Hancock, Radio NZ Journalist
28/05/2021	OIR-21-039	Completed	MfE Freshwater Reform Criteria	1. All criteria provided by the Environment Minister re freshwater reforms 2. Any indications received from the Environment Minister re criteria he will use to assess the success of the Intensive Winter Grazing module	Emily Williams, National Party Parliamentary EA
21/05/2021	OIR-21-038	Active	psychometric testing	Details of any psychometric testing undertaken as part of staff recruitment, training, resourceing or outsourcing incl types of tests undertaken, copies of tests, results stats & providers	Oscar Francis, Critic Te Arohi
8/05/2021	OIR-21-037	Completed	Status of shovel ready funded projects	Coordinated regional response for HB including: 1. A list of "shovel ready" projects awarded funding from \$3B Infrastructure Reference Group - Covid recovery funds 2. Status of those projects including actual expenditure to date 3. Where no outlay to date, anticipated start date & reason for delay	Tom Belford, BayBuzz Editor
7/05/2021	OIR-21-036	Completed	Ngaruroro water takes	Ngaruroro River - Number of Water Takers - Compliant users - Non-Consented users - Consented users	Hera Tahau
6/05/2021	OIR-21-035	Completed	PanPac discharge consents	1. maximum nutrient concentration phosphorous, nitrogen and other constituents for PanPac discharge to water 2. maximum nutrient concentration allowable regionally for discharge to land	Jacob Kohn, Futurity Bio-Ventures
29/04/2021	OIR-21-034	Completed	water takes for kiwifruit	how many kiwifruit growers have a consent for a water take between 5-10 l/s	Sarah Cameron, NZ Kiwifruit Growers Inc
2/05/2021	OIR-21-033	Completed	Employee drug testing	1. Does HBRC carry out drugs & alcohol testing (among employees or other persons)? - if yes provide details requested	Lynn Worthington
28/04/2021	OIR-21-032	Completed	Maori Constituencies	1. Has HBRC discussed establishing a Māori constituency since the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 came into effect 2 March 2021? 2. If yes, please advise what further action HBRC resolved to take.	Andrew Ketels, Act NZ
28/04/2021	OIR-21-031	Active	Whittle Bush	the current state of play with HBRC purchase of the Whittle bush block	Kit Timms, Ambroke Farm
27/04/2021	OIR-21-030	Completed	Radiata Pine planting policy	HBRC position on planting hill country into Radiata pine for carbon credits, where they block neighbours intensive horticulture block	Charles Owen, Otoki Orchards

Request Date	Request ID	Request Status	Request Subject	Request Summary	Requested By
21/04/2021	OIR-21-029	Completed	Henderson Road Hastings Consents	confirm if any resource consents have been applied for, or have been granted for abrasive blasting on the site Part Lot 2 DP 6207 & Lot 2 DP 13686 on Henderson Road, Hastings	Jasmine Walker

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 June 2021

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 relating to the general business of the meeting 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 20.

Topic	Raised by

Leeanne Hooper
GOVERNANCE TEAM LEADER

James Palmer
CHIEF EXECUTIVE

SUBJECT: ELECTION OF CHAIRPERSON

Reason for Report

1. This item provides the means for the election of the Chairperson as required by the Local Government Act 2002 (LGA) Schedule 7.

Officers' Recommendations

2. Officers recommend that System B is resolved for this election.

Executive Summary

3. The LGA prescribes the voting requirements for the election of the Chairperson, including that Council's choice of voting system to be used must be determined by resolution. This means that Council needs to resolve the system of voting before the election of the Chair can take place.

Background

4. The Chief Executive is required to call for nominations for election to the office of Chairperson as outlined in LGA Schedule 7, clause 21. If a vote is required the Chief Executive must follow the provisions of clause 25, which states:

Section 24(3)

"An act or question coming before the local authority must be done or decided by open voting."

Section 25

"Voting systems for certain appointments—

- (1) This clause applies to—*

- (a) the election of the chairperson and deputy chairperson of a regional council; and*
- (b)*
- (c) the election of the chairperson and deputy chairperson of a committee; and*

- (2) If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected by using one of the following systems of voting:—*

- (a) the voting system in subclause (3) (system A);*
- (b) the voting system in subclause (4) (system B).*

- (3) System A —*

- (a) requires that a person is elected if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and*
- (b) has the following characteristics:—*
 - (i) there is a first round of voting for all candidates; and*
 - (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and*

- (iii) *if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and*
 - (iv) *in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.*
- (4) *System B —*
 - (a) *requires that a person is elected if he or she receives more votes than any other candidate; and*
 - (b) *has the following characteristics:*
 - (i) *there is only 1 round of voting; and*
 - (ii) *if 2 or more candidates tie for the most votes, the tie is resolved by lot.”*

Options Assessment

5. If System A is adopted the actual vote will be conducted as follows.
 - 5.1. Nominations for the position of Chairperson will be called for, which must be supported by a seconder (being a different person). A Councillor may nominate or second themselves, and may also nominate more than one person.
 - 5.2. Once the call for nominations results in no further nominees, nominations will be closed.
 - 5.3. Each nominee may then be allowed a period of up to 10 minutes to make a presentation.
 - 5.4. The first round of voting will then be undertaken by show of hands and with only one vote per Councillor (i.e. 8 in total).
 - 5.5. If there are three or more nominees and a majority of Councillors (i.e. 5) does not support one nominee then the candidate with the fewest votes will be excluded from the next round.
 - 5.6. If 2 or more candidates tie for the lowest number of votes, the person excluded from the next round will be resolved by lot. In this instance the names of the 2 candidates will be placed in a suitable container and the Council's Electoral Officer will draw a name from the container and this person will be excluded from the next round.
 - 5.7. A second and further round(s) of voting will be conducted if necessary in the same way as described above.
6. If System B is adopted the actual vote will be conducted as follows.
 - 6.1. Nominations for the position of Chairperson will be called for, which must be supported by a seconder (being a different person). A Councillor may nominate or second themselves, and may also nominate more than one person.
 - 6.2. Once the call for nominations results in no further nominees, nominations will be closed.
 - 6.3. Each nominee may then be allowed a period of up to 10 minutes to make a presentation.
 - 6.4. The only round of voting will then be undertaken by show of hands and with only one vote per Councillor (i.e. 8 in total).
 - 6.5. If 2 or more candidates tie for the most votes, the tie is resolved by lot and the remaining candidate will be declared to be the Chairperson.

Decision Making Process

7. The election of the chairperson is specifically provided for under Schedule 7, Part 1, Sections 21 and 25 of the Local Government Act 2002.

Recommendations

That Hawke's Bay Regional Council:

1. Resolves to adopt voting system **A or B** for the election of the Chairperson of Council as detailed in Schedule 7 Part 1 Section 25(3) of the Local Government Act 2002.
2. Confirms that in the case of determination by lot the method used shall be for the Electoral Officer of Council (Leeanne Hooper) to draw the name of the person to be excluded from a suitable container with the Group Manager Corporate Services acting as scrutineer during this process.
3. Councillor _____ nominated by Councillor _____ and seconded by _____
4. Councillor _____ nominated by Councillor _____ and seconded by _____
5. Councillor _____ nominated by Councillor _____ and seconded by _____
6. Result of first round of voting _____
7. Result of second round of voting _____ (if system A used)
8. Councillor _____ declared elected as Chairperson of Hawke's Bay Regional Council.
9. Councillor _____ makes his/her oral declaration and attests their written declaration.

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

SUBJECT: ELECTION OF DEPUTY CHAIRPERSON

Reason for Report

1. This item provides the means for the election of the Deputy Chairperson as required by the Local Government Act 2002 (LGA) Schedule 7.

Officers' Recommendations

2. Council Officers recommend that System B is resolved for this election due to its simplicity.

Executive Summary

3. The LGA prescribes the voting requirements for the election of the Deputy Chairperson, including that Council's choice of voting system to be used must be determined by resolution. This means that Council needs to resolve the system of voting before the election of the Deputy Chair can take place.

Background

4. The Chief Executive is required to call for nominations for election to the office of Deputy Chairperson as outlined in LGA Schedule 7, clause 21. If a vote is required the Chief Executive must follow the provisions of clause 25, which states:

Section 25

"Voting systems for certain appointments—

- (1) *This clause applies to—*
 - (a) *the election of the chairperson and deputy chairperson of a regional council; and*
 - (b) *....*
 - (c) *the election of the chairperson and deputy chairperson of a committee; and*
- (2) *If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected by using one of the following systems of voting:—*
 - (a) *the voting system in subclause (3) ('system A');*
 - (b) *the voting system in subclause (4) ('system B').*
- (3) *System A —*
 - (a) *requires that a person is elected if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and*
 - (b) *has the following characteristics:—*
 - (i) *there is a first round of voting for all candidates; and*
 - (ii) *if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and*
 - (iii) *if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and*

- (iv) *in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.*
- (4) **System B —**
 - (a) *requires that a person is elected if he or she receives more votes than any other candidate; and*
 - (b) *has the following characteristics:*
 - (i) *there is only 1 round of voting; and*
 - (ii) *if 2 or more candidates tie for the most votes, the tie is resolved by lot.”*

Options Assessment

5. If System A is adopted the actual vote will be conducted as follows.
 - 5.1. Nominations for the position of Deputy Chairperson will be called for, which must be supported by a seconder (being a different person). A Councillor may nominate or second themselves, and may also nominate more than one person.
 - 5.2. Once the call for nominations results in no further nominees, nominations will be closed.
 - 5.3. The first round of voting will then be undertaken by show of hands and with only one vote per Councillor (i.e. 8 in total).
 - 5.4. If there are three or more nominees and a majority of Councillors (i.e. 5) does not support one nominee then the candidate with the fewest votes will be excluded from the next round.
 - 5.5. If 2 or more candidates tie for the lowest number of votes, the person excluded from the next round will be resolved by lot. In this instance the names of the 2 candidates will be placed in a suitable container and the Council’s Electoral Officer will draw a name from the container and this person will be excluded from the next round.
 - 5.6. A second and further round(s) of voting will be conducted if necessary in the same way as described above.
6. If System B is adopted the actual vote will be conducted as follows.
 - 6.1. Nominations for the position of Deputy Chairperson will be called for, which must be supported by a seconder (being a different person). A Councillor may nominate or second themselves, and may also nominate more than one person.
 - 6.2. Once the call for nominations results in no further nominees, nominations will be closed.
 - 6.3. The only round of voting will then be undertaken by show of hands and with only one vote per Councillor (i.e. 8 in total).
 - 6.4. If 2 or more candidates tie for the most votes, the tie is resolved by lot and the remaining candidate will be declared to be the Deputy Chairperson.

Decision Making Process

The election of the Deputy Chairperson is specifically provided for under Schedule 7, Part 1, Sections 21 and 25 of the Local Government Act 2002.

Recommendations

That Hawke’s Bay Regional Council:

1. Resolves to adopt voting system **A or B** for the election of the Deputy Chairperson of Council as detailed in Schedule 7 Part 1 Section 25(3) of the Local Government Act 2002.

2. Confirms that, in the case of determination by lot, the method used shall be for the Electoral Officer of Council (Leeanne Hooper) to draw the name of the person to be excluded from a suitable container with the Group Manager Corporate Services acting as scrutineer during this process.
3. Councillor _____ nominated by Councillor _____, seconded by Councillor _____
4. Councillor _____ nominated by Councillor _____, seconded by Councillor _____
5. _____ votes for _____ and _____ votes for _____
6. Councillor _____ declared elected as Deputy Chairperson of Hawke's Bay Regional Council.

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

Subject: ADOPTION OF THE HBRC 2021-2031 LONG TERM PLAN**Reason for Report**

1. This report presents the 2021-2031 Long Term Plan (LTP) for adoption by Council as required by the Local Government Act 2002.
2. The statutory deadline to adopt an audited LTP is on or before 30 June 2021.

Background

3. On 24 March 2021, the Hawke's Bay Regional Council (Council or HBRC) adopted "*Time to Act – Kia Rite! 2021-2031*" the Consultation Document (CD) for the 2021-2031 Long Term Plan and supporting information for consultation.
4. A comprehensive engagement process was undertaken to seek the views of the community. Formal consultation was held from 1 April to 2 May 2021. A total of 791 (including 30 late submissions) were received, compared to 596 three years ago. 35 verbal submissions were heard on 17 May 2021.
5. The Council deliberated on all submissions on 26 May 2021. Deliberation reports were written by topic; one for each of the six consultation topics plus a further seven to cover the remaining areas in the Long Term Plan and all submissions received.

Key decisions made at deliberations

6. At the deliberations meeting on 26 May 2021, Council agreed to the preferred option as consulted on, for five of the six consultation topics being:
 - 6.1. *Right Tree Right Place* – to fund \$2.1 million (operating) from reserves and \$2.6 million (capital) from recipients for the pilot, subject to effectiveness monitoring and reporting of sediment mitigation. Council also resolved to investigate mechanisms to enable full recovery of HBRC funds invested into the pilot, if the pilot is deemed successful.
 - 6.2. *Future water use* - to put aside \$1 million over 3 years from reserves to work with water users to drive more efficient and effective use to complement water storage.
 - 6.3. *Upper Tukituki gravel* – to invest \$2.5 million in years 1 and 2 to remove the gravel build-up from the upper Tukituki River and unlock a \$4.5 million grant from central government.
 - 6.4. *Ahuriri Regional Park* - to fund \$1.2 million in year 3 (2023-24) and \$9 million over years 4-10 for the development of Ahuriri Regional Park with Napier City Council in the upper Ahuriri estuary.
 - 6.5. *On-demand public transport* - to fund the pilot of on-demand public transport in Hastings and Napier, paid for through targeted rates at a total cost of \$6.8 million over 10 years if successful.
7. *Clive River dredging 2030* – Council approved the option to fund dredging up as far as the rowing club in Clive and pump sediment onto land (rather than the current practice to dispose to sea). Council felt that the additional cost to dredge up to the Kohupātiki Marae, which was the preferred option consulted on, was better spent on preventative measures to reduce the sediment entering the waterway for a longer-term solution.
8. *Wairoa Regional Park* – Council agreed to change its 30-year Infrastructure Strategy as consulted on to bring forward funding of \$580,000 from year 5 to year 3 to consult on and develop a regional park along the Wairoa River as previously planned in 2017. The park will be developed in collaboration with the Wairoa District Council and the Matangairau Reserves Board.

9. *Annual freshwater science charges* – After comparison to other councils’ annual science and monitoring schedules Council agreed with submitters that our proposed four categories for discharge consents were too generalised and introduced five additional bands to give nine in total, consisting of three categories each within the groupings of small, medium and large. With the exception of this change, the Council agreed the proposed changes as consulted on.
10. *Fees and Charges* – Council agreed to amend the fees for Napier Port to a flat fee structure of 60% of the budgeted cost of Harbourmaster functions, amended year on year through the Annual Plan and notified to Napier Port as part of the Annual Plan process. With the exception of this change, the Council agreed the Fees and Charges Schedule as consulted on.
11. *Financial Strategy* – once all impacts were aggregated Council resolved to adjust its Financial Strategy to hold rates at the level consulted on for the first 3 years of the 2021-31 Long Term Plan. This requires slightly increased borrowing to smooth rates based on funding requirements, to be repaid by the end of the 10 years of the plan. Council made no other changes to the Financial strategy as consulted on. Key aspects of the strategy include:
 - 11.1. An increase in debt limit (Net Debt/Total Revenue) from 150% to 175% in line with LGFA policy covenants
 - 11.2. Increased rates as a percentage of revenue, from 50% to 60% to reduce reliance on investment income
 - 11.3. Building an investment equalisation reserve of \$10m by the end of the 2021-31 LTP
 - 11.4. Borrowing to fund operational costs to balance the rating impact in order to fund an accelerated work programme
 - 11.5. HBRIC mandated to grow its investment portfolio.
12. The package of initiatives in the Long Term Plan equated to a 19.5% rates increase in year 1 (2021-22), 15.0% in year 2 and 14.5% in year 3. The year 1 total rate increase of 19.5% is the result of deferring last year’s rate increase of 7.3%, the cost of borrowing to cover the shortfall in revenue in 2020-21 of 1.2% due to COVID-19 and this year’s rate increase of 11%.

Concurrent consultation on policies

13. Council concurrently consulted on two draft policies that were reviewed as part of the Long Term Plan development.
14. *Revenue and Financing Policy* - At the submission deliberations meeting on 26 May 2021, the Council made no changes to the draft Policy as consulted on. Under Schedule 10 (10) of the Local Government Act 2002, an LTP must include the already adopted Revenue and Financing Policy.
15. *Significance and Engagement Policy* – As a result of submissions the Council made one change to the Policy as consulted on, which was to include a Treaty of Waitangi related criteria for significance.
16. Both these policies are included in full in the final LTP document.
17. This paper seeks a resolution of Council to adopt these policies prior to adopting the 2021-2031 Long Term Plan.

New content

18. The information contained in the final LTP is largely the same as the previously adopted supporting information for consultation but consolidated into a single document and updated for recent decisions.
19. Similar to the previous LTP, the document has bilingual headings (English and Te Reo) and a message from the Co-Chairs of the Māori Committee following directly after the message from the Chair and Chief Executive.

20. The cover and graphics throughout the document match the imagery used in the Consultation Document.
21. New material not previously seen by Council includes:
- 21.1. the *Key Decisions* section outlining the public consultation undertaken and the resulting decisions (page 16)
 - 21.2. updated *Financials* based on the key decisions (page 148)
 - 21.3. inclusion of Māori Constituencies in the *Statement on fostering contributions to decision-making by Māori* (page 10)
 - 21.4. inclusion of the two new CCTOs for the establishment of FoodEast in the *Statement on Council Controlled Organisations* (page 296).
22. It also includes the *Funding Impact Statements* (page 181) that were not included in the supporting information for consultation but have been finalised since and the updated *Investment Strategy* (page 226) and *Treasury Policy* (page 235) incorporating feedback from the 19 May 2021 Corporate and Strategic Committee meeting.
23. This agenda item seeks a resolution of Council to adopt the Investment Strategy and Treasury Policy prior to adopting the 2021-2031 Long Term Plan.
24. As requested at the Corporate and Strategic Committee, the changes made to the Treasury Policy have been explained. These are provided in the table following.

Policy Section	Change	Rationale
A. Policy Section 1 - General Policy Context	Added The definition of Strategic and Non-Strategic assets is outlined in the Significance and Engagement Policy.	The Policy has been aligned to the changes made to the Investment Strategy.
B. Policy Section 7 - Investment Policy - Externally Managed Funds	Added The GM Corporate Services approves the amount and the timing of the funds available for divestment, that can be withdrawn from the externally managed funds. The funds that are available for divestment will be based on Council's cash flow requirements and the Investment Strategy. The amount will be retrospectively reported to Council.	Provides clarity and management discretion to withdraw funds from the externally managed funds.
C. Policy Section 8 - Investment Policy - Mix of Investments	Added Wording for carbon credits from Council's forest portfolio.	Included as an investment.
D. Policy Section 9 - Investment policy investment parameters	Section Removed Removed the investment maturity limits.	As treasury investments are held for liquidity purposes and therefore matched to expenditure amounts, greater flexibility around the maturity profile of the portfolio is needed. There is a policy constraint that term deposits are restricted to a term of no more than 12-months. The Jarden cash management facility or similar arrangement through a broker/investment manager has been included within the Policy, but only where the counterparty risk is with an approved bank.

Policy Section	Change	Rationale
E. Policy Section 13.8 - Internal loans	Altered Internal loan funding from external borrowing or cash balances.	Reflects that internal loans are funded from these two sources. The policy describes the process for setting internal interest rates.
F. Policy Section 14 - Counterparty Risk	Altered Maximum counterparty exposure per bank to be referenced to an absolute limit rather than a percentage of rates revenue. Minimum rated counterparties were reduced from A+ to A.	Reduces the minimum long-term credit rating for bank counterparties by one-notch to single A. The rating remains consistent with the “strong” credit rating category and is consistent with other council clients. The rating provides a wider universe of bank counterparties such as Kiwibank enabling a better spread of investment risks and pricing opportunities.
	Removed References to ‘other’ counterparties outside LGFA, RBNZ and the government.	Removed “other” instruments to simplify Council’s liquidity approach investing in only bank, call and term deposits. The “other” credit products are captured in the SIPO and managed within the external investment funds.
	Added Reference to Jarden cash management facility contributing to ANZ’s limit.	Jarden’s cash management facility is placed with ANZ and controlled by the custodian FNZ. Therefore, any funds placed in the cash fund are allocated to the ANZ limit.
G. Policy Section 14.2 - Reserves	Altered Disaster Damage Reserve is met though the liquidity ratio amount. There will no longer be specific treasury assets held to specific reserves	Rather than maintaining specific cash and investments to the disaster reserve (or any reserve), the reserve requirements will be managed within the overall liquidity ratio requirement set out in the policy. This also creates efficiencies and reduces administration, in the management of cash reserves within Council’s balance sheet.
H. HBRC Cash Reserves	Section Removed Removed section referencing a cash reserve of no less than \$3 million.	The cash reserve limit is performing the same function as the 10% liquidity buffer calculation, so we have reduced the duplication and streamlined the management and reporting of this risk.
I. Policy Section 17 - On-lending to Council Controlled Organisations	Added Framework to allow Council to on-lend to CCO/CCTOs and CCO/CCTOs to become members of the LGFA.	A new policy section outlining changes to lending activity in light of changes to the LGFA Foundation Policy. The policy creates the framework upon which Council can borrow from the LGFA and on-lend to CCO/CCTOs and allow CCO/CCTOs to borrow directly from the LGFA. When borrowing from the LGFA the CCO/CCTO will need to become a member of the LGFA but that requires financial support from Council in the form of either uncalled capital or guarantee. The policy has been updated for Council approval delegations.
J. Policy Section 17 - Loan advances	Added Comments on loan advances to charitable trusts and community organisations.	The policy now includes loan advances and outlines the criteria and limits that apply to these arrangements.

Policy Section	Change	Rationale
K. Policy Section 18 - Specific Borrowing Limits	<p>Altered</p> <p>Net external debt as a percentage of total revenue limit increased from 150% to 175%.</p> <p>LGFA liquidity buffer definition.</p> <p>Wording for liquidity calculation to exclude term deposits linked to pre-funded debt.</p>	<p>Net debt limits have been increased to match LGFA limits and increase Council's flexibility to debt fund over the LTP.</p> <p>Updated any references to committed bank facilities to ensure this is the un-utilised portion only.</p> <p>Removing pre-funding from the liquidity ratio allows the calculation to avoid 'double counting' debt that has been raised to pay down existing core intergenerational debt. Liquidity raised is for the specific purpose of repaying maturing debt and is not available for general liquidity purposes.</p>
L. Policy Section 19 - Liquidity and Funding Limits	<p>Altered</p> <p>Debt maturity bands widened to have 0-3, 3-7 and 7+ buckets with altered minimum and maximum percentages.</p>	Adjustment to the maturity bands within the framework to allow additional debt capacity in the 3-7 year bracket. Whilst maintaining consistency with Council's treasury objectives and recognising the debt management and liquidity support of the LGFA. The recommended funding maturity limits create additional flexibility, allowing existing debt to mature naturally whilst providing Council with the ability to strategically manage its debt portfolio.
	<p>Added</p> <p>Ability to pre-fund new and re-financed debt up to 18 months in advance.</p>	To strengthen the liquidity management approach the term in which Council can forward manage upcoming debt re-financing is extended by six months.
M. Policy Section 21 - Interest Rate Risk Management	<p>Altered</p> <p>Altered existing interest rate policy parameters across the 15-year horizon.</p> <p>Added</p> <p>Policy limits that are outside limits but "self correct" within 90-days are not policy breaches. Any breaches beyond 90-days are to be reported to Council.</p> <p>Definition for calculating fixed interest percentages based on core debt (excluding any pre-funded debt).</p>	Reducing the minimum amount of interest rate fixing over the medium term to provide Council with greater flexibility in managing its interest rate risk position. Wholesale interest rates have declined in recent years as central banks globally struggle to generate growth and inflation. These policy changes influence Council's materiality and sensitivity to interest rate movements. By lowering the minimum fixed rate percentages, management has greater discretion in managing Council's exposure to market wholesale interest rates. This will allow Council to benefit from the lower interest rate environment but there remains a minimum hedging requirement out to five years.
N. Policy Section 23 - Approved Financial Instruments	<p>Added</p> <p>Committed stand-by facilities offered by the LGFA.</p>	Added LGFA stand-by facilities to allow Council to access this recent committed stand-by facility offering.
	<p>Removed</p> <ul style="list-style-type: none"> Removed treasury investments Senior commercial paper Senior corporate bonds Local authority bonds 	The Investment Policy has been simplified to reflect Council's liquidity management purposes. Investing in credit/fixed interest markets is captured within the SIPO and the externally managed funds.

Policy Section	Change	Rationale
O. Policy Section 28 - Delegation of Authority and Authority Limits	Added Delegations for approving CCO/CCTOs and new/refinanced lending activity at Council level. Delegations for negotiating lending arrangements for CCO/CCTOs to GMCS and ongoing management of lending for CCO/CCTOs to CFO.	Changes to delegations to reflect Council's approval required for CCO/CCTO membership, the issuing of financial support and the management of ongoing lending activity.
P. Policy Section 29 - Treasury Procedures - Reporting	Added Increased the treasury reporting to include: <ul style="list-style-type: none"> • Funding and liquidity • Debt maturity • Interest rate profile • Treasury investments • Counterparties 	The treasury reports match the current reporting content.

Audit of LTP

25. Section 94 of the Local Government Act covers the audit requirement for the final LTP. Section 94(1) states:

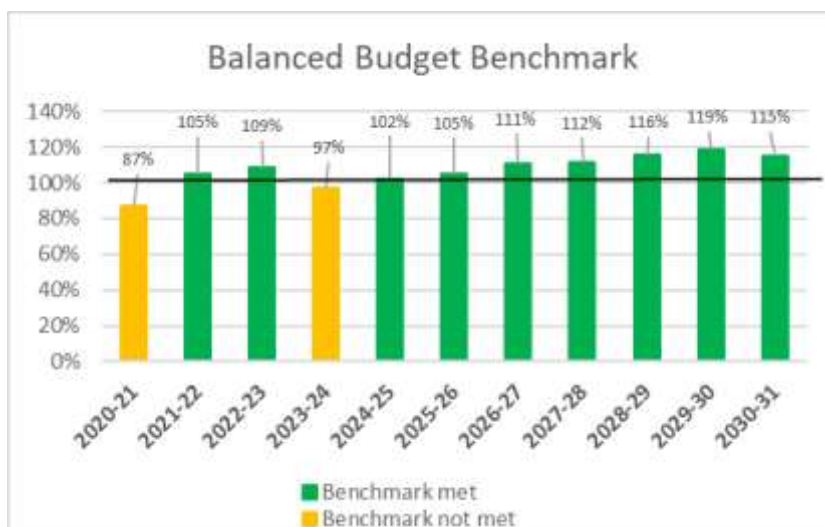
“The Long Term Plan must contain a report from the Auditor General on:

- (a) Whether the Plan gives effect to the purpose set out in Section 93(6) [i.e. the purpose of a LTP]; and*
 - (b) The quality of the information and assumptions underlying the forecast information provided in the Plan.”*
26. At the time of this agenda going out, staff are awaiting verbal clearance from Audit New Zealand. Staff are confident that an unqualified opinion will be achieved. However, as was the case for the Consultation Document, there is likely to be an emphasis of matter. Without modifying the opinion, the emphasis of matter is intended to draw attention to the disclosures in the plan about the uncertainty over the delivery of the substantially larger capital programme in this plan compared to previous plans.
27. Any changes required by Audit NZ will be provided to Council prior to adoption. The signed audit opinion will be tabled at the Council meeting on 30 June 2021.

Balanced budget

28. Under section 100 of the Local Government Act 2002 (the Act), the Council must ensure that each year's projected operating revenues are set at a level sufficient to meet that year's projected operating expenses. Where this is not the case, the Council should resolve that it is financially prudent.
29. In assessing whether it is financially prudent, regard is to be given to:
- 29.1. the estimated expenses of achieving and maintaining the predicted levels of service provision set out in the long-term plan, including the estimated expenses associated with maintaining the service capacity and integrity of assets throughout their useful life
 - 29.2. the projected revenue available to fund the estimated expenses associated with maintaining the service capacity and integrity of assets throughout their useful life
 - 29.3. the equitable allocation of responsibility for funding the provision and maintenance of assets and facilities throughout their useful life, and
 - 29.4. the funding and financial policies adopted under Section 102 of the Act.

30. As specified in *Part 3 - Financial Strategy* (page 31 of the LTP) and *Part 6 - Financial Reporting Benchmarks* (page 179 of the LTP), HBRC has a balanced budget other than in year 3 with a balanced budget benchmark of 97% (-\$2.25m). This is shown in the graph following.



31. A balanced budget other than in year 3, is achieved by borrowing to smooth the rates burden in the first five years with additional revenues raised in later years to repay this borrowing. The balanced budget benchmark is not met in 2023-24 (year 3). This reflects the end of the significant partnership funding from central government's COVID-19 stimulus package for flood protection. Even with borrowing it was decided that the gap was too big to bridge in year 3 so Council agreed to consult on an unbalanced budget for that year.
32. Council must resolve that it believes this is a prudent approach and that level of rate increases without borrowing would be unaffordable for ratepayers, prior to adopting the 2021-2031 Long Term Plan.

Next steps

33. Under the Local Government Act 2002, the final LTP must be sent out no later than one month after Council's formal approval. It is intended to print and bind hard copies in house. These will be available mid-July.
34. The LTP will be available on our website by close of business Friday, 2 July.
35. Staff will reply to submitters advising them of Council's final decisions. Submitters will receive a standardised response if they commented on our six key consultation topics. Bespoke responses will be sent to specific submitters.

Decision Making Process

36. Section 93 of the Local Government Act 2002 prescribes the statutory requirements in relation to long-term plans. Council must use the special consultative procedure in adopting a long-term plan. This process has been undertaken and reflects the high degree of significance associated with adopting an LTP.

Recommendations

That the Hawke's Bay Regional Council:

1. Receives and notes the "*Adoption of the HBRC 2021-2031 Long Term Plan*" staff report.
2. Authorises the Chair and Chief Executive to sign the Audit New Zealand Letter of Representation on behalf of the Council.
3. Receives the Audit New Zealand audit opinion on the *2021-2031 Long Term Plan*.

4. Adopts the Investment Strategy which is included in the *2021-2031 Long Term Plan*.
5. Adopts the Treasury Policy which is included in the *2021-2031 Long Term Plan*, as required by section 102(1) of the Local Government Act 2002.
6. Adopts the Significance and Engagement Policy which is included in the *2021-2031 Long Term Plan*, as required under Section 76AA of the Local Government Act 2002.
7. Adopts the Revenue and Financing Policy which is included in the *2021-2031 Long Term Plan*, as required under section 102(1) of the Local Government Act 2002.
8. Adopts a balanced budget, other than in Year 3 of the 2021-2031 Long Term Plan, with a balanced budget benchmark of 97% (-\$2.25m) and resolves that this is a prudent approach having regard to the provisions set out in section 100 of the Local Government Act 2002.
9. Adopts the audited *2021-2031 Long Term Plan* as presented, with any minor editorial corrections as necessary, in accordance with Section 93 of the Local Government Act 2002.
10. Instructs staff to publish the HBRC 2021-2031 Long Term Plan in its final form, within one month of adoption in accordance with Section 93(10) of the Local Government Act 2002.

Authored by:

Desiree Cull
STRATEGY AND GOVERNANCE
MANAGER

Approved by:

James Palmer
CHIEF EXECUTIVE

Jessica Ellerm
GROUP MANAGER CORPORATE
SERVICES

Attachment/s

- 1 Hawke's Bay Regional Council 2021-2031 Long Term Plan Under Separate Cover

Subject: HBRIC STATEMENT OF INTENT

Reason for Report

1. This item provides the Hawke's Bay Regional Investment Company Ltd (HBRIC) 2021-22 Statement of Intent (Sol) for formal adoption in order to achieve legislative compliance (before 1 July).

Background /Discussion

2. The draft 2021-22 Sol was reviewed at the 3 March 2021 Corporate and Strategic Committee (C&S) meeting and formal feedback provided to staff.
3. Following the C&S and the subsequent Regional Council meeting on 26 March, feedback on the draft Sol from those meetings was communicated to HBRIC Ltd by Council officers.
4. The HBRIC Directors have reviewed and updated the draft Sol to incorporate the feedback from Council, and have approved the release of the final 2021-22 Sol for Council adoption.
5. The dividend distribution has been presented as a range between \$8-11m per annum after taking into account advice from PwC, dividend expectations in the 2021-31 LTP, and the volatility in markets which could impact HBRIC's revenue streams.
6. Napier Port Holdings Ltd (NPHL) is not required to prepare an Sol due to the exemption provided under section 71A of the Local Government Act.

Decision Making Process

7. 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:
 - 7.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 7.2. The Statement of Intent for HBRIC Ltd is required to be prepared under section 64 of the Local Government Act 2002. This is a statutory requirement and is not subject to consultation under the provisions of the Act.
 - 7.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 7.4. 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 the Hawke's Bay Regional Council:

1. Receives and notes the "*HBRIC Ltd 2021-22 Statement of Intent*" staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
3. Adopts the Hawke's Bay Regional Investment Company Ltd 2021-22 Statement of Intent.

Authored by:

**Kishan Premadasa
MANAGEMENT ACCOUNTANT**

**Bronda Smith
CHIEF FINANCIAL OFFICER**

Approved by:

**Jessica Ellerm
GROUP MANAGER CORPORATE
SERVICES**

Attachment/s

1 [↓](#) HBRIC Statement of Intent for the Year Ending 30 June 2022

The logo for Hawke's Bay Regional Investment Company Ltd is enclosed in a rectangular frame with a dotted border. The text "HAWKE'S BAY REGIONAL INVESTMENT COMPANY LTD" is centered within the frame in a bold, sans-serif font.

HAWKE'S BAY REGIONAL
INVESTMENT COMPANY LTD

Statement of Intent
For the Year Ending 30 June 2022

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1 Introduction

This Statement of Intent (Sol) is prepared in accordance with Section 64(1) of the Local Government Act 2002.

The Sol specifies for Hawke's Bay Regional Investment Company Limited (HBRIC Ltd) and its subsidiaries, the objectives, the nature and scope of the activities to be undertaken, and the performance targets and other measures by which the performance of the group may be judged in relation to its objectives, amongst other requirements.

The process of negotiation and determination of an acceptable Sol is a public and legally required expression of the accountability relationship between the company and its shareholder, the Hawke's Bay Regional Council (Council or HBRC).

The Sol is reviewed annually with Council and covers a three-year period.

HBRIC Ltd is a council-controlled trading organisation (CCTO) for the purposes of the Local Government Act 2002. It is 100% owned by Hawke's Bay Regional Council.

HBRIC Ltd currently owns 55% of shares in Napier Port Holdings Limited (NPHL), an NZX listed entity. As NPHL is a NZX listed entity there is no requirement to produce an Sol.

2 Mission Statement

HBRIC Ltd's mission is:

To optimise the financial and strategic returns to Council from its allocated investment portfolio to assist Council achieve its vision of "a healthy environment, and a resilient and prosperous community".

3 Objectives

The objectives of HBRIC Ltd are to:

- Actively manage its allocated investment portfolio and any new investments it makes, including its shareholding in Napier Port Holdings Limited (Napier Port), to ensure long term:
 - growth of shareholder value
 - increased financial and strategic returns
 - security and sustainability of investments
 - Explore partnership with Tangata Whenua where possible

HBRIC Ltd currently has assets valued at approximately \$440m.

By 2030, the company has an ambition to grow this to exceed \$600m through continued growth in value of existing assets and acquisition and development of new assets.

4 Nature and Scope of Activities to be Undertaken

HBRIC Ltd will:

- Grow assets to broaden its asset base, with a strong preference for productive investments in Hawke's Bay, with the intention of providing a diversified and growing income stream for HBRIC Ltd and in turn Council.
- Own and manage the investment assets and liabilities transferred to it by Council from time to time.
- Encourage and facilitate subsidiary and associated companies to increase shareholder value and regional prosperity through growth, investment, and dividend payments.
- Invest in equity investments providing long term commercial returns and where possible also provide a regional benefit.
- Invest in real assets providing long term commercial returns and where possible also provide a regional benefit.
- Ensure that best practice governance procedures are applied to the key regional infrastructure and financial investments that are under HBRIC Ltd's ownership.
- Monitor the performance of each subsidiary and associated company against their stated economic, environmental, and social performance objectives and against relevant benchmarks, ensure that they have proper governance procedures in place, and promote sustainable business practices.
- Advise Council on strategic issues relating to its investments including, but not limited to, ownership structures, capital structures and rates of return.
- Perform financial, custodial and other functions required by Council which may include:
 - Enabling diversification of the Region's income streams for the benefit of ratepayers.
 - Enhancing Council's capability to manage an active investment policy.
- Comply with the LGA provisions requiring a special consultative process, and with Council policies, in regard to any disposal or part-disposal of shares in any Strategic Asset.
- Advise Council of any material capital expenditure projects by HBRIC Ltd or via its subsidiaries.
- Currently HBRIC Ltd.'s assets consist of:
 - A 55% share in Napier Port Holdings Limited (valued at \$376.2m at 31 December 2020).
 - Managed funds (partial proceeds from the IPO of Napier Port) (valued at \$48.3m at 31 December 2020).
 - A loan to HBRC in recognition of managed funds sold by HBRIC Ltd to HBRC (valued at \$16.7m at 31 December 2020).
- Currently HBRIC Ltd has no debt. Through prudent leveraging (not exceeding 25% debt: debt + equity), the company expects debt to grow to \$100-\$150m over the next decade, with debt supporting continued investment in quality assets which support the Council's and HBRIC Ltd.'s objectives.

- * For any borrowing to finance new investments, HBRIC Ltd will where possible seek unsecured debt over secured debt and ensure that any individual investment will not be greater than 10% of total assets. This will support risk diversification and take into consideration that the majority ownership of Napier Port and funds released from the IPO and now held in managed funds are listed strategic assets for Council.

5 Corporate Governance

This section gives readers an overview of the company's main corporate governance policies, practices and processes adopted or followed by the HBRIC Ltd Board.

Role of the Board of Directors

The Board of Directors is responsible to Council for the direction and control of HBRIC Ltd.'s activities. The Board is to guide and monitor the business and affairs of HBRIC Ltd in accordance with its mission and objectives as set out in this Statement of Intent.

Management has been delegated responsibility for the day-to-day management of the company. HBRIC Ltd may make use of external advisers from time to time.

All directors are required to comply with a formal Code of Conduct, which is based on the New Zealand Institute of Directors' Principles of Best Practice.

Responsibility to Shareholder

Statement of Intent

In accordance with the Local Government Act 2002, each year by 1 March HBRIC Ltd will submit a draft Statement of Intent for the ensuing year to Council for its consideration. The Sol sets out HBRIC Ltd.'s overall objectives, intentions, and financial and performance targets. Having considered any comments on the Sol by Council, the final operative Statement of Intent is then delivered to Council (as shareholder) for its approval on or before 30 June each year.

Board Composition and Fees

Appointments to the HBRIC Ltd board are made directly by Council.

Fees for the HBRIC Ltd Board will be set triennially in accordance with Council policy. HBRIC Ltd will affect an appropriate directors' and officers' liability insurance cover at the expense of HBRIC Ltd.

The Board meets regularly as required.

Expense Reimbursement

HBRIC Ltd will reimburse Council for the ongoing cost of management, accounting and administrative services incurred by Council in providing these services to HBRIC Ltd. HBRIC Ltd will also reimburse Council for specialist advisory, technical and management services it provides to HBRIC Ltd for particular investments. Other services will be contracted between Council and HBRIC Ltd for other investment management and operation as required.

Subsidiary Companies

All subsidiary companies (not including Napier Port Holdings or those where HBRIC Ltd owns less than 50%) are required to submit an annual Statement of Intent to HBRIC Ltd, which will evaluate them and suggest changes as considered necessary, before finalisation by the company concerned. In the event of a new subsidiary company being established the first statement of Intent of the subsidiary company will be referred to the Council for comment.

Subsequently, if any material changes are proposed by subsidiaries, HBRIC Ltd will consult with Council on such changes.

Representatives of the subsidiary board and management will meet with HBRIC Ltd at least twice each year, to discuss the company's strategic direction and any significant issues that arise. The Board also receives other reports as are necessary to perform its monitoring function. HBRIC Ltd however, does not involve itself in the operational management of the subsidiary companies.

Board appointments

All directors of subsidiary companies (and associate companies, if any) are selected through an open, professionally managed process, for their appropriate relevant expertise and aptitude in consultation with Council. Director appointments of Napier Port are done in accordance with NZX guidelines.

Financial results

Directors receive and review HBRIC Ltd parent company financial and other reports regularly and provide formal group and parent company financial statements to the shareholder twice annually – for the half year to 31 December and for the year ended 30 June.

Joint Ventures

Joint ventures not established as company entities will adhere to the reporting requirements specified for subsidiary companies above.

6 Ratio of Shareholders' Funds to Total Assets¹

Parent Company	20/21	21/22	22/23
Shareholder's funds/total assets	>75%	>75%	>75%
Net debt (\$m)	Up to \$5m	Up to \$15m	Up to \$20m
Shareholders' funds (\$000) *	459,000	461,000	459,500

The estimated figures above reflect the 30 June positions of their respective years and take into account changes to asset values due to revaluations. HBRIC Ltd will keep council informed of performance against targets on a timely basis.

¹Shareholders' funds are defined as the sum of paid-up capital, capital reserves and revenue reserves of the parent company. Total assets are defined as the total book value of all assets of the parent company as disclosed in the statement of financial position.

7 Performance Targets and Measures

Performance targets relate to the year represented by this Statement of Intent.

Napier Port Portfolio

Objective	Measure
Maintain a majority ownership of the Port of Napier Limited.	Ordinary share holdings of greater than 51%

Managed Funds Investment Portfolio

Objective	Measure
Generate commercial returns across the portfolio sufficient to protect and grow the capital base and contribute towards funding Council's operating costs.	Gross return of $\geq 6\%$ per annum Minimum cash yield $\geq 2\%$ per annum

Private Equity Investments

Objective	Measure
Invest in structures providing long term commercial returns and where possible provide a regional benefit.	Regular evaluation by the board on the performance of the private equity investments.

Real Asset Portfolio

Objective	Measure
Invest in real assets providing long term commercial returns and where possible provide a regional benefit.	Regular evaluation by the board on the performance of the real asset investments.

Governance

Objective	Measure
1 HBRIC Ltd maintains a strategic direction that aligns with Council's objectives and investment strategy.	HBRIC Ltd develops and maintains appropriate communication lines with Council to ensure HBRIC Ltd remains aware of Council's strategic priorities. By 1 March each year (unless otherwise agreed), HBRIC Ltd will submit a draft Sol for the forthcoming year for review and approval by Council.
2 HBRIC Ltd keeps Council informed of all significant matters relating to HBRIC Ltd and its subsidiaries, within the constraints of commercial sensitivity.	HBRIC Ltd submits quarterly written reports to Council in the financial year. Major matters of urgency are reported to Council at the earliest opportunity.

	Objective	Measure
3	Corporate governance procedures are appropriate, documented and reflect best practice.	The company's policies will be developed and reviewed in accordance with a schedule approved by the Board, and the company will work with and assist Council to ensure that there is alignment between Council and company policies.
4	HBRIC Ltd.'s process for the selection and appointment of directors to the boards of subsidiary and monitored companies is rigorous and impartial.	The process followed for each appointment to a subsidiary or monitored company board is transparent, fully documented and in line with Council's approved policies and procedures.
5	Subsidiary companies complete (as appropriate), on a timely basis, Statements of Intent that meet best practice standards.	<p>HBRIC Ltd will engage with applicable subsidiary companies prior to the Sol round in each year regarding the structure and content of their Sol's.</p> <p>In each year, subsidiary companies (as appropriate) submit draft Statements of Intent to HBRIC Ltd in sufficient time for HBRIC Ltd to submit a Final SOI by 30 June.</p> <p>HBRIC Ltd will review Statements of Intent and respond to the subsidiaries and make recommendations to Council, including on any material changes that are proposed, within six weeks of receipt.</p>
6	<p>Subsidiary companies that are CCTOs comply with the Local Government Act's requirements that their principal objectives be:</p> <ul style="list-style-type: none"> • achieving the objectives of its shareholders as set out in the Sol. • being a good employer. • exhibiting a sense of social and environmental responsibility; and • conducting their affairs in accordance with sound business practice. 	HBRIC Ltd will review the companies' performance in the context of these statutorily required objectives.

Group strategic, financial and sustainability objectives

Objective	Measure
1 Subsidiary companies adopt strategies that are compatible with the strategic direction of HBRIC Ltd and Council.	HBRIC Ltd will engage with subsidiary companies prior to the Sol round regarding key shareholder strategies and subsequently review their Sol's for compatibility with those strategies. There are currently no applicable subsidiaries.
2 Subsidiary companies adopt strategies that contribute to regional growth.	HBRIC Ltd will encourage subsidiary companies to seek opportunities that are both commercially sound and are capable of enhancing regional growth, and actively engage them with regard to specific opportunities that may arise.

Parent company financial objectives

Objective	Measure
1 HBRIC Ltd financial and distribution performance meets the shareholder's expectations.	HBRIC Ltd pays a dividend for the financial year that meets or exceeds the forecast dividend and achieves the other budgeted key performance measures set out in section 7.
2 HBRIC Ltd.'s investments provide an appropriate return in relation to their business risk, and against external benchmarks.	HBRIC Ltd will periodically review the performance of subsidiary companies and other investments against external benchmarks and assess the value of the investment in the individual company in relation to its inherent business risk and community benefits.

Distributions to Shareholder

Financial Year	2022	2023	2024
Distribution (\$000's)	\$8 -11m	\$8 -11m	\$8 -11m

HBRIC Ltd will pay dividends to the shareholder after taking into account its profitability, future investment, and cash management requirements. Dividends payable to the shareholder will be determined by the Board after consideration of the company's funding requirements and the requirement to meet the solvency test under the provisions of the Companies Act 1993. Dividends are forecast to be paid in two instalments in December and June of each financial year.

In addition, HBRIC Ltd may make distributions of capital reserves and/or repurchase its shares from Council, as agreed between Council and HBRIC Ltd from time to time.

8 HBRIC Ltd to be Periodically Valued

Council and HBRIC Ltd undertook an independent assessment of the market value of the HBRIC Ltd group as at 30 June 2019, valuations will be done thereafter on 30 June at three yearly intervals.

HBRIC Ltd will monitor its own market value at 30 June in each financial year by undertaking an internal assessment of its ongoing capital value (including valuation of subsidiaries and associates). This will be used to assist the management of capital, debt, revenue and expenditure streams to achieve the returns set out in Section 7 of this Statement of Intent.

9 Reporting and Information to be Provided by HBRIC Ltd

Statutory information requirements

The company will provide an annual Statement of Intent in accordance with Section 64(1) of the Local Government Act 2002. The directors will include any other information they consider appropriate. Where appropriate, revised forecasts will be submitted to the shareholder.

HBRIC Ltd will submit an annual report to the shareholder. The annual report will include audited financial statements and such other details as are necessary to permit an informed assessment of the company's performance and financial position during the reporting period, and to comply with the requirements of the Companies Act and Financial Reporting Act.

HBRIC Ltd will provide a half yearly report to the shareholder within two months after the end of the first half of each financial year. The report will provide among other things, an update on the financial performance and investing activities of the company.

Other information to meet the needs of Council

The company will provide regular reports to Council on its activities and the results of its subsidiary companies. It will operate on a timely basis in respect of significant shareholder-related matters, to the fullest extent possible in the context of commercial sensitivity and confidentiality agreements.

10 Acquisition/Divestment Policy

HBRIC Ltd will comply with Council's Investment Policy as set out in the Long-Term Plan (LTP) 2018-28 (or any successive LTP's) for acquisitions and divestments.

HBRIC Ltd will periodically review its investments to ensure that continued ownership represents the best option for HBRIC Ltd and Council and will consult with Council prior to any material divestment or major restructuring of a subsidiary company.

11 Activities for Which Compensation is Sought from Any Local Authority

HBRIC Ltd has lent Hawke's Bay Regional Council funds to support the purchase of managed funds from HBRIC Ltd. The loan is interest bearing with Council making scheduled payments to HBRIC Ltd.

12 Commercial Value of Shareholder's Investment

The Council's investment in HBRIC Ltd as at 30 June 2019 was independently valued at \$340 million.

13 Accounting Policies

HBRIC Ltd will adopt accounting policies that are consistent with New Zealand International Financial Reporting Standards, generally accepted accounting practice and the policies adopted by the Hawke's Bay Regional Council group.

Directory

Postal Address:

Private Bag 6006, Napier 4142

Registered Address:

159 Dalton Street, Napier South, Napier 4110

Board:

Mr Dan Druzianic (Chair)

Cr Rick Barker

Cr Neil Kirton

Cr Craig Foss

Contact:

Email – comms@hbric.nz

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 June 2021

Subject: REPORT AND RECOMMENDATIONS FROM THE 23 JUNE 2021 HEARINGS COMMITTEE MEETING

Item 10

Reason for Report

1. The following matters were considered by the Hearings Committee meeting on 23 June 2021 and the recommendations agreed are now presented for Council's consideration alongside any additional commentary the Chair, Councillor Martin Williams, wishes to offer.

Agenda Items

2. The **Hearings Committee Terms of Reference and Associated Delegations** agenda item provided the Committee with clarification of the role of the Committee and its delegations as well as enabling a wider review and consideration of the Terms of Reference. The item was prompted by a discussion at the Committee's 14 May meeting about conflicts of interest for committee members recommended for appointment to Hearings Panels.
3. The **Delegation Register – Resource Management Act 1991 and its Amendments** agenda item informed the Committee of the current delegations provided to staff for processing and deciding on resource consents under the Resource Management Act and provided an opportunity to review and update these.
4. The **Appointment of an Additional Commissioner for the Oamaru Landfill Expansion Hearing** agenda item provided the means for appointing a Māori representative to the Hearing Panel to consider and decide on resource consent applications and a notice of requirement for the proposal to expand the Oamaru landfill. The Committee resolution was:
 - 4.1. Appoints Katarina Kawana as a commissioner to the Hearing Panel to hear and make decisions on the resource consent applications required to undertake activities and discharges associated with the construction and operation of Area B of the Oamaru Landfill (APP-125003).
5. The **Appointment of Hearing Panel for the Clive River Dredging Resource Consent Applications** agenda item provided the means to have a hearing panel appointed ready to consider and decide on the resource consent applications in the likely event it proceeds to a formal hearing. The Committee resolved:
 - 5.1. Appoints the following commissioners to hear the resource consent applications required to undertake activities and discharges associated with the Clive River Dredging (APP-126090):
 - 5.1.1. Paul Cooney (Chair)
 - 5.1.2. Dr Malcolm Green
 - 5.1.3. Rau Kirikiri.
 - 5.2. Appoints the following people as alternates:
 - 5.2.1. Christine Scott (chair)
 - 5.2.2. Jim Cook
 - 5.2.3. A panel member with understanding of tikanga Māori and of the perspectives of local iwi or hapū to be confirmed via email upon advice from tangata whenua members of the Hearings Committee.

- 5.3. Confirms that the commissioners are appointed under section 34A of the RMA and are delegated authority under sections 37, 37A, 39, 39AA, 40, 41, 41A, 41B, 41C, 41D, 42, 42A, 103B, 104, 104A, 104B, 104C, 104D, 104E, 105, 107, 108, 108AA, 108B, 109, 113, and 115 of the Resource Management Act to hear, consider and decide the application and submissions.

Council considerations

6. Further discussions at the meeting traversed:
 - 6.1. Additional changes to the Terms of Reference and to Hearing Panel appointment resolutions to ensure all necessary delegations are provided to the Hearing Panel so that they may have all powers necessary to undertake a hearing process and make decisions.
 - 6.2. Further input to be sought from tangata whenua representatives on the Māori and Regional Planning committees in relation to mana whenua representation on hearings committees. Input is sought for a clause to be inserted into in the Terms of Reference for the Hearings Committee, that sets criteria for when a hapu or iwi representative of affected mana whenua can be appointed to a Hearings Panel when that person is not directly involved in the writing of a submission on behalf of the mana whenua.

Decision Making Process

7. These items were specifically considered by the Hearings Committee on 23 June 2021 and are now the subject of the following recommendations to Council.

Recommendations

The Hearings Committee recommends that Hawke's Bay Regional Council:

1. Receives and considers the "Report and Recommendations from the 23 June 2021 Hearings Committee Meeting".
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Adopts the Terms of Reference for the Hearings Committee as amended to:
 - 3.1. add a footnote to 1.5. referring to the Local Authorities (Members Interest) Act 1968
 - 3.2. reference additional sections of the act that provide for objections to resource consent decisions
 - 3.3. add clause 1.7. to provide for the Chairperson to hear objections lodged by applicants to staff decisions and to costs
 - 3.4. add clause 1.6 to authorise the settlement of appeals and references through conferencing or alternative dispute resolution (if required)
 - 3.5. amend clause 2 to refer to s72.
 - 3.6. Amend 1.1 to read "To hear and make decisions pursuant to sections 37, 37A, 39, 39AA, 40, 41, 41A, 41B, 41C, 41D, 42, 42A, 103B, 104, 104A, 104B, 104C, 104D, 104E, 105, 107, 108, 108AA, 108B, 109, 113, and 115 of the Resource Management Act on applications arising out of the Council's regulatory responsibilities on:"
4. Adopts the Delegations Register as amended to:
 - 4.1. Change Group Manager Regulation to Group Manager Policy and Regulation and change the abbreviation to GMRP

- 4.2. Change Principal Consents Officer to Team Leader Consents and change the abbreviation to TLC
- 4.3. Add the position of Engineering Officer Schemes, to recognise the staff level at which gravel consents are issued
- 4.4. Change 36AB(1) to 36AAB(1)
- 4.5. Add delegations to provide for Environment Court conferencing and Alternative Dispute Resolution including decisions to enter alternative dispute resolution and Environment Court conferencing
- 4.6. Add delegation for fixing a notice to a site (Resource Management (Forms, Fees, and Procedure) Regulations 2003) - Regulation 10A.

Omarunui Landfill Expansion Hearing

5. Confirms that the Hearing Panel appointed to hear the resource consent applications required to undertake activities and discharges associated with the construction and operation of Area B of the Omarunui Landfill (APP-125003) under section 34A of the RMA is delegated authority under sections 37, 37A, 39, 39AA, 40, 41, 41A, 41B, 41C, 41D, 42, 42A, 103B, 104-108, 108A, 108AA, 109, 113 and 115 to hear, consider and decide the application and submissions.

Appointment of Hearing Panel for the Clive River Dredging Resource Consent Applications

6. Confirms that the Hearing Panel appointed to hear the Clive River Dredging resource consent applications under section 34A of the RMA is delegated authority under sections 37, 37A, 39, 39AA, 40, 41, 41A, 41B, 41C, 41D, 42, 42A, 103B, 104-108, 108A, 108AA, 109, 113 and 115 to hear, consider and decide the application and submissions.

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Malcolm Miller
MANAGER CONSENTS

Approved by:

Katrina Brunton
**GROUP MANAGER POLICY &
REGULATION**

Attachment/s

- 1 [↓](#) Hearings Committee Terms of Reference including amendments
- 2 [↓](#) Updated Consents Delegations Register

Hearings Committee Terms of Reference



Adopted by Council resolution 30 June 2021

Previous version adopted by Council resolution 6 November 2019

1. Pursuant to Section 34(1) of the Resource Management Act (RMA) the Hawke's Bay Regional Council delegates the following functions, powers and/or duties under the RMA¹:
 - 1.1. To hear and make decisions pursuant to sections 37, 37A, 39, 39AA, 40, 41, 41A, 41B, 41C, 41D, 42, 42A, 103B, 104, 104A, 104B, 104C, 104D, 104E, 105, 107, 108, 108AA, 108B, 109, 113, and 115 of the Resource Management Act on applications arising out of the Council's regulatory responsibilities on:
 - 1.1.1. notified applications where submissions have been made and submitters wish to be heard
 - 1.1.2. reviews of conditions (s.128) where consent holder and/or submitters wish to be heard
 - 1.1.3. notified applications where submissions have been made and where the Committee considers it necessary to hold a hearing
 - 1.1.4. objections to decisions made under delegated authority by staff, where the applicant wishes to be heard (s.357, s357A, s357AB, s357B, s357C, s357CA and s357D)
 - 1.1.5. where the staff recommendation is to decline any application for reasons other than inadequate information
 - 1.2. To determine other related discretionary process matters that may be associated with a hearing such as waivers of time, as appropriate under the Resource Management Act 1991.
 - 1.3. To hear and make decisions on objections against costs under Section 36(6) of the Act and objections to the levying of Financial Contributions under Section 108 of the Act.
 - 1.4. To hear and make decisions on lapsing of consents under Section 125 of the Act where Council Policy directs, or staff elect not to make a decision under delegated authority, or where a decision of an officer acting under delegated authority is subject to an objection.
 - 1.5. The appointment of Hearings Committee members or independent commissioners to a Hearing Panel to undertake the functions set out above in 1.1 to 1.4 pursuant to s 34A RMA and the appointment of the Chairperson of the Hearing Panel².
 - 1.6. To authorise the resolution and settlement of appeals and references through formal hearings or mediation before the Environment Court or any other judicial body which relate to resource consent applications and to either generally or from time to time delegate to officers the authority to resolve and settle appeals and references through conferencing and formal mediation (s267 and s268A).
 - 1.7. To authorise the Hearings Committee Chairperson to hear and decide objections made under s.357, s357A or s357B in accordance with s357C and s 357D.

¹ NOTE: For the avoidance of doubt, the Hearings Committee is not delegated the functions, powers and duties to hear and make decisions on submissions made in relation to a proposed plan, policy statement, plan change or variation under the RMA. Such functions, powers and duties are delegated to a Panel of accredited RMA hearings commissioners appointed by the Council on an as needed basis, based on recommendations from the Regional Planning Committee.

² NOTE: While the Local Authorities (Members Interest) Act 1968 requires Councillors not to participate in decisions where they will receive a financial benefit there are exceptions to this rule which allow Councillors to participate in decisions including the appointment of themselves to a hearing panel. Refer to section 6(3)(c) of the Local Authorities (Members' Interests) Act 1968.

2. Pursuant to section 8272 of the Biosecurity Act (BA) the Hawke's Bay Regional Council delegates the following functions, powers and/or duties under the BA:
 - 2.1. To hear and make decisions on submissions received on any statutory documents prepared by Council which have been subject to a formal submission process under the Biosecurity Act.
 - 2.2. To authorise the resolution and settlement of appeals and references through formal hearings or mediation before the Environment Court or any other judicial body which relate to the preparation of any statutory documents prepared under the Biosecurity Act by the Council and to either generally or from time-to-time delegate to officers the authority to resolve and settle appeals and references through formal mediation.
3. Pursuant to section 83 and Schedule 7 (clause 32) of the Local Government Act 2002 the Hawke's Bay Regional Council may, on a case-by-case basis, delegate the following powers, duties and functions under the LGA:
 - 3.1. to hear submissions and to decide or make recommendations to the Council on a proposal that is subject to a special consultative procedure³.
 - 3.2. to further delegate the functions under 3.1 to another subordinate decision-making body, or to an officer of the Regional Council.
4. The Hawke's Bay Regional Council delegates to the Hearings Committee Chairperson and Council Chairperson, the ability to appoint Hearings Committee members or Independent Commissioners to a Hearing Panel to undertake the functions set out above in 1 and 2 above and the appointment of the Chairperson of the Hearing Panel.

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

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

And up to four "RMA Making Good Decisions" accredited members of the Māori and/or Regional Planning Committee as nominated by the Chair of those Committees; being:

- Tania Huata
- Katarina Kawana
- Dr Roger Maaka
- Mike Mohi

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

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

The Hearing Panel Chairperson has a Casting vote.

³ NOTE: For the avoidance of doubt, it is not intended that the Hearings Committee will be delegated to hear or make decisions on Long Term Plan, Annual Plan or Transport Plan submissions received.

Chair:	An "RMA Making Good Decisions" Accredited member of the Committee as elected by the Council being: <ul style="list-style-type: none">- Councillor Martin Williams
Deputy Chair:	A member of the Committee as elected by the Council being: <ul style="list-style-type: none">- Councillor Rick Barker
Meeting Frequency:	As is required
Quorum:	The Chairman of the Hearings Committee plus one other member of the Hearings Committee or the Chairperson of the Regional Council
Staff Executive:	Group Manager Policy & Regulation and/or Group Manager Asset Management
Qualifications:	In accordance with s39B all persons appointed to a Hearing Panel to undertake the functions set out above in 1 and 2 shall be accredited, except that where there is a group, and over half of all the persons in the group are accredited and there are exceptional circumstances that do not provide the time or opportunity to ensure that all persons in the group are accredited.

Delegation Register – Resource Management Act 1991 and its Amendments

Resource Consent Processes ~~(September 2018)~~ [\(June 2021\)](#)















Authorisation

Under the provisions of Section 34A(1) of the Resource Management Act 1991 the persons specified in this manual are delegated the powers, duties and functions specified below.

On the Table following, “D” denotes that delegation is to the person(s) specified.

Delegated by Council resolution ~~26th September 2018.~~ ~~xx~~ [30 June 2021](#)

Abbreviations

	CE	–	Chief Executive
	GM PR	–	Group Manager – Policy and Regulations
	MC	–	Manager Consents
	PCPTLC	–	Principal Consents Planner
	SCP	–	Senior Consents Planner
	CP	–	Consents Planner
	CAdm	–	Consents Administration
	CAdv	–	Consents Advisor
	GMAM	–	Group Manager Asset Management Group
	MRA	–	Manager Regional Assets
	TLE	–	Team Leader Engineering
	TLS	–	Team Leader Schemes
	SEOS	–	Senior Engineering Officer – Schemes
	EOS	–	Engineering Officer Schemes

Administrative Charges

Section	Description of function, power, or duty	Delegated To								Notes for staff
		CE	GMER	MC	PCPIL	SCP	CP	CAdm	CAdv	
36(3)	Require payment of additional charges to those fixed to enable recovery of actual and reasonable costs	D	D	D	D			D	D	This involves producing a record of the actual costs recorded in Council systems. Any reduction of the charge will need to be approved under s 36(5).
36(5)	Additional charges in order to recover actual and reasonable costs	D	D	D	D			D	D	
36(6)	Provide on request an estimate of any additional charge likely to be imposed.	D	D	D	D	D	D	D	D	
36AAB(1)	Remit whole or part of a charge.	D	D	D	D			D	D	Some of the circumstances where it may be appropriate to remit part or all of charge are where an application is withdrawn, where the charge is unreasonable or it is impractical to try and collect it e.g. any remittance will be signed off by the MC or GMER on the "draft invoice" and details entered onto the 402 write offs spreadsheet.
36AAB(2)	Decision whether or not to perform the action to which a charge relates until the charge has been paid in full.	D	D	D	D	D	D	D	D	Note: When using this provision the application remains effectively "on hold" until the correct payment is made by the applicant.

Waivers and Extension of Time Limits

Section	Description of function power or duty	Delegated To								Staff Notes
		CE	GMER	MC	PCPTIL C	SCP	CP	CAdm	CAdv	
37 & 37A	Extend a time period with applicant's approval, and waive a failure to comply with a requirement	D	D	D	D	D	D	D	D	For routine processes and minor failure e.g. deposit
37 & 37A	Extend a time period under special circumstances, and waive a failure to comply with a requirement	D	D	D	D					See practice note

Enforcement Officers

Section	Description of function power or duty	Delegated To								Staff Notes
		CE	GMER	MC	PCPTIL C	SCP	CP	CAdm	CAdv	
38	Authorise persons to carry out all or any of the functions and powers as an enforcement officer under this Act.	D								

Hearings

Section	Description of function power or duty	Delegated To								Staff Notes
		CE	GM/R	MC	PCPTL C	SCP	CP	CAdm	CAdv	
41B 41C	In consultation with the Chairperson of a hearing panel or a sole Commissioner, power to issue directions or requests to applicants and/or submitters, including to provide briefs of evidence before commencement of a hearing, and to direct certain procedural aspects of the hearing before the hearing.	D	D	D	D	D				
41D (1) and (2)	The power to strike out a submission	D	D	D	D					May strike out if frivolous or vexatious, no reasonable or relevant case, an abuse of process to allow to be taken further, person is not an expert, or offensive. (Right of objection via s357). <i>Most likely to be exercised by Hearing Panel, but staff may decide where it is appropriate to do so and it will mean there is no need for a hearing.</i>

Reports

Section	Description of function, power, or duty	Delegated To								Notes for staff
		CE	GM/R	MC	PCPTLC	SCP	CP	CAdm	CAdv	
42(1),(2) & (3)	Make order for protection of sensitive information	D	D	D	D	D				
42A (1)	Require a report on any matter described in s 39(1)	D	D	D	D	D				
42A(1AA) (a)	Obtain a report from a Council employee on any matter described in s 39(1)	D	D	D	D	D	D			Principally for PCPTLC, SCP and CP to exercise. Use Work request forms to set scope.
42A(1AA) (b)	Obtain a report from a person who is not a Council employee on any matter described in s39(1)	D	D	D	D	D	D			
42A(5)	Waive compliance with s42A(3) or (4)(b)	D	D	D	D					

Application for Resource Consent

Section	Description of function, power, or duty	Delegated To												Notes for staff
		CE	GMFR	MC	PCPTIL C	SCP	CP	CAdm	CAdv	GMAM/ MRA	TLE	TLS	SEOS/ EOS	
87E(5), (6), 6A	Decide on a request that an application(s) be directly referred to The Environment Court, in circumstances where the application(s) would eventually be appealed	Elected Council												Streamlining decision making – direct referral to Environment Court. Initial decisions made by staff under s88.
87F(3) & (5)	Prepare a report on the direct referral application and provide copies	D	D	D	D	D	D							

Section	Description of function, power, or duty	Delegated To													Notes for staff
		CE	GM/ER	MC	PCP/TLC	SCP	CP	CAdm	CAdv	GMAM/MRA	TLE	TLS	SEOS/EO		
92(1) & 92(3)(a)	Request further information be provided by the applicant and notify applicant of reasons for request.	D	D	D	D	D	D			D	D	D	D	For significant or continuous s92 requests, discussion with Manager Consents or Group Manager- Policy and Regulations should occur. (Note only one "stop the clock" s92 (1) request is now allowed and must be pre notification).	
92(2) & 92(3)(b)	Commission a Council employee to prepare a report on any matter relating to an application and notify applicant of reasons for wanting to commission a report.	D	D	D	D	D	D			D	D	D	D	The commissioning of a report requires the agreement of the applicant. As per s92 (B) (1).	
92(2) & 92(3)(b)	Commission a person who is not a Council employee to prepare a report on any matter relating to an application and notify applicant of reasons for wanting to commission a report.	D	D	D	D	D	D			D	D			The terms of the contract including price require approval by PCP-TLC up to the value of \$5000 or MC up to the value of \$15000. The commissioning of a report requires the agreement of the applicant.	
92A(2)	Set time limit for applicants to provide information.	D	D	D	D	D	D			D	D	D	D		

Notification/Non-Notification

Section	Description of function, power, or duty	Delegated To												Notes for staff
		CE	GMFR	MC	PePIL C	SCP	CP	CAdm	CAdv	GMAM/ MRA	TLE	TLS	SEOS/ EOS	
95, 95(A) and 95D	Determine whether to publicly notify an application for resource consent, including if special circumstances exist, and to publically notify the application ¹ .	D	D	D	D	D				D	D	D	D	In deciding refer to 95D Note s2AB and the meaning of "public notification" <i>Notification decision to be made by Manager Consents in the first instance.</i>
95B and 95E	Determine whether to limited notify an application for resource consent including if special circumstances exist and who to notify.	D	D	D	D	D				D	D	D	D	If decide not to notify under 95(a) or 95A (1), must decide if there are any affected persons. In deciding refer to 95E, 95F and 95G.
95F and 95G	Decide if an activity may have effects on a protected customary right. Decide if an activity may have effects on the exercise of the rights applying to a customary marine title group.	D	D	D	D	D								If these groups rights are considered to be affected and they have not provided their written approval they should be regarded as an affected party and notified.
97(4)	Adopt an earlier closing date	D	D	D	D	D								Where all parties notified of a limited notified application submit before the formal closing date

¹ Council resolved on December 2016 and 31 May 2017 that applications to take water for water bottling purposes including changes of conditions and transfers are to be notified.

http://hawkesbay.infocouncil.biz/Open/2016/12/RC_14122016_MIN.HTM#PDF2_ReportName_11000

http://hawkesbay.infocouncil.biz/Open/2017/05/ESC_17052017_MIN.HTM#PDF2_ReportName_11396

Pre-hearing Meetings and Mediation

Section	Description of function, power, or duty	Delegated To								Notes for staff
		CE	GM/PR	MC	PCPTL C	SCP	CP	CAdm	CAdv	
99(1) to (3)	Arrange pre-hearing meetings for the purpose of clarifying, mediating or facilitating resolution of any matter or issue. If appropriate, to require persons to attend.	D	D	D	D	D	D	D	D	A pre-hearing meeting is not mandatory, but if convened there is discretion to require persons to attend.
99(4)	The authority to decide if a person who is a member, delegate or staff who have the power to make a decision on an application may attend and participate in a pre-hearing meeting	D	D	D	D	D		D		This will also be subject to all persons at the meeting agreeing that this is appropriate.
99(8)	Decline to process an application or consider a submission.	D	D	D						Discretion is available to decline to process a resource consent or to decline to consider a submission if the applicant or submitters who are required to attend a prehearing meeting fail to attend.
99A(1) & (2)	Refer to mediation a person who has made an application for a resource consent and some or all of the persons who have made submissions on the application.	D	D	D						

Hearings

Section	Description of function, power, or duty	Delegated To								Notes for staff
		CE	GM/R	MC	PC/TL	SCP	CP	CAdm	CAdv	
100	Determine whether a hearing is necessary.	D	D	D	D					A hearing is not needed unless consent authority decides there should be one or applicant or submitter requests to be heard. Staff discretion here is to decide to hold a hearing when not otherwise required. This decision will be made by the Manager Consents in the first instance.
101	Set hearing dates and give notice	D	D	D	D			D		
102	Determine whether a joint hearing is necessary and when a joint hearing is necessary to take steps in relation to notification and other matters.	D	D	D	D					
103	Determine whether a combined hearing in respect of 2 or more applications is necessary	D	D	D	D					

Decisions

Section	Description of function, power, or duty	Delegated To												Notes for staff
		CE	GMPR	MC	SCOPI LC	SCP	CP	CAdm	CAdv	GMAM/ MIRA	TLE	TLS	SEOS	
104, 104A, 104B, 104C, 104D, 104E & 105, 107	Consider and determine non notified applications for resource consents.	D	D	D	D	D			D	D	D	D	D	<p>SCP delegation is only when specifically instructed to do so by Manager Consents or Group Manager Regulations.</p> <p>CAdv delegation is to decide non-notified resource consent applications to install or alter a bore.</p> <p>Where the staff recommendation is to decline any application for reasons other than inadequate information the hearings panel must decide the application</p>
	Determine publicly notified applications and limited notified applications for resource consents, when no submissions are received, or when submissions have been withdrawn or where submitters do not wish to be heard.	D	D											
104F	Grant consents with conditions to implement national environmental standards to control the effects on climate change of the discharge into air of greenhouse gases.	D	D	D	D	D								
108, 108A and 108AA	Grant consents on any condition consistent with s 108, 108B and 108AA	D	D	D	D	D				D	D	D	D	

Notification of Decision

Section	Description of function, power, or duty	Delegated To												Notes for staff
		CE	GM/R	MC	PCP/TL C	SCP	CP	CAdm	CAdv	GMAM/ MRA	TLE	TLS	SEOS	
114	Serve notice of the decision and determine any other persons and authorities to be served	D	D	D	D	D		D	D	D	D	D	D	
116(1A)	Determine the commencement date of consent if not the date of notification of decision under s 114	D	D	D	D	D	D	D	D	D	D	D	D	

Duration of Consent

Section	Description of function, power, or duty	Delegated To								Notes for staff
		CE	GMR	MC	RCPTLC	SCP	CP	CAdm	CAdv	
124(1)	Check whether the circumstances in s 124(1) have been met thereby allowing the applicant to continue to operate pending determination of an application for a replacement consent	D	D	D	D					Section 124(1) provides that an applicant may continue to operate under a consent if expired as long as the new application is made at least six months prior to expiry of the existing consent and the other circumstances in s 124(1) are met
124(2)	Permit or refuse an applicant to continue to operate pending determination of an application for a replacement consent	D	D	D	D					The staff listed have the discretion to allow the consent holder to continue to operate if an application for a new consent is made in the period that— (i) begins 6 months before the expiry of the existing consent; and (ii) ends 3 months before the expiry of the existing consent; and the other circumstances in s 124(2) are met. If the view is that the applicant should not be allowed to continue to operate then the matter should be referred to the CE and GMR.
124A	Determination of whether sections 124B and 124C apply	D	D	D	D					Sections 124A, 124B and 124C deal with the issue of priority when a person applies for a new resource consent to undertake an activity using a natural resource. A regional plan can allocate resources amongst competing activities. A regional plan cannot reallocate a resource that is subject to existing resource consents. However, a plan can set rules that provide for reallocation when existing consents expire.
124B	Determination of application in accordance with s 124B	D	D	D	D					

Delegations as Resolved by Council

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Section	Description of function, power, or duty	Delegated To								Notes for staff
		CE	GM/R	MC	PC/TLC	SCP	CP	C-Adm	C-Adv	
124C	Steps pursuant to s 124C including holding an application, notification to holder of existing consent and processing and determination of application	D	D	D	D	D				
125	Set a lapse date when determining non-notified or notified applications, determine that a consent has been given effect to and extend (on application) the time period within which a consent must be exercised before it lapses. Except for water takes in catchments which are fully allocated or are identified as sensitive groundwater zones.	D	D	D	D	D				Delegation for exceptions and for any activity that was originally notified lies with the Hearings Committee. Refer papers November 2009 and July 2010. Hearings Committee TOR 2017
126(1) and (2)	Cancellation of consent not exercised for the preceding 5 years and power to revoke notice of cancellation of consent	D	D	D						
127	Determine whether an application for a change or cancellation of a condition of consent shall be notified	D	D	D	D					

Review of Consent Conditions

Section	Description of function, power, or duty	Delegated To								Notes for staff
		CE	GMER	MC	PCPT LC	SCP	CP	CAdm	CAdv	
128(1)(a) & 129	Serve notice of a review of consent as specified in consent.	D	D	D	D	D	D	D	D	
128(1)(b) and 128 (1) (ba), 1(c) & 129	Serve notice of review of consent in line with Regional Plan rules, if a relevant national environmental standard has been made or if information made available for the application contained inaccuracies which materially influenced the decision and effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.	D	D	D	D	D	D	D		Decision to review due to inaccurate information will be made by MC or higher.
130	Process a review of consent with all necessary modifications. Determine whether a review shall be notified.	D	D	D	D					
131-132	Consider and decide on non-notified review of consent conditions.	D	D	D	D	D				SCP delegation is only when specifically instructed to do so by MC or GMER
133A	Correct minor mistakes or defects in a resource consent.	D	D	D	D	D				This is normally done by consents administration with approval from MC

Transfer of Consents

Section	Description of function, power, or duty	Delegated To								Notes for staff
		CE	GMPR	MC	PCPTL C	SCP	CP	CAdm	CAdv	
134	Receive on behalf of Council written notice of transfer of a land use consent.							D	D	The s 134 function is only for receipt of written notice of transfer of s 13 land use consents and not s 9 land use consents.
135	Receive on behalf of Council written notice of transfer of a coastal permit.							D	D	
136 (1), (2)(a) and (2)(b)(i)	Receive on behalf of Council written notice of transfer of a water permit.							D	D	
136 (4) and (5)	Approve the transfer of a water permit to another site if change is non-notified.	D	D	D	D					If the transfer is notified and needs to be heard the hearings panel will hear and decide. If there is no hearing required CE or GMPR shall decide. If the transfer is recommended to be declined then it should be heard by a hearing panel.
	If notified or limited notified applications for resource consents, when no submissions are received, or when submissions have been withdrawn or where submitters do not wish to be heard.	D	D							

Transfer of Consents

Section	Description of function, power, or duty	Delegated To								Notes for staff
		CE	GMPR	MC	PCPTIL C	SCP	CP	CAdm	CAdv	
137(1) and (2)	Receive on behalf of Council written notice of transfer of a discharge permit.							D	D	
137(3), (4) and (5)	Approve or decline the transfer of a discharge permit to another site if change is non-notified.	D	D	D	D					If the transfer is notified and needs to be heard the hearings panel will hear and decide. If there is no hearing required CE or GMPR shall decide. If the transfer is recommended to be declined then it should be heard by a hearing panel
	If notified or limited notified applications for resource consents, when no submissions are received, or when submissions have been withdrawn or where submitters do not wish to be heard.	D	D							
138	Accept the surrender or part surrender of a resource consent or refuse surrender of part of a resource consent.	D	D	D	D	D	D	D	D	Prior to exercising this power Council Staff should discuss the matter with the compliance officer responsible for monitoring the resource consent.
138A	Consider special provisions relating to coastal permits for dumping and incineration.	D	D	D	D					

Certificate of Compliance or Existing Use

Section	Description of function, power, or duty	Delegated To								Notes for staff
		CE	GMFR	MC	PCPTI LG	SCP	CP	CAdm	CAdv	
139	Grant certificate of compliance.	D	D	D	D	D				Note not to issue a COC if notice issued under s 87BB
139A	Issue existing use certificate	D	D	D						

Reclamations

Section	Description of function, power, or duty	Delegated To								Notes for staff
		CE	GMFR	MC	PCPTI LG	SCP	CP	CAdm	CAdv	
245	Give approval to a plan of survey of a reclamation subject to criteria in the Act.	D	D	D						

Environment Court – Conferences and Alternative Dispute Resolution

<u>Section</u>	<u>Description of function, power, or duty</u>	<u>Delegated To</u>								<u>Notes for staff</u>
		<u>CE</u>	<u>GM/R</u>	<u>MC</u>	<u>ILC</u>	<u>SCP</u>	<u>CP</u>	<u>CAdm</u>	<u>CAdv</u>	
<u>267</u>	<u>Decide on matters arising at a conference</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>					
<u>268A</u>	<u>Decide on matters arising at Alternative dispute resolution processes (ADR)</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>					

Rights of Objection

Section	Description of function, power, or duty	Delegated To								Notes for staff
		CE	GMER	MC	PCPT LC	SCP	CP	CAdm	CAdv	
357A	Consider and make decisions on objections where: • the objection is upheld; or • the outcome is agreed with the objector.	D	D	D	D					Other objections to decisions will be heard by a Hearing Panel. Costs re recoverable.
357B	Consider and make a decision on objections where the additional costs that are the subject of the objection are less than \$10,000 and where agreement is reached with the objector.	D	D	D						For objection to costs. If cannot resolve will go to Hearing Panel.
357C(1)	Allow a longer time for making an objection	D	D	D	D	D				
S357C(3)(b)	Give appropriate notice to parties.	D	D	D	D	D	D	D		
S357C(4)(b)	Give appropriate notice of objection hearing to parties.	D	D	D	D	D	D	D		
S357D(2)	Give appropriate notice of decision to parties.	D	D	D	D	D	D	D		

Resource Management (measurement and reporting of water takes) Regulations 2010

Section	Description of function, power, or duty	Delegated To								Notes for staff
		CE	GM/R	MC	PC/PL/LC	SCP	CP	CAdm	CAdv	
9	Approval to measure water taken each week (instead of each day)	D	D	D	D	D				
10	Approval to use device or system installed near (instead of at) location from which water taken	D	D	D	D	D				
11	Revoke approval of 9 or 10	D	D	D	D	D				

Resource Management (Forms, Fees, and Procedure) Regulations 2003

10A Discretion to require notice to be affixed to site

Regulation	Description of function, power, or duty	Delegated To								Notes for staff
		CE	GM/R	MC	PL/C	SCP	CP	CAdm	CAdv	
<u>10A</u>	<u>Discretion to require a notice to be affixed to a site</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>			<p><u>A consent authority may require the following to be affixed to a conspicuous place on or adjacent to the site to which the application relates:</u></p> <p><u>(a) a short summary of the notice; and</u></p> <p><u>(b) details of the Internet site where the full public notice in form 12 can be accessed.</u></p>

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 June 2021

Subject: HASTINGS CONSTITUENCY BY-ELECTION

Reason for Report

1. This item provides the means for Council to provide staff with the necessary 'administrative' approvals to manage the Hastings Constituency By-election and outlines the timeline the by-election will run to.

Officers' Recommendations

2. Council officers recommend that the Council considers and agrees, by resolution, the following matters in relation to the management of the Hastings Constituency by-election.
 - 2.1. Appointment of Mr Peter Martin to the role of Deputy Electoral Officer
 - 2.2. Order of candidates on voting papers to be alphabetical.

Executive Summary

3. As the result of Councillor Rex Graham's resignation, a by-election is required for the Hastings Constituency of Hawke's Bay Regional Council.
4. The Local Electoral Act requires that the by-election must be held within 89 days of notification of the vacancy to the Electoral Officer, and that other associated process steps are undertaken including:
 - 4.1. Public notice of the election
 - 4.2. Opening and closing of nominations
 - 4.3. Declarations made by Electoral Officials
 - 4.4. Resolution of the order of candidate names on voting documents
 - 4.5. Opening and closing of the Electoral roll
 - 4.6. Declaration of final results.
5. In order to meet the required timeframes, the timetable for the Hastings Constituency By-election is as follows.

SUMMARISED BY-ELECTION TIMETABLE	
Thursday 17 June 2021	Public Notice of By-election NOMINATIONS OPEN PRELIMINARY ROLL OPEN FOR INSPECTION
Thursday 15 July 2021	NOMINATIONS CLOSE (NOON) PRELIMINARY ELECTORAL ROLL CLOSING
ASAP after 15 July 2021	Public notice of confirmed candidate(s) and whether election required
If Election Required	
Thursday 19 August 2021	DELIVERY OF VOTING DOCUMENTS COMMENCES Progressive roll scrutiny Early processing period starts Special voting period starts
Friday 10 September 2021	ELECTION DAY Voting closes 12 noon – counting commences Preliminary results available as soon as practicable
By Wednesday 15 September 2021	Official declaration of Results

SUMMARISED BY-ELECTION TIMETABLE	
ASAP after 15 September 2021	Public notice of declaration of result
By Monday 8 November 2021	Return of electoral expense forms

Appointment of Electoral Officials

6. Under section 12 of the Local Electoral Act 2001 (LEA) the Council must at all times have an Electoral Officer (EO) appointed by the Council to exercise the powers and carry out the duties conferred on the EO by the LEA. Leeanne Hooper currently holds the HBRC EO position, having been appointed by Council resolution on 27 October 2014.
7. Section 13 of the LEA requires the Electoral Officer to appoint a Deputy Electoral Officer. Due to staffing and workload changes, when recruiting for the “Senior Governance Advisor” role it was decided that the DEO responsibilities would be included in that job description. As a result, it is necessary to appoint Mr Peter Martin.
8. The Regional Council’s Electoral Officer is solely responsible (assisted by his/her deputy electoral officer and other electoral officials) for the management and conduct of every Regional Council election (or poll). The general duties of the Electoral Officer include:
 - 8.1. The appointment of a DEO
 - 8.2. Enter into Memoranda of Understanding (MoU) to reflect the particular arrangements for the election, including agreement on the fair allocation of costs, with each Territorial Authority in the Region
 - 8.3. The publication of any public notice relating to elections and polls and the calling of nominations
 - 8.4. Receive and process nominations, candidate profile statements and deposits required to be paid
 - 8.5. Announcement of the Preliminary result, and Declaration of the Official result
 - 8.6. Receive and publish returns of electoral expenses, and make copies available for public inspection
 - 8.7. Investigate possible offences under the Local Electoral Act 2001, and report alleged offences to the police
 - 8.8. Oversee payment of the costs of the election in accordance with MoU.
9. Electoral Officers exercise their power independent of the Council, and unless he or she dies, resigns, is dismissed from office, or becomes incapable of acting, remains in office until his or her successor comes into office.

Voting Papers and Candidate Profile Statements

10. Regulation 31 of the Local Electoral Regulations 2001 (the Regulations) permits each local authority to determine, by resolution, the order each candidate’s name will appear on a voting paper, choosing between alphabetical order of surname, pseudo-random order, or random order.
 - 10.1. *Pseudo random* order means that the order of the names of the candidates is determined randomly and then all voting documents use that order.
 - 10.2. *Random* order means the order of the names of the candidates is determined randomly for each voting document during the printing process.
11. Council is able to resolve the order they wish to show on voting papers. Council can choose not to do so, however, in which case the candidates’ names must be arranged in alphabetical order of surname [LER reg 31(3)].
12. It is noted that in all past elections, Hawke’s Bay Regional Council resolved to use the alphabetical option. It is useful also to note that all candidate profile statements will be shown in alphabetical order of a candidate’s surname.

13. Because the voting papers for the 2019 local election were in alphabetical order staff do not propose a change for the by-election.
14. In the lead-up to the 2022 local election, Council will be asked to consider and resolve the order of candidates as informed by a report outlining the benefits of the options available.

Early Processing of Votes

15. In accordance with LEA section *80 Processing before close of voting*, the votes received during the voting period will be processed. This means that once received, the voting document will be processed in accordance with LEA sections *82 Justices of the Peace to observe processing before close of voting* and *83 Scrutiny of roll*, in readiness for counting immediately after the close of voting.
16. Early processing enables a faster progress result, which in this case we're expecting to receive approximately 1 hour after voting closes.

Financial and Resource Implications

17. Because a by-election process was not budgeted for, the costs associated will result in an unfavourable 2021-22 result of approximately \$120,000 over budget for the Governance and Partnerships group of activities.

Decision Making Process

18. 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:
 - 18.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 18.2. The use of the special consultative procedure is not prescribed by legislation.
 - 18.3. The decisions are not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 18.4. The persons affected by this decision are Council staff, specifically the Electoral Officer and Deputy Electoral Officer, and the candidates and voters in the Hastings Constituency.
 - 18.5. 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. Receives and considers the "*Hastings Constituency By-election*" staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Notes the appointment of Mr Peter Martin as Deputy Electoral Officer.
4. Agrees that the order of names on voting documents will be alphabetical by surname.

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

**Desiree Cull
STRATEGY AND GOVERNANCE
MANAGER**

**James Palmer
CHIEF EXECUTIVE**

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 June 2021

Item 12

Subject: 2021 REPRESENTATION REVIEW

Reason for Report

1. This item presents the proposed project brief and timelines for Council's Representation Review, required to give effect to the 26 May 2021 resolution to establish one or two Māori Constituencies.

Officers' Recommendations

2. Council officers recommend that Council considers the proposed plan to determine whether it adequately meets the requirements of the Council necessary to ascertain Representation Arrangements for Hawke's Bay Regional Council that provide 'fair and effective representation' for the communities of interest in the region.

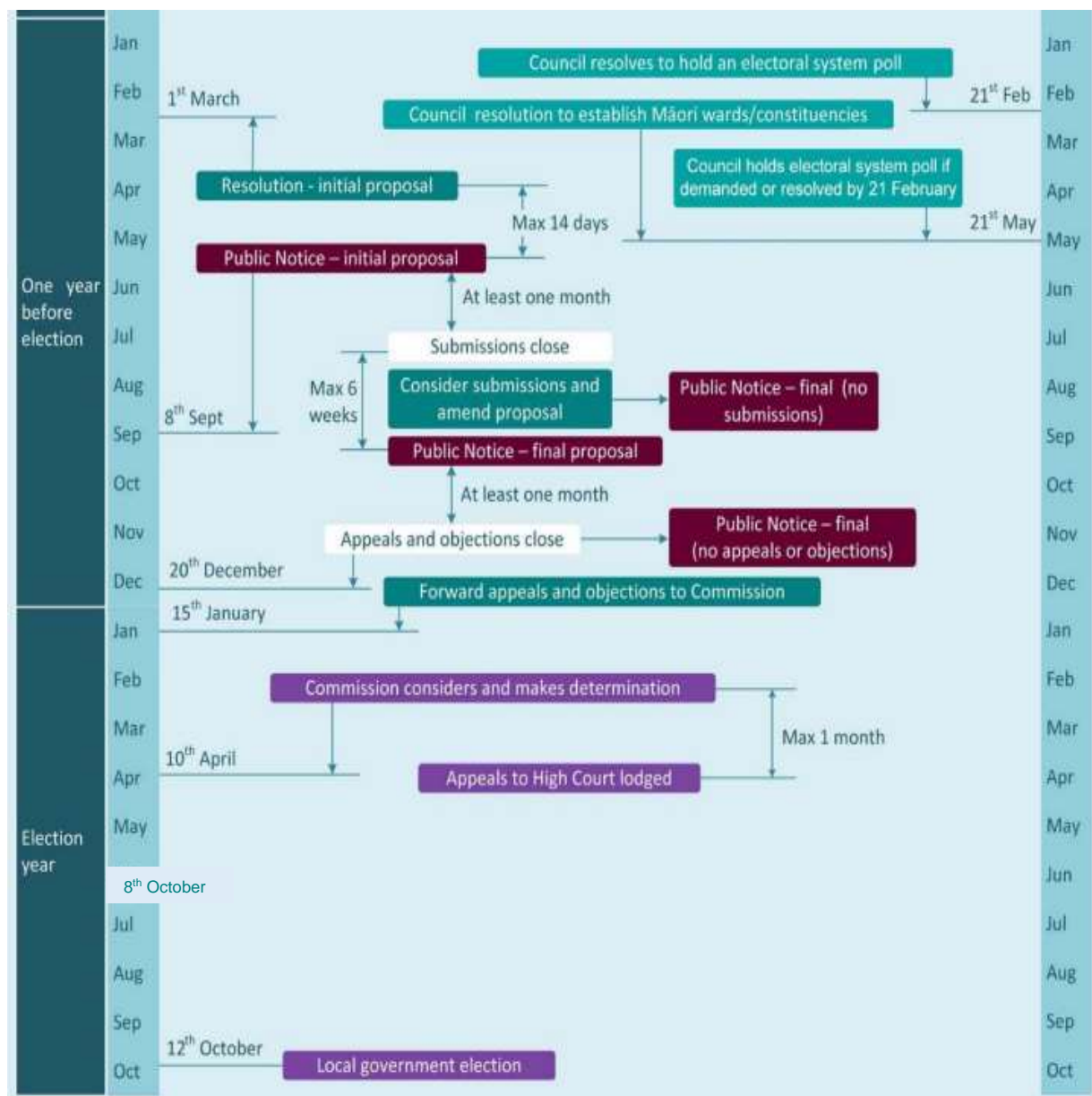
Executive Summary

3. In order to establish Māori constituencies as resolved by Council on 19 May 2021, a Representation Review must be undertaken for Hawke's Bay Regional Council. The Review process is strictly prescribed in terms of timeframes once Council resolves its proposal for public notice to open submissions. The process leading to that point, however is completely at the discretion of Council.
4. Ahead of the 'actual' Review process, pre-engagement with tangata whenua will be carried out through hui a iwi in each of the four Taiwhenua areas over the period 28 June to 12 July 2021. This timeframe is proposed to enable a recommendation from the 11 August Māori Committee meeting to feed into Council's decision making at the Corporate and Strategic Committee meeting on 18 August and resolution of the initial proposed representation arrangements at the 25 August 2021 Regional Council meeting.

Background /Discussion

5. The review process will involve the steps of:
 - 5.1. Review the communities of interest of the region considering 'fair and effective representation' for the region as a whole
 - 5.2. Determine the number of Māori and General constituencies (based on communities of interest), the boundaries of those (including, as far as practical, that constituencies coincide with territorial authority and ward boundaries), and the names of the constituencies
 - 5.3. Consider fairness of representation for electors including:
 - 5.3.1. the range of options for the total number of councillors on the Council, identifying the ratio of population per councillor for each proposed constituency and then comparing the constituency ratios calculated with the average population per member for the Council as a whole
 - 5.3.2. Under any of the options for total membership, do the constituency ratios fall within +/-10% of the average population per member?
 - 5.3.2.1 Requires separate +/-10% calculations for the General constituencies and Māori constituencies (if more than one). In the case of the General constituencies compliance will have to be calculated with the revised populations, i.e. without the Māori Electoral Population.

- 5.3.3. If the required ratios cannot be achieved, consider whether there are sufficient grounds to not comply with the requirement and document these in appropriate detail.
- 5.4. Resolve an initial proposed Representation Arrangement and publicly notify the details, calling for submissions
6. Submissions, hearings and appeal periods following public notice of Council's initial proposal must meet the time-bound requirements following.



Considerations of Tangata Whenua

7. Under the Local Electoral Act there are two main requirements that determine the viability of options for Māori constituencies, being:
 - 7.1. Population – fair and effective representation, where each councillor represents the same number of people within +/-10%
 - 7.2. Boundaries – practicality of constituency boundaries coinciding with territorial authority or ward boundaries.
8. If there is to be more than one Māori constituency, the option that Council staff are investigating is for a North/South geographical split.

9. For the pre-engagement with tangata whenua, staff will base discussions at the hui around maps showing the potential boundary options as determined by the population requirements and asking for feedback from participants on their preferences, including the rationale for their choice. The flyer invitation is attached for councillors' information.

Consultation

10. Staff propose to carry out pre-engagement with tangata whenua and consultation with the wider public through the notification and submission processes of the formal Representation Review.

Other Considerations

11. To meet the statutory timeframes, an outline of the proposed Project Plan, including timelines, is provided in the following table.

Milestone	Description	Due Date
1. Maori Constituencies decision	Council resolution to establish Maori Constituencies	19 May 2021
2. Pre-engagement	Item to Māori Committee (MC) to agree pre-engagement plan <ul style="list-style-type: none"> - Specific to one or two constituencies & potential name(s) - Communicate engagement plan to PSGEs along with invite to schedule direct engagement if wanted 	2 June for 9 June 2021 meeting
	Check-in with PSGE representatives on the Regional Planning Committee (RPC)	24 June for 7 July RPC meeting
	Info/flyer for invites to hui finalised Maps and information for hui finalised	21 June
	Hui a iwi at each taiwhenua	Completed by 12 July
3. Option development	Review the identified communities of interest within the Region as reflected by the current General constituencies for relevance / case to change	June-July
	Feed hui feedback into detailed options for Council (RC) workshop	22 July for 28 July RC workshop
	Feed hui & Council workshop feedback into detailed Māori Constituency options for Māori Committee recommendation of preferred option to Council	5 August for 11 August MC meeting
4. Present options	Present options for recommendation to RC 19U –effective representation 19V –fair representation and other factors	12 August for 18 August C&S meeting
5. Council resolves Initial Proposal <i>Not later than 31 August</i>	Council selects and resolves preferred option as Initial Proposal for public notification	19 August for 25 August RC
6. Public notice of proposed arrangements	Public Notice of initial proposal and open submissions 19L – distribution of copies of resolution 19M – public notice of proposals, and responsibilities in relation to submissions	1 September
7. Receive submissions	Submissions open for not less than one month	1 Sept – 1 Oct
	Close of submissions on Initial Proposal	5pm 1 October

Milestone	Description	Due Date
8. Respond to Submissions	If submissions received, Council considers/hears within 6 weeks of closing (19N – response to submissions)	13 October extraordinary RC after FARS
9. Final Proposal	Amend Proposal from submissions hearings if appropriate and Resolve Final Proposal	27 October RC
	Public Notice of Final Proposal	30 October
10. Appeals/Objections	Period of 1 month allowed for 19O appeals /19P objections	30 November
11. Lodge Final Proposal with LGC	- If no Appeals/Objections –Council confirms as final	30Nov 2018
	- Gives Public Notice of Final Proposed Arrangements	3 Dec 18
	- Forward all documentation to LGC for final determination if not all constituencies meet +/-10% rule	10 Dec 18
	- If appeals/objection are received, advise 28Nov Council meeting and forward all documentation to LGC	b4 15 Jan 19

Financial and Resource Implications

12. Approximately \$20,000 funding is required for the out of cycle Representation Review due to it being two years earlier than planned and a small increase to cover additional consultation with tangata whenua to determine the new constituency boundaries and names etc. This was sought through a Staff Submission to the Long Term Plan, and agreed by Council.

Significance and Engagement Policy Assessment

13. The decisions relating to the names and boundaries of the Māori constituencies are considered to be 'significant' only to tangata whenua, particularly those on the Māori roll, and not to the wider community. Therefor pre-engagement on these aspects of the Representation Review will be undertaken solely with tangata whenua.
14. Council's decisions in relation to its representation arrangements are considered to be significant and are subject to a prescribed consultation process with statutory timeframes required to fit within the Electoral Timetable for the upcoming 2022 local election.

Decision Making Process

15. 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:
- 15.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 15.2. The use of the special consultative procedure is not prescribed by legislation.
 - 15.3. The persons affected by this decision are the voters who elect Hawke's Bay Regional Council.
 - 15.4. 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. Receives and considers the "2021 Representation Review" staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Agrees the Project Brief and timelines for the 2021 Representation Review as proposed.

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

Desiree Cull
STRATEGY AND GOVERNANCE
MANAGER

James Palmer
CHIEF EXECUTIVE

Attachment/s

- 1 [1](#) 2021 Representation Review Project Brief
- 2 [2](#) Maori Constituencies Flyer

Project Plan**Project Name:** Representation Review 2021**Project Sponsor:** Desiree Cull**Project Manager:** Leeanne Hooper**Project Code:** 840-006**Project Purpose:** To review the HBRC representation arrangements**Project Description:**

Under the Local Electoral Act 2001, Council is required to review its representation arrangements prior to the local authority elections in 2022 as a result of the 19 May 2021 resolution "Agrees to establish one or more Māori Constituencies in accordance with Schedule 1, Part 1, 2(2) of the Local Electoral Act, for voters on the Māori electoral roll to elect Councillors on to Hawke's Bay Regional Council in the 2022 and 2025 local elections."

In accordance with the Local Government Commission's guidelines, the review will:

1. Review the identified communities of interest within the Region, including Māori roll voters
 - 1.1. Consider whether each identified community of interest needs separate representation, or whether communities of interest can be grouped together in certain ways to achieve effective representation
2. Consider fairness of representation for electors of the constituencies
 - 2.1. Consider a range of options for the total membership of the council. Under each option, determine the ratio of population per member for each proposed constituency.
 - 2.2. For each option, compare the constituency ratios calculated with the average population per member for the Council as a whole.
 - 2.3. Under any of the options for total membership, do the ratios fall within +/- 10% of the average population per member?
 - 2.3.1. if "yes" which option would provide the optimal Council size in terms of providing effective and fair representation?
 - 2.3.2. if "no" consider altering subdivision boundaries or reconfiguring subdivision arrangements (to the extent practicable to provide effective representation of communities of interest) so that the subdivision ratios fall within +/- 10% of the average population per member.
 - 2.4. If alteration or reconfiguration does not achieve the required ratios or is impracticable, consider whether there are sufficient grounds for the representation to not comply with the requirements and apply the provisions for exemption.
3. In conjunction with the Māori Partnerships team, undertake specific pre-engagement with tangata/mana whenua in relation to form and name(s) for Māori constituency/constituencies to develop and provide options for Council to assess and then resolve an Initial Proposal for public notification
4. Undertake submissions and hearings processes as required to provide relevant input into Council's decision making processes to determine its Final Proposal.

Key Project Milestone	Description	Due date
1. Maori Constituencies decision	Council resolution to establish Maori Constituencies	19 May 2021
2. Pre-engagement	Item to Māori Committee to agree engagement plan <ul style="list-style-type: none"> - Specific to one or two constituencies & naming those - Communicate engagement plan to PSGEs along with invite to direct engagement if wanted 	9 June 2021
	Check-in with PSGE representatives	7 July RPC
	Hui a iwi at each taiwhenua	Completed by 12 July
3. Option development	Feed hui a iwi feedback into detailed options for Council workshop	28 July RC workshop
4. Present options	Present options for decision as recommendation to RC <ul style="list-style-type: none"> 19U –effective representation 19V –fair representation and other factors 	18 August C&S
5. Council resolves Initial Proposal <i>Not later than 31 August</i>	Council selects and resolves preferred option as Initial Proposal for notification	25 August 2021
6. Public notice of proposed arrangements	Public Notice of initial proposal and open submissions <ul style="list-style-type: none"> 19L – distribution of copies of resolution 19M – public notice of proposals, and responsibilities in relation to submissions 	1 September Or 4 September
7. Receive submissions	Submissions open for not less than one month	1 Sept – 1 Oct
8. Respond to Submissions	Close of submissions on Initial Proposal	5pm 1 October
	If any received, Council considers/hears within 6 weeks of closing (19N – response to submissions)	13 October extra RC
9 Final Proposal	Amend Proposal from submissions hearings if appropriate and Resolve Final Proposal	27 October RC
	Public Notice of Final Proposal	30 October
10. Appeals/Objections	Period of 1 month allowed for 19O appeals /19P objections	
11. Lodge Final Proposal with LGC	- If no Appeals/Objections –Council confirms as final	28Nov 2018
	- Gives Public Notice of Final Proposed Arrangements	3 Dec 18
	- Forward all documentation to LGC for final determination if not all constituencies meet +/-10% rule	10 Dec 18
	- If appeals/objection are received, advise 28Nov Council meeting and forward all documentation to LGC	b4 15 Jan 19

Milestone 5

- local authority decides its proposed representation arrangements – no later than 31 August in the year prior to election and in time for the deadline for public notice
- local authority gives public notice of initial proposal and invites submissions - within 14 days of resolution, and not later than 8 September in the year prior to election

Milestone 8

- submissions close - not less than one month after public notice
- if there are submissions the local authority considers them and may amend its proposal - within 6 weeks of the closing date for submissions
- if there are no submissions the proposal becomes final and public notice is given
- local authority gives public notice of its final proposal - within 6 weeks of closing date for submissions

Milestone 10

- appeals and objections close - not less than 1 month after the date of the public notice and no later than 20 December in the year prior to election
- if there are no appeals or objections then proposal takes effect - public notice to be given when there are no appeals or objections *unless* the population to member ratios do not comply with the requirements of section 19V(2) of the Act, in which case Council is required by section 19V(4) of the Act to refer its proposal to the Commission for determination
- if there are appeals or objections the local authority forwards them and all other relevant information to the Commission - as soon as practicable and no later than 15 January in the election year
- the Commission considers resolutions, submissions, appeals and objections and makes a determination - before 10 April 2022

Staff Contributions required

- Māori Partnerships – liaise with Taiwhenua to schedule hui for pre-engagement with tangata whenua
- Communications & Engagement – assist with development of engagement ‘collateral’ including invitations to pre-engagement hui
- GIS – create maps to assist Electoral Officer with constituency population calculations /verification
- Governance Team Leader – preparation of options for Council decision making, including gathering feedback from tangata whenua pre-engagement to develop preferred option for Māori constituency/ies

Help us to create a voice for Māori at Hawke's Bay Regional Council

As we prepare for local government elections in 2022, we seek early input from tangata whenua on the number of Māori constituencies (1 or 2), the boundaries and potential names for Hawke's Bay Regional Council.



We don't have much time to finalise our plans before next year's election, so we'd really appreciate your views on the shape of Māori representation. We will also consult with the wider public – as part of a Representation Review – in a few months. This process follows the Regional Council's decision, in May 2021, to create a voice for Māori at the Hawke's Bay Regional Council table.

Our timing to establish Māori constituencies for Hawke's Bay Regional Council is:

Regional Council approves Māori constituencies	May 2021	✓
Seek input on the shape of Māori constituencies	June – July 2021 (now)	
Consult with the wider Hawke's Bay public on a Representation Review for Hawke's Bay Regional Council of proposed election arrangements for 2022 – including Māori constituencies	September – October 2021	
Hold Local Government Elections	2022	

Your feedback will help us to make recommendations on the proposed shape of Māori constituencies.

Turn over for maps



Proposed Māori Constituency Options



These are samples of how 1 or 2 constituencies might look. The final shape of Māori constituencies for Hawke's Bay Regional Council depends on you and will be confirmed after our Representation Review in September-October 2021.

Subject: LOCAL GOVERNMENT NEW ZEALAND ANNUAL GENERAL MEETING

Reason for Report

1. This report seeks resolutions of Council to:
 - 1.1. confirm Councillors attending the upcoming 2021 Local Government New Zealand (LGNZ) Conference and Annual General Meeting (AGM); and the councillor delegated to vote on Council's behalf at the AGM.
 - 1.2. agree Council's voting position on any remits relating to regional council statutory functions and/or responsibilities.

Background

2. The conference and AGM will be held in Blenheim from 15 - 17 July 2021 (AGM and conference opening).
3. The theme of the conference is "Reimagining Aotearoa – from Community up".
4. One councillor is currently booked and registered to attend the 2021 conference; Hinewai Ormsby, who will therefor hold the proxy vote for Council.

Remits

5. As part of the conference, all Councils were invited to submit proposed remits. Proposed remits relate to "issues of the moment". Remits must have formal support from at least one sector group meeting, or five councils, prior to being submitted.
6. The remits (7) submitted to LGNZ are attached. Not all relate to activities of regional councils. Staff have not undertaken any detailed analysis on the remits but make the following high level observations.

Remit 2 – Rating value of forestry land

7. The exclusion of the value of standing forests on forestry land for the calculation of capital value arguably reflects the fact that trees are a long rotation crop and are excluded in the way other plant crops or livestock are – they do not have enduring value. Lower land values for land in forestry relative to pastoral lands may reflect the restricted future use of that land, particularly due to ETS liabilities and replanting obligations, and may also account for the capital investment typically required to extract felled trees at harvest and the risk of forestry ownership relative to the more liquid and flexible pastoral farming. HBRC has a strategic objective of encouraging afforestation and without more detailed analysis staff are not in a position to recommend support or opposition to the remit, but do note that HBRC rates are mostly calculated on land value and are less affected by the current legislation than territorial authorities.

Remit 3 – Funding of civics education

8. HBRC hosts an existing programme of environmental education in schools and there may be opportunities with funding support from the Government to expand this service into wider and possibly complementary education on civics, but staff would be concerned if this detracted at all from the impact of the EnviroSchools programme.

Remit 4 – Election participation

9. The Electoral Commission is appropriately skilled and empowered to promote local electoral participation and so the remit has logic. In the most recent elections the HBRC Chief Executive took additional steps, using Council resources through the Governance and Marketing and Communications teams, and in partnership with the other Hawke's Bay councils to promote the local elections. Anecdotal evidence suggests this has visibility and impact, and had the complementary benefit of profiling the Council and its

work. The HBRC Chief Executive is comfortable with the current statutory requirements as long as councillors are comfortable with the modest use of Council's resources for this purpose.

Remit 5 – Carbon emission inventory standards and reduction targets

10. A consistent methodology for emissions inventories across local government makes sense and staff support this proposal. Staff are not in a position to assess the implications of local government being involved in setting emissions reductions targets but note that if local government is required to deliver emissions reductions to meet such targets then input from the sector is necessary.

Financial and Resource Implications

11. The costs for attendance at the 2021 LGNZ conference are approximately \$1500 per councillor plus associated travel and accommodation costs which are within the usual cost parameters.

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 decision does not fall within the definition of Council's policy on significance.
 - 12.3. The decision is not inconsistent with an existing policy or plan.
 - 12.4. Given the nature and significance of the issues to be considered and decided, Council can exercise its discretion and make these without consulting directly with the community.

Recommendations

1. That Hawke's Bay Regional Council:
 - 1.1. Agrees that the decisions to be made are not significant, and that Council can exercise its discretion and make decisions on this issue without conferring with the community.
 - 1.2. Confirms the elected representatives to the LGNZ AGM, covering all associated registration, travel and accommodation expenses for attendance; being councillor Hinewai Ormsby.
 - 1.3. Instructs Council's proxy, Councillor Hinewai Ormsby, to vote on remits as follows.
 - 1.3.1. Remit 2 – Rating value of forestry land – either **Support** or **Oppose**
 - 1.3.2. Remit 3 – Funding of civics education – either **Support** or **Oppose**
 - 1.3.3. Remit 4 – Election participation – either **Support** or **Oppose**
 - 1.3.4. Remit 5 – Carbon emission inventory standards and reduction targets – either **Support** or **Oppose**

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

- 1 2021 Remits for LGNZ AGM Under Separate Cover

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 June 2021

Subject: AFFIXING OF THE COMMON SEAL

Item 14

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 5 DP 10513 CT C1/1354 - Agreement for Sale and Purchase	4454	16 June 2021
	1.1.2 Lot 196 DP 6598 CT C2/391 - Agreement for Sale and Purchase	4455	16 June 2021
	1.1.3 Lot 67 DP 14225 CT G1/6 - Transfer	4457	22 June 2021
1.2	Staff Warrants		
	1.2.1 M. Signal (Delegations under Resource Management Act 1991; Building Act 2004; Local Government Act 2002; and Civil Defence Emergency Management Act 2002	4456	16 June 2021

2. The Common Seal is used twice during a Leasehold Land Sale, once on the Sale and Purchase Agreement and once on the Land Transfer document. More often than not, there is a delay between the second issue (Land Transfer document) of the Common Seal per property. This delay could result in the second issue of the Seal not appearing until the following month.
3. As a result of sales, the current numbers of Leasehold properties owned by Council are:
 - 3.1. 0 cross lease properties were sold, with 79 remaining on Council's books
 - 3.2. 0 single leasehold property was sold, with 66 remaining on Council's books.

Decision Making Criteria

4. 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 the following:
 - 4.1 Sections 97 and 88 of the Act do not apply

- 4.2 Council can exercise its discretion under Section 79(1)(a) and 82(3) of the Act and make a decision on this issue without conferring directly with the community or others due to the nature and significance of the issue to be considered and decided
- 4.3 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 or persons likely to have an interest in the decision.
2. Confirms the action to affix the Common Seal.

Authorized by:

Ross Franklin
CONTRACTOR, FINANCE

Diane Wisely
EXECUTIVE ASSISTANT

Approved by:

Tim Chaplin
SENIOR GROUP ACCOUNTANT

Jessica Ellerm
GROUP MANAGER CORPORATE SERVICES

James Palmer
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 June 2021

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

Item 15

Reason for Report

1. This item provides a summary of discussions (attached) that took place at the 4 June 2021 Clifton to Tangoio Coastal Hazards Strategy Joint Committee meeting for the Council's consideration alongside any additional commentary the Chair, Jerf van Beek, may wish to provide.

Decision Making Process

2. 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.

Recommendations

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

Authored by:

Simon Bendall
COASTAL HAZARDS STRATEGY
PROJECT MANAGER

Approved by:

Chris Dolley
GROUP MANAGER ASSET
MANAGEMENT

Attachment/s

- 1 [📄](#) Summary of Clifton to Tangoio Coastal Hazards Strategy Joint Committee Meeting held 4 June 2021



Clifton to Tangoio Coastal Hazards Strategy

Summary Notes of Meeting held 4 June 2021

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 JUNE 2021

Key points from the Joint Committee meeting held 4 June 2021 are highlighted below. The full minutes of the meeting will be provided to each Partner Council in due course.

Coastal Hazards Funding Review

- The Joint Committee formally received the final Funding Review report from Raynor Asher QC.
- Mr Asher was asked to consider which Council or Councils should lead and fund the implementation of coastal hazard mitigation projects (including design, consenting, construction and maintenance cost) under the Strategy.
- Mr Asher's key recommendation of is that the Hawke's Bay Regional Council should take the lead role.
- The Joint Committee endorsed the report's findings and recommended that the Partner Councils agree in principle to this outcome.
- Mr Asher's final report and the Joint Committee's recommendations are being taken to each Partner Council for consideration through June, July and early August.

Panel Supplementary Recommendations

- The Joint Committee reviewed work undertaken by each Council to date in response to the supplementary recommendations raised by the Strategy's community-based assessment panels as part of their final report from 2018. Most matters have been addressed however some remain outstanding.

Tukituki groyne design and function

- In response to a request from Cr Redstone, staff presented design information on the Tukituki groyne – it's purpose, function and design parameters, and how it would be modified under the Strategy.

Communication and Engagement Update

- Community engagement continues through the workshop series. With 6 workshops now complete. The next workshop will look at managed retreat.
- A proposed mana whenua engagement plan was tabled for discussion. The plan will be presented to the Hawke's Bay Regional Council Māori Committee for review as a next step

Next Meeting

- The next meeting of the Joint Committee will be held on 30 July 2021.

Subject: REPORT FROM THE 9 JUNE 2021 MĀORI COMMITTEE MEETING**Reason for Report**

1. This item provides a summary of discussions at the 9 June 2021 Māori Committee meeting along with the opportunity for the Co-chairs to provide additional context to Council as they wish.

Agenda Items

2. The regular **Take Ripoata Ā Takiwā – Taiwhenua Representatives' Updates** covered:
 - 2.1. The **Wairoa Taiwhenua** report highlighted Wairoa Awa Restoration, the Ahuriri Fish Hook Summit and concerns raised about resource consent applications for surface water takes and mining Whakapunake.
 - 2.2. The **Te Taiwhenua o Tamatea** report highlighted their concerns about fishing trawlers in Pōrangahau Bay and will seek tighter controls to be put in place.
 - 2.3. The **Te Whanganui-ā-Orotu** report noted recent meetings about whitebait stands on the Clive River and a proposal to address issues, that Mohaka planting and pest control programmes are progressing well and sought advice from HBRC about water allocation for papakāinga.
 - 2.4. The **Te Taiwhenua o Heretaunga** Hapū/marae have requested a key for access to waterways for customary practices, e.g. mahinga kai.
3. The **Tangata Whenua Pre-Engagement for the HBRC Representation Review** item outlined the proposed pre-engagement with tangata whenua ahead of Council's consideration of and decisions on the number of Māori Constituencies for the 2022 local election. The committee resolved:
 - 3.1. Agrees to the *Tangata Whenua Pre-engagement Plan* as amended to incorporate a single hui jointly with Hastings District Council for Te Taiwhenua o Heretaunga.
4. The **LiDAR Tools Development** item provided an opportunity for the Māori Committee to propose views or ideas for the future development of tools to be derived from the newly acquired light detection and ranging (LiDAR) mapping of Hawke's Bay.
5. The **Māori Engagement ahead of Public Consultation on implementation and execution of the Coastal Hazards Strategy** item outlined a proposal for engaging with mana whenua ahead of formal consultation on the implementation and execution of the Clifton to Tangoio Coastal Hazards Strategy and sought the Māori Committee's feedback on the proposed approach.
6. The **Update on IRG Flood Control resilience funded projects** provided an update on the four projects approved for funding by the Crown's Flood Control Resilience Funding including:
 - 6.1. *Project 1* - Working through a risk framework on 39 sites in the Heretaunga Flood Control Scheme being subjected to a prioritisation process based on modelling outputs.
 - 6.2. *Project 2* - Survey data was used to estimate that approximately 3,100,000m³ of gravel is available for extraction within the Upper Tukituki scheme area and currently undertaking a modelling assessment to prioritise key areas for extraction.
 - 6.3. *Project 3* - 75 precast concrete akmon units have been installed on the left bank of the Waipawa River and nearing completion of the installation of rail irons and wire rope to form permeable groynes on the riverbanks.

- 6.4. *Project 4* - Wairoa River geotechnical investigations and design optioneering completed, and construction contract drafted.
7. The **Update on the HBRC Gravel Extraction Consent** item provided a summary and background to the global resource consents being sought by the Hawke's Bay Regional Council's Asset Management Group (AMG) for gravel extraction from the Ngaruroro, Tukituki Catchment and Tutaekuri rivers and provided the opportunity for tangata whenua to voice their concerns.
8. The **June 2021 Statutory Advocacy Update** item provided an update on local resource management-related proposals upon which the Regional Council has an opportunity to make comments or to lodge a submission.
9. The Committee also received an overview of recent Regional Council and Committee meetings and the latest HBRC Organisational Performance Report for 1 January to 31 March 2021.

Decision Making Process

10. 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 "*Report from the 9 June 2021 Māori Committee meeting*"

Authored by:

Annelie Roets
GOVERNANCE ADVISOR

Approved by:

Pieri Munro
TE POU WHAKARAE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 June 2021

Subject: REPORT FROM 23 JUNE 2021 ENVIRONMENT AND INTEGRATED CATCHMENTS COMMITTEE MEETING

Item 17

Reason for Report

1. The following matters were considered by the 23 June 2021 Environment and Integrated Catchments Committee meeting and are now presented for Council's information alongside any additional commentary the Chair, Hinewai Ormsby, wishes to offer.

Agenda Items

2. The **Coastal Hazards Funding Model** agenda item sought an in-principle agreement with the findings and recommendations of the Funding Review undertaken by Mr Raynor Asher QC titled "Review and Recommendations for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee" for recommendation to the Council on how to progress next steps to implement the Strategy. Essentially the review report recommends that the Hawke's Bay Regional Council takes charge of all aspects of the prevention and mitigation of coastal hazards on the Clifton to Tangoio Coast. The recommendations from the Committee will be made to the 28 July Regional Council meeting.
3. The **Tangaroa Tohu Mana Tangaroa Tohu Mauri – Marine Cultural Health Programme** presentation outlined the partnership between Ahuriri mana whenua hapū and Napier Port. The Kaupapa is spear-headed by Te Ohu Urungi – or Mana Whenua Steering Komiti. The unique and innovative cultural monitoring framework measures and monitors the cultural and ecological health of the marine environment in and around the Ahuriri area, including Pānia Reef. The programme is founded on mātauranga Māori and recognises that everything is connected – the spiritual world, natural world, te taiao (environment) and people. The cultural health and environmental state of each of the pou Mana Moana and Mana Tangata is assessed using:
 - 3.1. Tohu Matua – Key indicators
 - 3.2. Tohui Whaiti – Sub indicators made up of the most import, highly valued, or most representative indicator specific to that Tohu Matua, and
 - 3.3. Patai Inenga: Qualitative and quatitative meassures.
4. The **Hawke's Bay Airport Wildlife Management** presentation focused on the environment around the Hawke's Bay Airport and planning work being undertaken in relation to the development of Ahuriri Regional Park, particularly around bird strike concerns.
5. The **Te Mata Park Trust Presentation** outlined the challenges and status of projects currently under way, the Trust Board's objectives, recent achievements, and the Ngā Tipuna (Masterplan) for the Park, and thanked the Regional Council for their continued support.
6. The **Te Karamū Project update** provided the Committee with an update on the progress of enhancement works undertaken as part of the Te Karamū Enhancement Review and Management Strategy 2016-25 (the Strategy) and presented the forward programme of work for the remaining years. Following presentation and discussion, the Committee further resolved:
 - 6.1. The Environment and Integrated Catchments Committee recommends that Hawke's Bay Regional Council reviews and updates the Te Karamū Enhancement Review and Management Strategy 2016-25 (the Strategy) to encompass all aspects of the health of Te Karamu, including but not limited to, water quality, pollution, public access and the role of the proposed Te Karamu liaison position.

7. The **Verbal Gravel Extraction update** item provided a summary and background to the global resource consents being sought by the Hawke's Bay Regional Council Asset Management Group (AMG) for gravel extraction from the Ngaruroro, Tukituki Catchment and Tutaekuri rivers. Should the resource consent be granted, the future operating regime will see commercial extractors granted 'authorisations' to operate under the AMG's resource consent to remove gravel from locations where gravel surplus is greater and allows more effective management.
8. The **QEII National Trust Presentation** introduced the Trust, their work and partnership with HBRC in Hawke's Bay, challenges, the future of QEII and their objectives to protect and preserve New Zealand's natural and cultural heritage for future generations.

Decision Making Process

9. These items were specifically considered by the Environment and Integrated Catchments Committee on 23 June 2021 and are now the subject of the following recommendations to Council.

Recommendations

1. That Hawke's Bay Regional Council receives and notes the "*Report from 23 June 2021 Environment and Integrated Catchments Committee Meeting*".

Te Karamū Project update

2. The Environment and Integrated Catchments Committee recommends that Hawke's Bay Regional Council reviews and updates the Te Karamū Enhancement Review and Management Strategy 2016-25 (the Strategy) to encompass all aspects of the health of Te Karamu, including but not limited to, water quality, pollution, public access and the role of the proposed Te Karamu liaison position.

Reports Received

3. Notes that the following reports were provided to the Environment and Integrated Catchments Committee
 - 3.1. Coastal Hazards Funding Model
 - 3.2. Tangaroa Tohu Mana Tangaroa Tohu Mauri – Marine Cultural Health Programme
 - 3.3. Hawke's Bay Airport Wildlife Management
 - 3.4. Te Mata Park Trust Presentation
 - 3.5. Te Karamū Project update
 - 3.6. Verbal Gravel Extraction update
 - 3.7. QEII National Trust Presentation.

Authored by:

Annelie Roets
GOVERNANCE ADVISOR

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

Chris Dolley
GROUP MANAGER ASSET
MANAGEMENT

Jessica Ellerm
GROUP MANAGER CORPORATE
SERVICES

Iain Maxwell
GROUP MANAGER INTEGRATED
CATCHMENT MANAGEMENT

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 June 2021

Subject: SIGNIFICANT ORGANISATIONAL ACTIVITIES LOOKING FORWARD THROUGH JULY 2021

Item 18

Reason for Report

- The commentary following is for Councillors' information, to highlight significant areas of Council activity. Significant Council resources are being directed toward various initiatives, which reflect the Council's evolving agenda and it is considered important that Council is consistently informed on progress in areas that have or may create a high external profile.

Whole of Region																													
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section																											
Incidents and Enforcement	<ol style="list-style-type: none"> Pollution Response and Enforcement received 809 incidents (Air 504, Land 137, Surface water 126, Coastal 34, Ground Water 5) logged through our hotline for the period 1 July 2020- 24 June 2021. Total infringements for year to date 1/7/20 – 24/06/21 = 71 <table border="1"> <thead> <tr> <th>Infringement no.</th><th>RMA section breached</th><th>Discharge of contaminants to:</th></tr> </thead> <tbody> <tr> <td>1</td><td>14(2)(a)</td><td>Restrictions on water takes</td></tr> <tr> <td>12</td><td>15(1)(a)</td><td>Water</td></tr> <tr> <td>11</td><td>15(1)(b)</td><td>Land where may enter water</td></tr> <tr> <td>6</td><td>15 (1)(c)</td><td>Industrial or trade premises to air</td></tr> <tr> <td>3</td><td>15(1)(d)</td><td>Industrial or trade premises to land</td></tr> <tr> <td>33</td><td>15(2A)</td><td>Air or land where breaches our RRMP</td></tr> <tr> <td>1</td><td>22(2)</td><td>Failure to supply information (name and address) to an enforcement officer</td></tr> <tr> <td>4</td><td>338(1) (c)</td><td>Breach of Abatement Notice</td></tr> </tbody> </table> Twelve prosecutions-initiated year to date (24/06/21) at various stages, which we are unable to comment publicly on. 	Infringement no.	RMA section breached	Discharge of contaminants to:	1	14(2)(a)	Restrictions on water takes	12	15(1)(a)	Water	11	15(1)(b)	Land where may enter water	6	15 (1)(c)	Industrial or trade premises to air	3	15(1)(d)	Industrial or trade premises to land	33	15(2A)	Air or land where breaches our RRMP	1	22(2)	Failure to supply information (name and address) to an enforcement officer	4	338(1) (c)	Breach of Abatement Notice	Regulation Compliance & Enforcement
Infringement no.	RMA section breached	Discharge of contaminants to:																											
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6	15 (1)(c)	Industrial or trade premises to air																											
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33	15(2A)	Air or land where breaches our RRMP																											
1	22(2)	Failure to supply information (name and address) to an enforcement officer																											
4	338(1) (c)	Breach of Abatement Notice																											
Resource Consent Compliance	<ol style="list-style-type: none"> 92% of programmed resource consent inspections have been completed for the year to date with 660 site inspections, 589 reports sent, and assessment of 835 environmental data returns. Of all consents monitored to 24 June 2021, 84% achieved full compliance. 30 were graded significantly non-compliant, 350 moderate and 150 low risk. All significant non-compliance identified during Q4 has been resolved or is the subject of current enforcement action. Of the moderate non-compliant consents, 255 are water takes that have been identified through our pre-expiry program as requiring work done. A majority of these consents are being addressed, however we are dependent on industry capability. 	Regulation Consents & Compliance																											

Whole of Region		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
Poplar and Willow harvest and distribution	8. Harvesting poplar poles and willow wands at the nursery has started with deliveries planned and underway. The next few months (during the planting season) is a busy time for Catchment staff working with landowners and nursery staff.	ICM Catchment Delivery
Policy Implementation	9. Activities are underway to communicate and help prepare farmers for nationwide expectations this season for improved practice for winter forage crop management. This continues to build on several years of work with farmers, industry groups and rural professionals on this issue. The focus at this time is the grazing management of crops already in the ground and preparing people to document their plan for next season.	Catchment Policy Implementation
Regional Land Transport Plan	10. The Regional Transport Committee adopted the RLTP on 21 May 2021. Passenger Transport funding has been approved by NZTA, awaiting decisions on low cost low risk funding.	Transport
Representation Review	11. Four hui-a-iwi scheduled at each of the region's Taiwhenua to get tangata whenua feedback on the composition and naming of Maori Constituencies.	Governance, Comms & Māori Partnerships
Outstanding Water Bodies Plan Change 7	12. It is anticipated that the final decision of the OWB Plan Change 7 will be issued by the end of June 2021.	Policy & Planning Policy & Regulation

Northern Catchment		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
River Parade Erosion Protection	13. Ongoing consultation with Tātau Tātau o Te Wairoa and Matangirau. Cultural impact assessment of the site has been initiated. Site works expected to commence September 2021.	Regional Projects
Pest control	14. The Whakatipu Mahia operation team have reached the Mahia township and are working with residents to have baitstations and traps on their properties. Good support has been received to date. 15. The Mahia team are also gearing up to enter into the "hunt down" phase, where they will be starting to hunt the remaining possums. This phase will take approx. 6 to 12 months.	ICM – Catchment Services

Central Catchments		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
TANK Plan Change (PC9)	16. The third and final week of the hearings finished on 23 June 2021, followed by the panel undertaking a helicopter flight over the TANK catchments. It is anticipated that a decision could be provided within six months from the conclusion of the hearing.	Policy & Planning
Ngaruroro and Clive Rivers Water Conservation Order	17. Hearings recommenced on the 14 June and closed on the 17 June 2021. It is anticipated that a decision could be made within six months.	Policy & Planning

Central Catchments		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
Omaranui Landfill expansion	18. The resource consent applications for the Omaranui Landfill expansion were notified on Tuesday 19 January 2021. Submissions closed Wednesday 17 February 2021. 19. HDC are currently meeting with all submitters individually and have asked for a time extension while they undertake this consultation. 20. Hearing panel appointed and hearing to be scheduled, likely in August.	Regulation Consents
Clive River Dredging and discharge of dredge materials	21. Asset Management is planning to dredge the lower reaches of the Clive River and resource consent applications have been lodged for the dredging and the discharge of dredged material. The application has been assessed by external consultants. Further information has been requested for this application by the Consents section. A hearings panel has been appointed to hear this application if it requires to be heard. It has not been notified at this stage.	Asset Management Regulation Consents
Flood Control Schemes	22. Resilience Funding PDU projects: Taradale stopbank strengthening preliminary design nearing completion. 23. Moteo, Omaranui, Ngatarawa, East Clive stopbank strengthening options to be prepared by external consultants. 24. Site prioritisation for HPFCS has been developed based on river modelling outputs, condition assessments and consequence of failure of assets.	Asset Management Engineering Regional Projects
Heretaunga Plains Scheme review	25. Modelling of the Tūtaekurī and Ngaruroro Rivers complete. There are no significant issues to report on with regards to containing a 1 in 500-year event, however, this excludes the effects of climate change. Climate change effects will be assessed at a later date, allowing for additional data to minimise the risk of over design. 26. The Lower Tukituki River hydrodynamic model is now completed, and results show that more significant work will be required for the lower Tukituki infrastructure to increase resilience. Reprioritising of stopbank upgrades will include this new information.	Asset Management Regional Projects
Gravel Management	27. All contractors and industries have been updated on upcoming changes with global consent implementation. 28. Asset Management team is working with consent authority to find a suitable solution for rivers which are not part of the global consent. 29. A hearing is scheduled for August and site visit with Iwi group is scheduled for July. 30. Allocations have been determined under the existing system for the 2021-22 FY.	Asset Management Consents, Schemes
Waitangi Regional Park	31. The new marquee area developed for Matariki celebrations completed and in use as of 19 June 2021 helping this successful event which includes partnership between HBRC, NCC, HDC, Napier Port, Sport Hawke's Bay and the National Aquarium of NZ. 70 school groups that attend Matariki celebrations helping plant natives in Waitangi Regional Park. 32. Extensive invasive weed removal has been undertaken downstream of Blackbridge on both sides of the Tukituki River within Waitangi Regional Park.	Asset Management Open Spaces

Central Catchments		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
Tangoio and Tūtira Forestry	33. Tangoio logging complete. Approximately \$500,000 net return from 20 hectares. 34. Tūtira logging complete. Approximately 11 hectares logged to allow roads and processing sites to be built. Roding complete except for one section not yet metalled. No environmental or health and safety incidents. Walking tracks to be reopened by 1 July. Net returns \$335,000.	Asset Management Open Spaces Forestry
Hawea Historical Park / Karamu Stream Diversion	35. Hawea Park Management plan is drafted and under review with HBRC. Awaiting cultural information from Hawea Historical Park Management Committee. 36. Stage 3 of the development is underway with detailed design completed. Due to delay in receiving outstanding LINZ and archaeological authority approval we won't be able to proceed with the construction and will carry forward the CAPEX to the FY 21/22.	Asset Management Open Spaces Regional Assets
Bayview/ Whirinaki Cycleway	37. The Project is on hold until land matters have been agreed and resolved by the NCC. Meeting is scheduled with the NCC infrastructure team to resolve these issues.	Asset Management Regulation Regional Projects
By-election	38. By-election process initiated to replace Councillor Rex Graham in the Hastings Constituency	Electoral Officer

Southern Catchments		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
CHBDC Wastewater discharge consents	39. Upgrades to be completed in 9 phases across 5 projects, more information can be found here . 40. Porangahau and Te Paerahi replacement applications for the municipal wastewater systems have been lodged and formally accepted. These are on hold awaiting an application for an alternative combined discharge. 41. Application to vary the discharge consent for the Otane treatment plant has been lodged with works to redirect wastewater to Waipawa for treatment currently underway. 42. Submission of the ecological impact study for the Waipawa treatment plant discharge is expected.	Regulation Consents & Compliance
Upper Tukituki Flood Control Scheme	43. Waipawa river erosion above SH50. Earthworks complete, pole planting underway. 44. Upper Tukituki gravel extraction. Prioritisation of extraction sites confirmed, material property test results due end of June. 45. CHBDC Tukituki Trails PGF project – CHB MOU being drafted for the project and future maintenance. CHB is leading this project with some assistance from HBRC.	Asset Management Regional Projects, Schemes
Silver Fern Farms Takapau consents	46. Consents for Silver Fern Farms to discharge process water from the Takapau Meat Processing Plant are in process. The applications were notified on 23 Jan 2021 and submissions closed 22 Feb. At this stage it is anticipated matters raised can be resolved without a hearing.	Consents

Southern Catchments		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
Tranche 2 consents	47. Applicants seeking Tranche 2 water have submitted modelling results for taking and offsetting effects on the environment. HBRC has provided feedback on the modelling results. A further report has been submitted and is being reviewed externally.	Consents
Te Mata Mushroom Company, Waipukurau site	48. The application for the proposed Te Mata Mushroom Company compost production operation at a new site on Mt Herbert Road, Waipukurau has been withdrawn.	Consents

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 Organisational Activities Looking Forward through July 2021*** staff report.

Authored by:

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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 30 June 2021

Subject: COUNCILLORS' REPORTS FROM JUNE 2021 MEETINGS OF OUTSIDE BODIES

Item 19

Reason for Report

1. This item provides the means and opportunity for Councillors appointed to Outside Bodies to bring issues of significant interest from recent meetings to the attention of Council.

Background

2. Each Triennium, Council appoints Councillor representatives on the following Outside Bodies. Appointees for this Triennium are noted beside each body.
 - 2.1. Local Government New Zealand (LGNZ) Zone 3 (Hinewai Ormsby and Martin Williams)
 - 2.2. HB TB Free Committee (Will Foley)
 - 2.3. Future Farming Trust (Will Foley)
 - 2.4. Tukituki Leaders Forum (Will Foley and Jerf van Beek)
 - 2.5. HB Drought Committee (Will Foley and Jerf van Beek)
 - 2.6. HPUDS Implementation Working Group (Jerf van Beek and Martin Williams)
 - 2.7. HB Cycling Governance Group (Jerf van Beek)
 - 2.8. Te Komiti Muriwai o Te Whanga (Neil Kirton)
 - 2.9. HB Tourism Board of Directors (Craig Foss)
 - 2.10. HBRIC Ltd (Rick Barker, Craig Foss, Neil Kirton).

Decision Making Process

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

Recommendation

That Hawke's Bay Regional Council receives and notes the "*Councillors' Reports from June 2021 Meetings of Outside Bodies*".

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 June 2021

Subject: DISCUSSION OF MINOR ITEMS NOT ON THE AGENDA

Item 20

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.

Topic	Raised by

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 June 2021

Item 21

Subject: CONFIRMATION OF PUBLIC EXCLUDED MINUTES

That Hawke's Bay Regional Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes of the Regional Council meeting held on 26 May 2021 Agenda Item 21 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(S) UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
FoodEast Director Appointment	s7(2)(a) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to protect the privacy of natural persons	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

Desiree Cull
STRATEGY AND GOVERNANCE MANAGER

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 June 2021

Item 22

Subject: 2021 FY SECTION 36 CHARGES TRANSITION

That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 22 2021 FY Section 36 Charges Transition 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

2021 FY Section 36 Charges
Transition

REASON FOR PASSING THIS RESOLUTION

7(2)(f)(ii) The withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of such members, officers, employees, and persons from improper pressure or harassment.

GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION

The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

Authored by:

Amy Allan
MANAGEMENT ACCOUNTANT

Jessica Ellerm
**GROUP MANAGER CORPORATE
SERVICES**

Approved by:

James Palmer
CHIEF EXECUTIVE