



## Meeting of the Hawke's Bay Regional Council

**Date:** 28 Jul 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	
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## **HAWKE'S BAY REGIONAL COUNCIL**

**28 July 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 24 June and 21 July 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 & GOVERNANCE MANAGER**

#### **Attachment/s**

- 1 [↓](#) Followups from Previous Council Meetings





## Follow-ups from previous Regional Council Meetings

## Meeting held 30 June 2021

	Agenda Item	Action	Responsible	Status Comment
1	Report from 23 June 2021 Environment and Integrated Catchments Committee Meeting	Review of Te Karamū Enhancement Review and Management Strategy 2016-25	C Dolley	Chris Dolley and Iain Maxwell will work together to bring a comprehensive Karamū Catchment Enhancement Plan to Council towards the end of the calendar year. The AMG Te Karamū Enhancement project will in the interim be renamed to better reflect its scope.
2	Report from 23 June 2021 Environment and Integrated Catchments Committee Meeting	Invite TK Hawaikirangi to make his presentation on <i>Tangaroa Tohu Mana Tangaroa Tohu Mauri – Marine Cultural Health Programme</i> to a future Māori Committee meeting	Governance	Invitation to 11 August 2021 meeting has been sent; awaiting response

### LGOIMA Requests Received

The following LGOIMA requests were received between 24 June and 21 July 2021

Request Date	Request ID	Status	Request Subject	Request Summary	Requested By
20/07/2021	OIR-21-056	Active	Council Reports	copies of reports: 1. (2013). Site-specific nitrate guidelines for Hawke's Bay 2. (2012). Chronic sensitivity of two native New Zealand species (freshwater fish - Inanga Galaxias maculatus and mayfly - Deleatidium sp.) to nitrate. 3. (2013). Chronic sensitivity of juvenile inanga (Galaxias maculatus) and early life-stage rainbow trout (Oncorhynchus mykiss) to nitrate.	Student
15/07/2021	OIR-21-055	Completed	Risks to Beach Road and Clifton Road properties	Reports & data that describe the risks to properties along Beach Rd & Clifton Rd in Haumoana from rising sea levels, coastal erosion, tsunami and/or liquefaction	Individual
12/07/2021	OIR-21-054	Active	Biosecurity Spend	Council's 2020-21 biosecurity spend broken down by: 1. helicopter or other aerial survey costs 2. weed/ invasive plant control costs 3. GIS software related costs 4. outsourced contractor costs	Individual
8/07/2021	OIR-21-053	Completed	River flow data	Daily mean river flow data 1950-2020 incl geographic coordinate of river gauge, daily mean flowrate, datetime (specify NZ time or UTC) - for: 1. Tukituki @ Red Bridge 2. Ngaruroro River @ Fernhill 3. Waiau River @ Ardkeen	Student
6/07/2021	OIR-21-052	Active	Tukituki high flow surface takes	1. High flow water takes in Tukituki incl landuse, whether exercised & if not exercised progress made toward exercise 2. Wateruse data for top 10 Heretaunga Plains water takes by volume	Individual
4/07/2021	OIR-21-051	Completed	Paritua Stream surface takes	1. copies of officer's reports for AUTH-120406-01, AUTH-120418-02, AUTH-122954-01, AUTH-110996-01, AUTH-111033-01 2. rules for maintaining waterways for surface water consent holders, in particular the Paritua Stream, if any 3. application decision making processes 4. wateruse data for Paritua Stream	Individual

Request Date	Request ID	Status	Request Subject	Request Summary	Requested By
1/07/2021	OIR-21-050	Completed	Dairy prosecutions	Prosecutions, abatement notices & infringement notices issued for dairy effluent discharges in the year ended 30 June 2021, incl charges faced, outcomes of court action & sentencing notes.	Journalist
30/06/2021	OIR-21-049	Completed	non-financial performance measuring	For 2018-19, 2019-20, 2020-21, did HBRC receive any qualifications on non-financial information from the Auditor General?	Journalist



# HAWKE'S BAY REGIONAL COUNCIL

28 July 2021

## Subject: SIGNIFICANT ORGANISATIONAL ACTIVITIES LOOKING FORWARD THROUGH AUGUST 2021

Item 5

### 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"> <li>There are 19 active prosecutions before the courts, at various stages therefore not able to comment publicly on.</li> <li>Currently visiting all consented and unconsented vehicle wrecker/dismantling yards in Hawke's Bay ensuring they are complying with their consents or need to apply for a consent.</li> </ol>	<b>Regulation</b> Compliance & Enforcement
Resource Consent Compliance	<ol style="list-style-type: none"> <li>Working to establish a "Regional" Stormwater Education programme jointly with NCC, HDC, WDC, CHBDC and HBRC. Initial meeting held 21 July to discuss the potential scope of the programme and available resources.</li> </ol>	<b>Regulation</b> Consents & Compliance
Poplar and Willow harvest and distribution	<ol style="list-style-type: none"> <li>Harvesting poplar poles and willow wands, with deliveries underway. The next few months (during the planting season) is a busy time for Catchment and Nursery staff.</li> </ol>	<b>ICM</b> Catchment Delivery
Policy Implementation	<ol style="list-style-type: none"> <li>A range of activities (e.g. Field-days and comms) have been undertaken over the last few months to communicate and help prepare farmers for nationwide expectations re improved practice for winter forage crop management. Quarterly reporting to central government on actions and improvements is required, with the first report due on 1 August. This will feed into combined regional sector reporting.</li> </ol>	<b>Catchment</b> Policy Implementation
Outstanding Water Bodies Plan Change 7	<ol style="list-style-type: none"> <li>OWB decisions notified on 26 June 2021. The Hearing Panel determined 15 water bodies in the region considered to be outstanding. Appeal period finishes 6 August.</li> </ol>	<b>Policy &amp; Planning</b> Policy & Regulation

Northern Catchment		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
River Parade Erosion Protection	<ol style="list-style-type: none"> <li>Ongoing consultation with Tātau Tātau o Te Wairoa and Matangirau. Cultural impact assessment of the site initiated and site works expected to commence September 2021.</li> </ol>	<b>Regional Projects</b>

<b>Northern Catchment</b>		
<b>Project / Activity Description</b>	<b>Significant Upcoming Milestone(s)</b>	<b>Group /Team or Section</b>
Pest control	<p>8. Main Predator Free HB team focus is on Whakatipu Mahia, continuing work in and around the township and refining placement of the barrier to protect the peninsula. Remaining areas to be bait stationed targeted for completion in August, when there will be over 8000 bait stations across the peninsula.</p> <p>9. Entering the next phase of hunting down surviving possums using predator dogs, motion sensitive cameras, auto feeders, wireless traps and infra-red spotlighting equipment.</p> <p>10. Possum maintenance contracts for four DOC reserves in Wairoa and HBRC forestry blocks in Central Hawkes Bay and Tangoio are being finalised</p>	<b>ICM – Catchment Services</b>
Right Tree Right Place	11. RTRP workshop on 4 August will update councillors on project progress.	<b>ICM</b>

<b>Central Catchments</b>		
<b>Project / Activity Description</b>	<b>Significant Upcoming Milestone(s)</b>	<b>Group /Team or Section</b>
TANK Plan Change (PC9)	12. The Hearing Panel determined that an additional 1-2 days is required to discuss some issues in more detail, likely to occur in late September.	<b>Policy &amp; Planning</b>
Omaranui Landfill expansion resource consent applications	<p>13. HDC is currently meeting with all submitters individually and have asked for a time extension while they undertake this consultation.</p> <p>14. Hearing Panel appointed and hearing likely in September.</p>	<b>Regulation Consents</b>
Clive River Dredging and discharge of dredge materials	15. Applications lodged for the dredging and discharge of dredged material have been assessed by external consultants. Provider of cultural impact assessment has formally withdrawn their offer. A Hearing Panel has been appointed in case the application proceeds to a Hearing.	<b>Asset Management Regulation Consents</b>
Flood Control Schemes	<p>Resilience Fund projects</p> <p>16. Taradale stopbank strengthening detailed design in progress.</p> <p>17. Moteo, Omaranui, Ngatarawa, East Clive stopbank strengthening options being worked through with a consultant with estimated delivery by September. Early contractor engagement has commenced on methodology and specifications for construction.</p>	<b>Asset Management Engineering Regional Projects</b>
Heretaunga Plains Scheme review	<p>18. The Lower Tukituki River hydrodynamic model is completed, and results show that more significant work will be required to increase resilience of the infrastructure. This new information is being fed into the work reprioritising stopbank upgrades.</p> <p>19. Further modelling of lower reaches and river mouth being done to understand the effects and different conditions.</p>	<b>Asset Management Regional Projects</b>

<b>Central Catchments</b>		
<b>Project / Activity Description</b>	<b>Significant Upcoming Milestone(s)</b>	<b>Group /Team or Section</b>
Gravel Management	20. All contractors and industries have been updated on upcoming changes with global consent implementation. 21. Asset Management team is working with consent authority to find a suitable solution for rivers which are not part of the global consent. 22. Site visit arranged for August and Hearing scheduled for September 23. CE, Te Pou Whakarae and GMAMG met with iwi representatives to discuss their concerns. 24. Allocations determined under the existing system for 2021-22.	<b>Asset Management</b>  Consents, Schemes
Waitangi Regional Park	25. Successful Matariki event and planting days held on Regional Parks and the Karamu stream. 26. Stage 3 delivery of the Project is now being planned with landscape architect and project delivery team.	<b>Asset Management</b>  Open Spaces
Tangoio and Tūtira Forestry	27. First tranche of Tangoio and Tūtira logging is complete. Second tranche to resume in summer 2021-2022.	<b>Asset Management</b>  Open Spaces, Forestry
Hawea Historical Park / Karamu Stream Diversion	28. Hawea Park Management plan is under review, awaiting cultural information from Hawea Historical Park Management Committee. 29. Stage 3 of development is underway with detailed design partly completed. Due to delay in receiving outstanding LINZ and archaeological authority approval 2020-21 construction has been delayed and CAPEX carried forward to 2021-22 financial year.	<b>Asset Management</b>  Open Spaces, Regional Assets
Bayview/ Whirinaki Cycleway	30. Project on hold pending resolution of land matters with NCC. 31. HBRC and NCC teams have met and agreed to carry out a further clarification, risk, budgets confirmation, and feasibility on achieving the outcomes for this project. 32. A report on outcomes of this process will be distributed to NCC and HBRC Executive teams in August.	<b>Asset Management Regulation</b> Regional Projects
Hastings By-election	33. Nominations closed 15 July with 3 nominations received. 34. Election day is 10 September.	<b>Electoral Officer</b>

<b>Southern Catchments</b>		
<b>Project /Activity Description</b>	<b>Significant Upcoming Milestone(s)</b>	<b>Group /Team or Section</b>
Upper Tukituki Flood Control Scheme	35. Earthworks completed on Waipawa river erosion above SH50 and handover to asset owner is under way. 36. Meeting with Ratepayers on 6 July 2021 received some positive feedback with some concerns regarding lwi engagement and consultation. 37. Early engagement with local contractor underway to determine availability.	<b>Asset Management</b>  Regional Projects, Schemes

## 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.

## Recommendation

That the Hawke's Bay Regional Council receives and notes the ***Significant Organisational Activities Looking Forward through August 2021*** staff report.

### Authored by:

**Allan Beer**  
TEAM LEADER BIOSECURITY - ANIMAL  
PESTS

**Jack Blunden**  
TEAM LEADER COMPLIANCE - URBAN  
& INDUSTRIAL

**Tania Diack**  
TEAM LEADER CONSENTS

**Ben Douglas**  
FOREST MANAGEMENT ADVISOR

**Ceri Edmonds**  
MANAGER POLICY AND PLANNING

**Russell Engelke**  
TEAM LEADER OPEN SPACES

**Dean Evans**  
MANAGER CATCHMENTS DELIVERY

**Craig Goodier**  
PRINCIPAL ENGINEER

**Martina Groves**  
MANAGER REGIONAL ASSETS

**Rob Hogan**  
MANAGER COMPLIANCE

**David Keracher**  
MANAGER REGIONAL PROJECTS

**Campbell Leckie**  
MANAGER CATCHMENT SERVICES

**Malcolm Miller**  
MANAGER CONSENTS

**Brendan Powell**  
MANAGER CATCHMENTS POLICY  
IMPLEMENTATION

**Wendy Rakete-Stones**  
PROJECT LEADER BIODIVERSITY

**Dr Jeff Smith**  
MANAGER SCIENCE

### Approved by:

**Katrina Brunton**  
GROUP MANAGER POLICY &  
REGULATION

**Chris Dolley**  
GROUP MANAGER ASSET  
MANAGEMENT

**Iain Maxwell**  
GROUP MANAGER INTEGRATED  
CATCHMENT MANAGEMENT

## Attachment/s

There are no attachments for this report.



# HAWKE'S BAY REGIONAL COUNCIL

28 July 2021

**Subject: CALL FOR MINOR ITEMS NOT ON THE AGENDA**

**Item 6**

## 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 16.

Topic	Raised by

**Leeanne Hooper**  
**GOVERNANCE TEAM LEADER**

**James Palmer**  
**CHIEF EXECUTIVE**



**Subject: SETTING OF THE RATES FOR 2021-22 FINANCIAL YEAR**

**Reason for Report**

1. This item is to enable Council to collect its budgeted rates revenue for year one of the LTP 2021-22.
2. It follows the legal process, under the Local Government (Rating) Act 2002, for Council to set the rates for the period 1 July 2021 to 30 June 2022.

**Executive Summary**

3. This report is the final step in the process of being able to set the rates for the 2021-22 financial year following the adoption of the 2021-31 Long term Plan. The rates included in this report are those set out as part of the Funding Impact Statement that is included in the 2021-31 Long Term Plan relating to the 2021-22 financial year.

**Background**

4. The Local Government (Rating) Act 2002, Section 23 sets out the procedure for setting rates, with the main considerations being that rates must:
  - 4.1. be set by a resolution of the local authority
  - 4.2. relate to a financial year
  - 4.3. be set in accordance with relevant provisions of the local authority's Long-term Plan and the Funding Impact Statement for the relevant financial year.
5. The Local Government (Rating) Act 2002, sections 13 and 14 (General Rate) section 15 (Uniform Annual General Charge) and sections 16, 17 and 18 (Targeted Rates) explains how each such rate is to be set.
6. Council has approved the 2021-22 level of rates to be collected, along with the calculation factors in the Funding Impact Statement, as consulted on through the 2021-31 Long Term Plan Consultation and adopted at a meeting on 30 June 2021.

**Decision Making Process**

7. Council is required to make a decision to set rates in accordance with the requirements of the Local Government (Rating) Act 2002 (the Act) including Section 23. Officers have assessed the requirements of the Act and have concluded the rates included in the 2021-31 LTP are consistent with the proposed rates that were consulted on through the LTP consultation process. Therefore, Council has consulted with the community and others who have an interest in the decision.

**Recommendations**

That Hawke's Bay Regional Council:

1. Confirms that the decisions to be made on the setting and assessing of rates cover information in the Funding Impact Statement for the 2021-22 year as included in the 2021-31 Long Term Plan as required by Section 93 of the Local Government Act 2002.
2. Sets the following rates for the 2021-22 financial year under the Local Government (Rating) Act 2002, on rating units in the region for the financial year commencing on 1 July 2021 and ending on 30 June 2022. These rates are set in accordance with the relevant provisions of the 2021-31 Long Term Plan's Funding Impact Statement and are inclusive of GST.

- 2.1. A **general rate** is set under sections 13, and 131 of the Local Government (Rating) Act 2002 on equalised land value as per the following table.

Rate description	Districts	Rates set on	Calculation factor	Estimated rates revenue 2021-22
<b>General Rate</b>		<b>Equalised Land Value</b>	<b>Cents in \$</b>	
	Napier City	Equalised L V	0.02749	\$2,535,043
	Hastings District	Equalised L V	0.03045	\$4,352,615
	Wairoa District	Equalised L V	0.03226	\$469,627
	Central HB District	Equalised L V	0.03330	\$1,197,655
	Taupō District	Equalised L V	0.02785	\$18,568
	Rangitikei District	Equalised L V	0.05187	\$9,226
	<b>TOTAL</b>			<b>\$8,582,734</b>

- 2.2. A **uniform annual general charge** is set at \$58.65 per separately used or inhabited part of a rating unit under section 15(1)(b) of the Local Government (Rating) Act 2002 as set out in the following table.

Rate description	Districts	Rates set on	Calculation factor	Estimated rates revenue 2021-22
<b>Uniform Annual General Charge</b>		<b>No. of SUIPs</b>	<b>Per SUIP</b>	
	Napier City	Fixed Amount	27,919	\$1,637,348
	Hastings District	Fixed Amount	33,931	\$1,989,900
	Wairoa District	Fixed Amount	6,670	\$391,142
	Central HB District	Fixed Amount	5,132	\$300,986
	Taupō District	Fixed Amount	55	\$3,226
	Rangitikei District	Fixed Amount	2	\$117
	<b>TOTAL</b>		<b>73,708</b>	<b>\$4,322,719</b>

- 2.3. The following **differential targeted rates**, as described in the Funding Impact Statement, are set under sections 16,17 & 18 of the Local Government (Rating) Act 2002 as set out in the tables following.

2.3.1. Heretaunga Plains Flood Control Scheme

Rates set on equalized land value based on the location of each property.

Rate description	Districts	Rates set on	Differentials	Calculation factor	Estimated rates revenue 2021-22
<b>Heretaunga Plains Flood Control Scheme</b>			<b>Location</b>	<b>Cents in \$</b>	
	Napier City	Equalised Capital Value	Direct	0.00664	\$873,699
	Napier City	Equalised Capital Value	Indirect	0.00166	\$321,053
	Hastings District	Equalised Capital Value	Direct	0.00740	\$1,054,593
	Hastings District	Equalised Capital Value	Indirect	0.00185	\$505,358
	<b>TOTAL</b>				<b>\$2,754,703</b>

## 2.3.2. Upper Tukituki Flood Control Scheme

Rates set on land value based on the location of each property.

Rate description	Districts	Rates set on	Differentials	Calculation factor	Estimated rates revenue 2021-22
<b>Upper Tukituki Catchment Control Scheme</b>			<b>Location</b>	<b>Cents in \$</b>	
	Central HB District	Land Value	A - F1 100	0.46316	151,966
	Central HB District	Land Value	B - F2 75	0.34736	221,580
	Central HB District	Land Value	C - F3 50	0.23157	110,821
	Central HB District	Land Value	D - F4 25	0.11579	135,526
	Central HB District	Land Value	E - F5 10	0.04632	82,004
	Central HB District	Land Value	F - F6 1	0.00464	93,294
	Central HB District	Land Value	U1 25	0.11579	44,616
	Central HB District	Land Value	U2 15	0.06947	7,519
	Central HB District	Land Value	U3 10	0.04632	11,397
	Central HB District	Land Value	U4 1	0.00464	9,676
	Hastings District	Land Value	E - F5 10	0.04235	\$1,728
	Hastings District	Land Value	F - F6 1	0.00424	\$3,270
<b>TOTAL</b>					<b>\$873,397</b>

## 2.3.3. Various Streams and Drainage Schemes

2.3.3.1. Napier, Meeanee & Puketapu – land value based on land use

2.3.3.2. Karamu & Tributaries - land value based on land use

2.3.3.3. Brookfields & Awatoto - land value based on land use

2.3.3.4. Clive & Muddy Creek - land value based on land use

2.3.3.5. Poukawa Drainage – land value based on location

Rate description	Districts	Rates set on	Differentials	Calculation factor	Estimated rates revenue 2021-22
<b>Napier, Meeanee &amp; Puketapu</b>			<b>Land Use</b>	<b>Cents in \$</b>	
	Napier City	Land Value	Urban (D1)	0.01499	\$829,507
	Napier City	Land Value	Industrial (DI 1)	0.05997	\$235,353
	Hastings District	Land Value	Rural (D1)	0.01660	\$28,092
<b>TOTAL</b>					<b>\$1,092,951</b>
<b>Karamū &amp; Tributaries</b>			<b>Land Use</b>	<b>Cents in \$</b>	
	Hastings District	Land Value	Urban (D2)	0.02328	\$1,030,044
	Hastings District	Land Value	Industrial (DI 2)	0.09314	\$350,239
<b>TOTAL</b>					<b>\$1,380,283</b>
Brookfields Awatoto	Napier City	Land Value	Urban (D7)	0.07967	\$103,373
	Napier City	Land Value	Industrial (DI 7)	0.31869	\$76,517
	<b>TOTAL Brookfields Awatoto</b>				<b>\$179,890</b>
Clive Muddy Creek	Hastings District	Land Value	Urban (D8)	0.05732	\$219,694
	Hastings District	Land Value	Industrial (DI 8)	0.22929	\$62,529
	<b>TOTAL</b>				<b>\$282,222</b>
Poukawa Drainage Special Rating Scheme	Hastings District	Land Value	A - PO1	0.34267	\$37,751
	Hastings District	Land Value	B - PO2	0.05711	\$1,741
	Hastings District	Land Value	C - PO3	0.01142	\$742
	<b>TOTAL</b>				<b>\$40,234</b>

2.3.3.6. Paeroa Drainage – Area based on location

2.3.3.7. Ohuia, Whakaki – Area based on location

2.3.3.8. Upper Makara – Area based on location

Rate description	Districts	Rates set on	Differentials	Calculation factor	Estimated rates revenue 2021-22
<b>Paeroa Drainage Scheme Special Rating Area</b>			<b>Location</b>	<b>Cents per hectare</b>	
	Wairoa District	Area Basis	A	7,712.00	\$14,480
	Wairoa District	Area Basis	B	5,012.80	\$5,880
	Wairoa District	Area Basis	C	3,470.40	\$1,817
	Wairoa District	Area Basis	D	2,699.20	\$1,181
	Wairoa District	Area Basis	E	385.60	\$825
	<b>TOTAL</b>				<b>\$24,184</b>
<b>Ohiua Whakaki Drainage Rating Scheme</b>			<b>Location</b>	<b>Cents per hectare</b>	
	Wairoa District	Area Basis	A	15,251.99	\$45,184
	Wairoa District	Area Basis	B	12,201.59	\$10,543
	Wairoa District	Area Basis	C	9,151.19	\$6,438
	Wairoa District	Area Basis	D	4,575.60	\$16,175
	Wairoa District	Area Basis	E	1,525.20	\$3,537
	<b>TOTAL</b>				<b>\$81,877</b>
<b>Upper Mākara Stream Catchment Special Rating Scheme</b>				<b>Cents per hectare</b>	
	Central HB District	Area Basis	A	15,515.82	\$8,411
	Central HB District	Area Basis	B	12,412.66	\$23,398
	Central HB District	Area Basis	C	10,085.29	\$35,721
	Central HB District	Area Basis	D	5,430.54	\$7,163
	Central HB District	Area Basis	E	775.79	\$17,886
	Central HB District	Area Basis	F	310.32	\$13,852
	<b>TOTAL</b>				<b>\$106,431</b>

2.3.3.9. Esk River – Area based on location

2.3.3.10. Whirinaki Stream – Area based on location

Rate description	Districts	Rates set on	Differentials	Calculation factor	Estimated rates revenue 2021-22
<b>Esk River &amp; Whirinaki Stream Maintenance Scheme</b>			<b>Location</b>	<b>Cents per hectare</b>	
Esk River Maintenance Scheme	Hastings District	Area Basis	E1	1,860.13	\$4,815
	Hastings District	Area Basis	E2	744.05	\$1,621
	Hastings District	Area Basis	R11	2,033.30	\$628
	Hastings District	Area Basis	R12	8,428.95	\$392
	Hastings District	Area Basis	R13	28,554.65	\$392
	<b>TOTAL</b>				<b>\$7,849</b>
Whirinaki Stream Maintenance Scheme	Hastings District	Area Basis	W1	21,251.34	\$6,562
	Hastings District	Area Basis	W2	17,939.65	\$835
	Hastings District	Area Basis	W3	60,773.96	\$835
	Hastings District	Area Basis	W4	19,627.03	\$2,983
	Hastings District	Area Basis	W5	598.57	\$239
	Hastings District	Area Basis	W6	7,231.31	\$239
	Hastings District	Area Basis	W7	2,565.95	\$239
	<b>TOTAL</b>				<b>\$11,932</b>

2.3.3.11. Opoho Drainage – Fixed amount based on location

2.3.3.12. Te Ngarue Stream – Area based on location

2.3.3.13. Kopuawhara Stream – Area based on location

Rate description	Districts	Rates set on	Differentials	Calculation factor	Estimated rates revenue 2021-22
<b>Opoho Drainage/Stream</b>			<b>Location</b>	<b>Per Rating Unit</b>	
	Wairoa District	Fixed Amount	A	15,890.00	\$15,890
	Wairoa District	Fixed Amount	B	5,925.00	\$5,925
	Wairoa District	Fixed Amount	C	2,370.00	\$2,370
	<b>TOTAL</b>				<b>\$24,185</b>
<b>Te Ngarue Stream Flood Protection Scheme</b>			<b>Location</b>	<b>Cents per hectare</b>	
	Hastings District	Area Basis	TN	3,834.57	\$3,185
	Hastings District	Area Basis	TN1	20,729.63	\$175
	<b>TOTAL</b>				<b>\$3,359</b>
<b>Kopuawhara Stream Flood Control Maintenance</b>			<b>Location</b>	<b>Cents per hectare</b>	
	Wairoa District	Area Basis	K1	17,857.06	\$2,181
	Wairoa District	Area Basis	K2	7,142.82	\$4,425
	Wairoa District	Area Basis	K3	3,571.41	\$2,588
	Wairoa District	Area Basis	K4	892.85	\$898
	<b>TOTAL</b>				<b>\$10,092</b>

2.3.4. Plant Pest Strategy – Based on area

2.3.5. Animal Pest Strategy – Based on area and land use

2.3.5.1. Forest Pest Strategy – Based on area and land use

Rate description	Districts	Rates set on	Units of Charge	Calculation factor	Estimated rates revenue 2021-22
<b>Biosecurity</b>					
<b>Plant Pest Strategy</b>			<b>Hectares</b>	<b>Cents per hectare</b>	
	Napier City	Area Basis	4,450	59.12618	\$2,630
	Hastings District	Area Basis	363,076	59.12618	\$214,673
	Wairoa District	Area Basis	271,920	59.12618	\$160,776
	Central HB District	Area Basis	300,792	59.12618	\$177,847
	Taupō District	Area Basis	2,028	59.12618	\$13,025
	Rangitikei District	Area Basis	11,982	59.12618	\$7,084
	<b>TOTAL</b>		<b>974,248</b>		<b>\$576,036</b>
<b>Regional Management Strategy</b>			<b>Hectares</b>	<b>Cents per hectare</b>	
	Napier City	Area Basis	4,450	208.68988	\$9,288
	Hastings District	Area Basis	298,874	208.68988	\$623,719
	Wairoa District	Area Basis	216,162	208.68988	\$451,107
	Central HB District	Area Basis	293,485	208.68988	\$612,474
	Taupō District	Area Basis	8,125	208.68988	\$16,956
	Rangitikei District	Area Basis	11,982	208.68988	\$25,005
	<b>TOTAL</b>		<b>833,078</b>		<b>\$1,738,549</b>
<b>Animal Pest - Forestry</b>			<b>Hectares</b>	<b>Cents per hectare</b>	
	Hastings District	Area Basis	64,234	71.65984	\$46,030
	Wairoa District	Area Basis	55,758	71.65984	\$39,956
	Central HB District	Area Basis	7,306	71.65984	\$5,236
	Taupō District	Area Basis	13,903	71.65984	\$9,963
	<b>TOTAL</b>		<b>141,202</b>		<b>\$101,185</b>

- 2.3.6. Healthy Homes/Clean Heat – based on location and equalized land value
- 2.3.7. Sustainable Homes – Financial Assistance (includes CleanHeat Assistance)
- Based on value of service provided

Rate description	Districts	Rates set on	Calculation factor	Estimated rates revenue 2021-22
<b>Sustainable Homes Scheme</b>				
<b>Sustainable Homes</b>	Napier City (Airzone 1 & 2)	Equalised Land Value	0.004240	\$356,334
(Healthy Homes – Clean Heat)	Hastings District (Airzone 1 & 2)	Equalised Land Value	0.004690	\$324,364
	<b>TOTAL</b>			<b>\$680,698</b>
<b>Sustainable Homes Financial Assistance</b>			<b>Per \$100 of assistance</b>	
Rates to repay financial assistance to insulate homes, replace open fires or non-compliant wood-burners, solar heating, PhotoVoltaic cells, domestic water storage and septic tank replacement		\$10 per \$100 of financial assistance	10.00000	

- 2.3.8. Erosion Control Scheme - Financial Assistance
- Based on value of service provided

Rate description	Districts	Rates set on	Calculation factor	Estimated rates revenue 2021-22
<b>Erosion Control Scheme - Riparian and Afforestation</b>			<b>Per \$100 loan</b>	
Rates to repay financial assistance to fund riparian fencing, planting, and maintenance of planted areas for highly erodible land unsuitable for commercial forestry		\$10 per \$100 of loan	10.00000	

- 2.3.9. Economic Development – fixed amount per rating unit

Rate description	Districts	Rates set on		Calculation factor	Estimated rates revenue 2021-22
Economic Development			No. of Rating Units	Per Rating Unit	
Residential	Napier City	Fixed Amount	25,261	11.69000	\$295,295
	Hastings District	Fixed Amount	31,145	11.69000	\$364,079
	Wairoa District	Fixed Amount	4,886	11.69000	\$57,120
	Central HB District	Fixed Amount	6,351	11.69000	\$74,237
	Taupō District	Fixed Amount	55	11.69000	\$643
	Rangitikei District	Fixed Amount	2	11.69000	\$23
	TOTAL		67,699		\$791,398
			Cents in \$		
Commercial	Napier City	Capital Value		0.02838	\$811,200
	Hastings District	Capital Value		0.03160	\$963,992
	Wairoa District	Capital Value		0.03619	\$20,145
	Central HB District	Capital Value		0.03470	\$51,427
	TOTAL				\$1,846,764

- 2.4. The following **uniform targeted rates**, as described in the Funding Impact Statement, are set under sections 16 and 17 of the Local Government (Rating) Act 2002 as set out in the tables following.

- 2.4.1. Subsidised Public Transport – Based on equalised land value and location



Rate description	Districts	Rates set on	Calculation factor	Estimated rates revenue 2021-22
<b>Subsidised Public Transport</b>			<b>Cents in \$</b>	
	Napier City	Land Value	0.02195	\$1,795,951
	Hastings District	Land Value	0.02431	\$1,387,089
	Clive	Land Value	0.02431	\$27,544
	<b>TOTAL</b>			<b>\$3,210,583</b>

2.4.2. Wairoa River and Streams Scheme – Based on land value

2.4.3. Central & Southern Area Rivers & Streams – based on location and equalised land value

Rate description	Districts	Rates set on	Calculation factor	Estimated rates revenue 2021-22
<b>Wairoa River and Streams</b>			<b>Cents in \$</b>	
	Wairoa District	Capital Value	0.00918	\$205,940
	<b>TOTAL</b>			<b>\$205,940</b>
<b>Central &amp; Southern Area Rivers &amp; Streams</b>			<b>Cents in \$</b>	
	Napier City	Capital Value	0.00014	\$27,924
	Hastings District	Capital Value	0.00016	\$43,494
	Central HB District	Capital Value	0.00018	\$10,108
	Taupō District	Capital Value	0.00015	\$137
	Rangitikei District	Capital Value	0.00023	\$50
	<b>TOTAL</b>			<b>\$81,713</b>

2.4.4. Various Streams and Drainage Schemes

2.4.4.1. Raupare Enhancement – Based on location and land area

2.4.4.2. Raupare Twyford – based on location and land value

2.4.4.3. Haumoana Te Awanga - based on location and land value

2.4.4.4. Tūtaekurī, Waimate & Moteo - based on location and land value

2.4.4.5. Pakowhai Brookfields - based on location and land value

2.4.4.6. Puninga - based on location and land value

Rate description	Districts	Rates set on		Calculation factor	Estimated rates revenue 2021-22
Raupare Enhancement	Hastings District	Area	1179 hectares	1194.69	\$14,085
Raupare Twyford	Hastings District	Land Value	Rural (D3)	0.02840	\$171,436
Haumoana/Te Awanga	Hastings District	Land Value	Rural (D4)	0.06938	\$162,691
Tūtaekurī Waimate & Moteo	Hastings District	Land Value	Rural (D5)	0.09891	\$280,591
Pakowhai Brookfields	Hastings District	Land Value	Rural (D6)	0.09565	\$155,813
Puninga	Hastings District	Land Value	Rural (D9)	0.12271	\$85,455

2.4.4.7. Karamu Drainage - Fixed amount per separately used or inhabited part based on location

2.4.4.8. Karamu Enhancement - Fixed amount per separately used or inhabited part based on location

2.4.4.9. Kairakau Community - Fixed amount per property based on location

2.4.4.10. Pōrangahau Flood Control - based on location and land value

2.4.4.11. Maraetotara Flood Control - based on location and land value

Rate description	Districts	Rates set on		Calculation factor	Estimated rates revenue 2021-22
<b>Units</b>					
Karamū Drainage Maintenance	Hastings District	Fixed Amount	6,073	13.46887	\$82,685
Karamū Enhancement	Hastings District	Fixed Amount	6,073	12.56306	\$77,125
Kairakau Community Scheme	Central HB District	Fixed Amount	84	129.22	\$10,854
<b>Cents in \$</b>					
Porangahau Flood Control	Central HB District	Land Value		0.00945	\$43,933
Maraetotara Flood Maintenance	Hastings District	Capital Value		0.00641	\$13,490

#### 2.4.5. Sustainable Land Management – based on land area and location

Rate description	Districts	Rates set on	Units of Charge	Calculation factor	Estimated rates revenue 2021-22
<b>Sustainable Land Management Strategy</b>			<b>Hectare</b>	<b>Cents per hectare</b>	
	Napier City	Area Basis	4,492	105.07200	\$4,720
	Hastings District	Area Basis	377,079	105.07200	\$396,205
	Wairoa District	Area Basis	272,775	105.07200	\$286,611
	Central HB District	Area Basis	300,786	105.07200	\$316,041
	Taupō District	Area Basis	38,288	105.07200	\$40,230
	Rangitikei District	Area Basis	10,192	105.07200	\$10,709
<b>TOTAL</b>			<b>1,003,612</b>		<b>\$1,054,515</b>

#### 2.4.6. Coastal Hazards - Fixed amount per separately used or inhabited part based on location

Rate description	Districts	Rates set on	Units of Charge	Calculation factor	Estimated rates revenue 2021-22
<b>Coastal Hazards Strategy</b>					
<b>Coastal Hazards</b>			<b>No. of SUIPs</b>	<b>Per SUIP</b>	
	Napier City	Fixed Amount	27,919	3.18042	\$88,794
	Hastings District	Fixed Amount	33,932	3.18042	\$107,916
<b>TOTAL</b>					<b>\$196,711</b>

#### 2.4.7. CDEM- Emergency Management - Fixed amount per separately used or inhabited part based on location

Rate description	Districts	Rates set on	Units of Charge	Calculation factor	Estimated rates revenue 2021-22
<b>CDEM Emergency Management</b>				<b>No. of SUIPs</b>	<b>Per SUIP</b>
	Napier City	Fixed Amount	27,919	33.99333	\$949,060
	Hastings District	Fixed Amount	33,932	33.99333	\$1,153,445
	Wairoa District	Fixed Amount	5,132	33.99333	\$174,461
	Central HB District	Fixed Amount	6,670	33.99333	\$226,719
<b>TOTAL</b>			<b>73,652</b>		<b>\$2,503,685</b>

- Confirms that the due date for payment of rates as set by the Hawke's Bay Regional Council for the financial year commencing 1 July 2021 and ending on 30 June 2022 is 20 September 2021.
- Confirms that, under sections 57 and 58(1)(a) of the Local Government (Rating) Act 2002, a fixed 10% penalty will be applied to unpaid current rates as at 21 September

2021 and shall be calculated by multiplying the outstanding rates by 10% and then adding that penalty sum to the amount outstanding as at 21 September 2021.

5. Confirms that, under sections 57 and 58(1)(b) of the Local Government (Rating) Act 2002, a fixed 10% penalty will be applied to all unpaid rates as at 1 July 2022 and shall be calculated by multiplying the outstanding rates by 10% and then adding that penalty sum to the amount outstanding as at 1 July 2022.

**Authored by:**

**Ross Franklin**  
**ACTING CHIEF FINANCIAL OFFICER**

**Approved by:**

**Tom Skerman**  
**REGIONAL WATER SECURITY**  
**PROGRAMME DIRECTOR**

**James Palmer**  
**CHIEF EXECUTIVE**

**Attachment/s**

There are no attachments for this report.



# HAWKE'S BAY REGIONAL COUNCIL

28 July 2021

## Subject: COASTAL HAZARDS STRATEGY IMPLEMENTATION & EXECUTION FUNDING MODEL

### Reason for Report

1. This item presents recommendations from the Environment and Integrated Catchments Committee (EICC) to the Council in relation to the implementation of the Clifton to Tangoio Coastal Hazards Strategy (the Strategy).

### Officers' Recommendations

2. Council officers recommend that the Council confirms and resolves recommendations from the Environment and Integrated Catchments Committee as proposed.

### Executive Summary

3. Following the completion of a review (Funding Review) led by Raynor Asher QC to consider which Council should lead and fund the implementation of coastal hazard mitigation projects under the Strategy, the Clifton to Tangoio Coastal Hazards Strategy Joint Committee (Joint Committee) met to consider the report's recommendations and recommend the way forward to the Napier City Council, Hastings District Council and Hawke's Bay Regional Council (Partner Councils).
4. The primary recommendation is that the Hawke's Bay Regional Council should lead the implementation of coastal hazard mitigation projects under the Strategy.
5. Following EICC consideration of these recommendations, it is now necessary for the Hawke's Bay Regional Council to agree (or not) the findings of the Funding Review and the recommendations of the Joint Committee and EICC, to allow the Strategy to progress.

### Environment and Integrated Catchments Committee Recommendations

6. At the EICC meeting on 23 June 2021, Councillors considered the recommendations of the Joint Committee.
7. The following resolutions were passed by majority.
  1. *That the Environment and Integrated Catchments Committee receives and considers the "Coastal Hazards Funding Model" staff report.*
  2. *The Environment and Integrated Catchments Committee recommends that Hawke's Bay Regional Council:*
    - 2.1 *Agrees in principle to the outcome of the Funding Review and recommendations of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee; being:*
      - 2.1.1 *Endorses the findings of the review undertaken by Mr Raynor Asher QC titled "Review and Recommendations for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee" (as attached), including the following key recommendations, for the purposes of commencing consultation under s.16 of the Local Government Act 2002:*
        - 2.1.1.1 *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*
        - 2.1.1.2 *That the Napier City Council, Hastings District Council and Hawke's Bay Regional Council enter into a memorandum of understanding setting out agreed positions on this arrangement*

2.1.1.3 *That an advisory committee is formed by elected representatives from Napier City Council, Maungaharuru-Tangitū Trust, Hastings District Council, Mana Ahuriri, Hawke's Bay Regional Council and Heretaunga Tamatea Settlement Trust to support forward work*

2.1.1.4 *That a Transition Plan is prepared to set out the timing and orderly process of transitioning functions to the Hawke's Bay Regional Council in accordance with the terms set out in the memorandum of understanding.*

2.2 *Directs staff to prepare a draft Memorandum of Transition between the Hawke's Bay Regional Council, Napier City Council and Hastings District Council that details the proposed operational regime for implementing coastal hazards mitigation projects under the Clifton to Tangoio Coastal Hazards Strategy.*

8. A decision is now sought from Council on these recommendations.

### Background /Discussion

9. The Strategy represents a coordinated approach to identifying and responding to coastal hazards and the influence of sea level rise over the next 100 years. It provides a platform for long-term planning and decision making.

10. To date, the Strategy development process has been jointly and equally funded by the Partner Councils.

11. The Strategy:

11.1. Covers the coastal area from Clifton to Tangoio

11.2. Seeks to develop a planned response to the following coastal hazards out to the year 2120

11.2.1. Coastal erosion (storm cut, trends, effects of sea level rise); and

11.2.2. Coastal inundation (storm surge, set-up, run-up, overtopping and sea level rise)

11.3. Incorporates climate change as an overriding influence, and

11.4. Follows the Ministry for the Environment's "Coastal hazards and climate change: Guidance for local government" released in December 2017.

12. The vision of the Strategy is:

12.1. *That coastal communities, businesses and critical infrastructure from Tangoio to Clifton are resilient to the effects of coastal hazards.*

13. The Strategy is being developed in 4 stages (**Figure 1**).

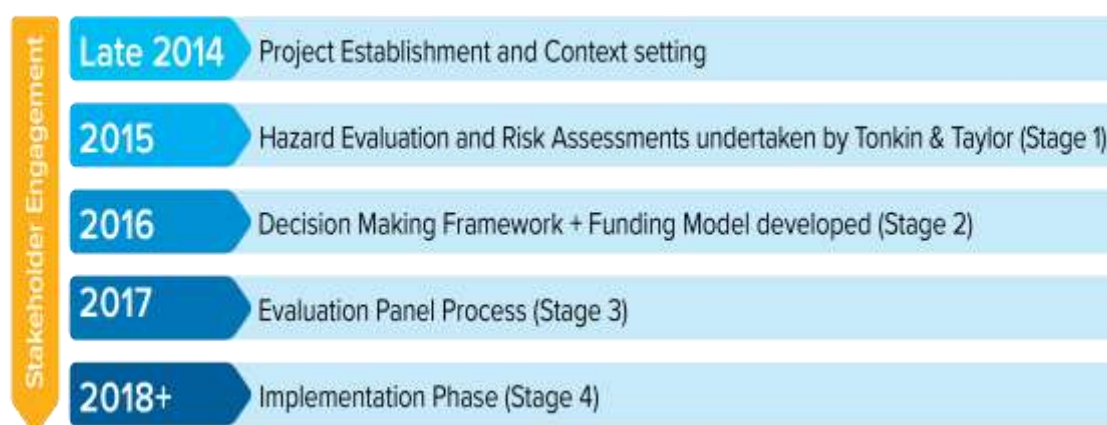


Figure 1: Clifton to Tangoio Coastal Hazards Strategy Development Process

14. A key feature of the project has been its collaborative approach. Working with two community-based panels formed mana whenua, coastal communities, regional representatives, business interests, lifelines, and Department of Conservation, the Strategy has developed recommended “adaptive pathways” for the highest risk areas of the coastline between Clifton and Tangoio.
15. Each pathway is built from a combination of short term (indicatively 0 – 20 years), medium term (indicatively 20 – 50 years) and long term (indicatively 50 – 100 years) hazard response actions.
16. An important concept is that each pathway is ‘adaptive’; the timeframe of each action (short, medium, and long) can be brought forward or delayed, depending on the actual effects of coastal hazards and climate change over time. If sea level rises more than expected or at a faster rate, actions can be implemented earlier in response; if less or slower, actions can be delayed. The actions themselves can also be reviewed or changed over time.
17. The Strategy will be reviewed every 10 years, to ensure that the pathways remain fit for purpose as new information becomes available over time.
18. The current set of recommended pathways, which have recently been refined following further community engagement and design work, is presented in **Table 1**.

**Table 1: Recommended Adaptive Pathways - revised 2021**

Cell	Unit	Short term (0 - 20 years)	Medium term (20 - 50 years)	Long term (50 - 100 years)
Southern Cell	Clifton	Status quo	Sea wall	Managed Retreat
	Te Awanga	Renourishment + Groynes	Renourishment + Groynes	Renourishment + Groynes
	Haumoana	Renourishment + Groynes	Renourishment + Groynes	Managed Retreat
	Clive / East Clive	Status quo	Renourishment + Groynes	Retreat the Line / Managed Retreat
Northern Cell	Ahuriri	Status quo	Sea wall	Sea wall
	Pandora	Status quo	Storm surge barrier	Storm surge barrier
	Westshore	Renourishment	Renourishment + Control Structures	Renourishment + Control Structures
	Bay View	Status Quo / Renourishment	Renourishment + Control Structures	Renourishment + Control Structures
	Whirinaki	Status Quo / Renourishment	Renourishment + Control Structures	Sea wall

19. In the short to medium term, the pathways generally involve beach nourishment programmes, the construction of groynes (at Te Awanga and Haumoana) to reduce erosion losses, and the build-up of the beach crest to mitigate risks of overtopping and inundation. Consistent with the adaptive pathways approach, monitoring of these actions will determine their ongoing effectiveness, with trigger points set to determine when a different response becomes necessary as conditions change.
20. The Strategy’s Technical Advisory Group (TAG) is currently finalising information and details to prepare the Strategy for notification as a proposed Long Term Plan amendment.

However, before this can occur, a decision is required on which Council (or Councils) should lead this next phase of the project.

21. Various workshops and proposals over the past 18 months have failed to achieve an agreed position between the Partner Councils on this question. Uncertainties in current legislation about the respective roles of each Council in the funding and implementation of works under the Strategy has contributed to the issue.
22. To facilitate an outcome, the Partner Councils collectively agreed that the Joint Committee should engage a retired judge to lead a review of implementation options and deliver recommendations on a way forward (Funding Review). Following a shortlisting and evaluation process, the Joint Committee appointed Mr Raynor Asher QC to lead the Review.
23. Mr Asher was appointed to the High Court Bench in 2005 and to the Court of Appeal in 2016. He retired from the Court of Appeal in 2019 and is now practicing as a barrister and arbitrator/mediator. Mr Asher was tasked with answering the following question:
  - 23.1. *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?*
24. In undertaking his review, Mr Asher engaged with the Joint Committee, staff and councillors from each Partner Council, considered material developed to date under the Strategy, reviewed relevant historical information, legislation and case law, and has been assisted with local legal advice.
25. Mr Asher completed his review and presents his findings in the report “*Review and Recommendations for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee*” which is **attached**.
26. The key recommendation of the report is that the Hawke’s Bay Regional Council should lead and fund the implementation of coastal hazard mitigation projects under the Strategy.

### Financial Impact to Hawke’s Bay Regional Council - Indicative Example

27. The project team have developed high level costings for each of the first steps of the pathways, which involved identifying a number of potential design variants. Depending on the design variant selected, costs vary significantly. From these variants, recommended options for each coastal unit have been validated through further discussion with members of the community panels in workshops held through 2021.
28. For implementing the first action in all pathways, capital costs of the preferred design variants have been estimated at between \$9.4 million and \$26.4 million, and annual operating costs at between \$2.7 and \$4.6 million. The project team has adopted an approximate midpoint (un-inflated) of \$15 million in capital and \$3.6 million in annual operating costs for financial analysis purposes.
29. While these costs will continue to be refined through community engagement and more detailed design work, they provide a baseline to consider the potential financial impact for HBRC should the EICC’s recommendations be adopted (Tables 2 and 3).

**Table 2 - Uninflated Operating Costs over 2021-31 LTP**

\$000's	<u>21/22</u>	<u>22/23</u>	<u>23/24</u>	<u>24/25</u>	<u>25/26</u>	<u>26/27</u>	<u>27/28</u>	<u>28/29</u>	<u>29/30</u>	<u>30/31</u>	<u>Total</u>
Operating Costs Uninflated	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>	<u>Year 7</u>	<u>Year 8</u>	<u>Year 9</u>	<u>Year 10</u>	<u>Over LTP</u>
Operating Budget- renourishment	-	-	-	-	-	1,000	2,000	2,500	3,000	3,000	11,500
Operating- staff	-	300	300	300	300	300	300	300	300	300	2,700
Strategy Review	-	-	-	-	300	300	300	300	300	300	1,800
<b>Total</b>	<b>-</b>	<b>300</b>	<b>300</b>	<b>300</b>	<b>600</b>	<b>1,600</b>	<b>2,600</b>	<b>3,100</b>	<b>3,600</b>	<b>3,600</b>	<b>16,000</b>



**Table 3 - Uninflated Capital Expenditure**

\$000's	<u>21/22</u>	<u>22/23</u>	<u>23/24</u>	<u>24/25</u>	<u>25/26</u>	<u>26/27</u>	<u>27/28</u>	<u>28/29</u>	<u>29/30</u>	<u>30/31</u>	Total
Operating Costs Uninflated	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>	<u>Year 7</u>	<u>Year 8</u>	<u>Year 9</u>	<u>Year 10</u>	Over LTP
New Assets - 50 Year design life	-	250	250	500	4,000	4,000	4,000	2,000	-	-	15,000

*All dollars in 2020 \$000's un-inflated*

30. When considering the rating impact, forecast operating and capital expenditure has been inflated using the 2021-31 LTP assumptions. Capital expenditure is modelled for repayment over a 20-year term. Table 4 below shows the rate requirement based on the illustrative expenditure above, including debt servicing.

**Table 4 - Cost (as a result of Tables 2 and 3) to be collected from rates over 2021-31 LTP**

Coastal Hazards -	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>	<u>Year 7</u>	<u>Year 8</u>	<u>Year 9</u>	<u>Year 10</u>	LTP
Impacts on LTP	<u>21/22</u>	<u>22/23</u>	<u>23/24</u>	<u>24/25</u>	<u>25/26</u>	<u>26/27</u>	<u>27/28</u>	<u>28/29</u>	<u>29/30</u>	<u>30/31</u>	Total
Rates cost (Inflated)	-	313	321	329	675	1,846	3,078	3,770	4,496	4,613	19,442
Interest cost	-	-	7	13	26	138	248	356	402	384	1,572
Debt Repayment	-	-	10	21	43	220	407	602	712	730	2,746
<b>Total</b>	<b>-</b>	<b>313</b>	<b>338</b>	<b>363</b>	<b>745</b>	<b>2,204</b>	<b>3,732</b>	<b>4,727</b>	<b>5,610</b>	<b>5,727</b>	<b>23,759</b>

31. The impact on rates is represented in Table 5 following, which shows the impact of the expenditure detailed above on Council's planned total rate increases (general and targeted rates combined). The main impacts are in 2026-27 and 2028-29 where the renourishment budget is progressively introduced. The appropriate funding mechanism has not yet been determined, so these increases are indicative only as averages. The actual rating impact on particular ratepayers will vary significantly i.e. possible that ratepayers in CHB and Wairoa will not contribute.

**Table 5 - Impact to (Total) Rates over 2021-31 LTP**

Rate Impact - (Change in Total Rate)	<u>21/22</u>	<u>22/23</u>	<u>23/24</u>	<u>24/25</u>	<u>25/26</u>	<u>26/27</u>	<u>27/28</u>	<u>28/29</u>	<u>29/30</u>	<u>30/31</u>
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>	<u>Year 7</u>	<u>Year 8</u>	<u>Year 9</u>	<u>Year 10</u>
Current LTP Increases	19.5%	15.0%	14.5%	10.0%	10.7%	9.8%	7.2%	5.8%	4.9%	4.9%
Impact of Coastal Hazard example	no change	1.1%	no change		0.8%	2.9%	2.5%	1.3%	1.0%	no change
Current LTP + Coastal example	19.5%	16.1%	14.5%	10.0%	11.5%	12.7%	9.7%	7.1%	5.9%	4.9%

32. While a method of funding has not yet been determined, the following Table 6 shows the per property impact if the proposed additional costs are funded in the same manner as the existing Coastal Hazards Strategy targeted rate. This is charged as a uniform fixed amount per rateable property on all Hastings District and Napier City properties.
33. For clarity Table 6 does not reflect the proposed approach to funding Strategy implementation; it is provided for financial scenario purposes only.

**Table 6 - Unit Cost of Uniformed Charge across Napier and Hastings Ratepayers**

Total Amount to Be Funded - Split	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Between Napier & Hastings *Ratepayers	<u>21/22</u>	<u>22/23</u>	<u>23/24</u>	<u>24/25</u>	<u>25/26</u>	<u>26/27</u>	<u>27/28</u>	<u>28/29</u>	<u>29/30</u>	<u>30/31</u>
Unit Cost - Current LTP budget	\$3.18	\$3.27	\$3.35	\$3.44	\$3.54	\$3.64	\$3.75	\$3.87	\$3.99	\$4.12
Unit Cost - Revised with New Works	\$3.18	\$9.10	\$9.64	\$10.20	\$17.38	\$44.62	\$73.15	\$91.77	\$108.29	\$110.60

*\*Napier rating units = 27,919 / Hastings rating units = 33,932*

*\*Note that it is not intended to uniform annual charge this activity. The strategy suggests a private and public targeted rate. This information is provided for context only as to the relative magnitude of this activity compared to the current rates revenue.*

34. The impact on Council's debt levels and on the debt to revenue ratio is demonstrated below at Table 7.
35. The proposed borrowing does not adversely affect the Council's peak of 158% in 2023-24 as the proposed borrowing occurs in later years where, based on the planned LTP expenditure, there is more capacity.

**Table 7 - Impact on Debt and Debt to Revenue Ratio**

\$'000's	Year 1 21/22	Year 2 22/23	Year 3 23/24	Year 4 24/25	Year 5 25/26	Year 6 26/27	Year 7 27/28	Year 8 28/29	Year 9 29/30	Year 10 30/31
Additional Borrowing (net of repayments)		261	519	1,046	5,506	9,902	14,232	16,062	15,349	14,619
<b>Revised Debt to Revenue Ratio</b>	<b>103%</b>	<b>128%</b>	<b>158%</b>	<b>152%</b>	<b>148%</b>	<b>138%</b>	<b>134%</b>	<b>124%</b>	<b>115%</b>	<b>107%</b>
LTP Debt to Revenue Ratio	103%	128%	158%	152%	143%	131%	125%	114%	107%	99%

36. Mr Asher also recommended that, along with assuming responsibility for leading future hazards mitigation projects, HBRC take over the management of existing coastal hazards mitigation assets held by Napier City Council and Hastings District Council. If enacted, this could see the transfer of existing rock revetments at Waimarama, Clifton, Cape View Corner and Ahuriri to HBRC. Ongoing projects such as the Westshore renourishment programme and resource consents held for the proposed rock revetment at Whakarire Avenue would also need to be considered.
37. The financial impact of this potential asset transfer has yet to be assessed as information on those assets is still being collated, but it is expected to be net-neutral from a ratepayer perspective, i.e. existing assets would transfer with incumbent funding mechanisms.
38. It is noted that HBRC is also considering new spending (through a potential Long Term Plan amendment) on possum control and economic development. The collective impact of these new activities alongside coastal hazards will need to be assessed before a final Long Term Plan proposal is developed.

### Costs: Doing Nothing

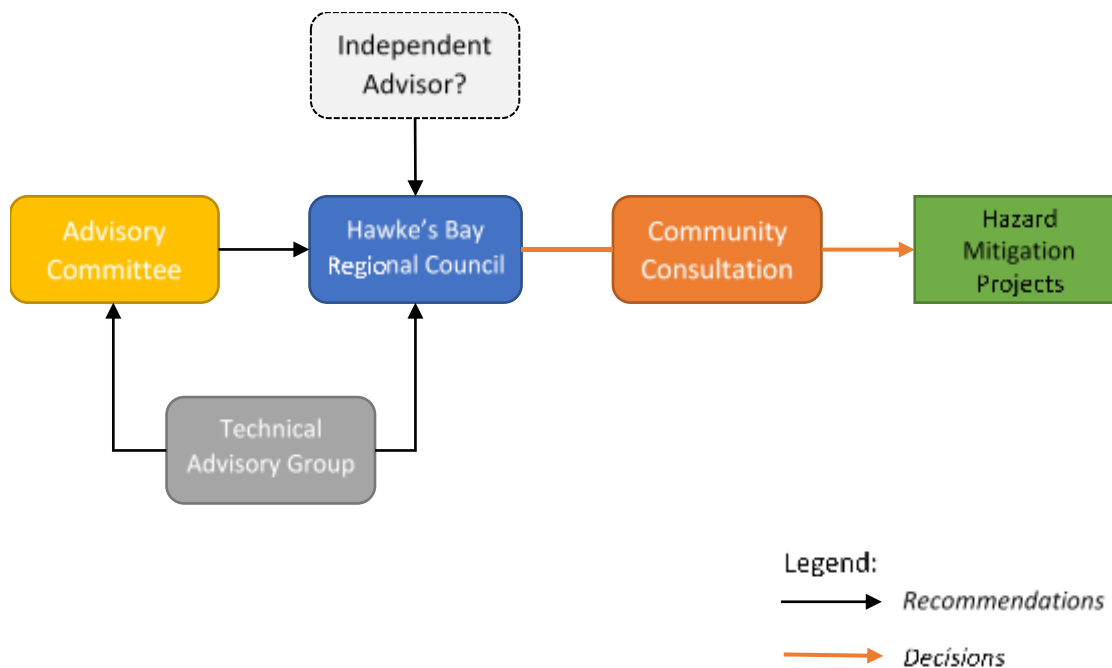
39. Work under the Strategy has estimated the number of properties that would need to be retreated from the coast if no actions were taken to reduce hazards risks. This work serves as a useful proxy for the economic cost of doing nothing in response to coastal hazards.
40. Just over 1,000 properties within the project area were identified as needing to be relocated within the 100-year planning timeframe of the Strategy, with a combined present day value of approximately \$1 billion.
41. It is noted however that the true cost would include the social, cultural, and environmental effects from unchecked impacts on built infrastructure and coastal areas. A small-scale example of these types of impacts is evident at some of the 'Haumoana 18' properties.

### Managed Retreat

42. The Strategy is founded on the premise that any form of coastal defence is only able to "buy time". It is not a permanent solution to ongoing climate change and sea level rise impacts.
43. Some of the pathways (e.g., Clifton, Haumoana, East Clive) propose managed retreat as the third action in the pathway, in around 50 years' time. A form of managed retreat is likely to be inevitable at some point in the future for many other areas of coastline.
44. Work under the Strategy is developing the costings and detail of a managed retreat response as the primary alternative to the recommended pathways. Consultants Tonkin + Taylor have been engaged to undertake this work. The work is nearing completion, with a final report due to be presented to the Joint Committee shortly. This work will be presented during community consultation alongside the pathways as currently proposed.

## Recommended Operational Model for Strategy Implementation

45. Raynor Asher has recommended an operating model for Strategy implementation in which:
  - 45.1. HBRC takes responsibility for implementing actions under the Strategy
  - 45.2. An Advisory Committee is formed, with members from HBRC, NCC, HDC and Mana Whenua to support HBRC decision-making; and
  - 45.3. Key technical staff from the three Councils support the Advisory Committee and HBRC, in a similar way to the current Technical Advisory Group.
46. This model can be represented by **Figure 2**.



**Figure 2:** Strategy implementation operational model

47. The concept of an independent advisor has been subsequently raised by Councillors as a potential resource to assist with the consideration of complex issues, represented by the grey / dotted box in Figure 2 (an addition to the model recommended by Raynor Asher). The merits of this approach will be explored as the detail of implementation is developed.
48. In practice, should HBRC agree to take the lead role as recommended by Mr Asher, a proposed amendment to HBRC's Long Term Plan (LTP) would be notified for public consultation (the orange box in Figure 2 above). That proposed amendment would include the proposed pathways, their costs and funding models, an analysis of alternative options (including managed retreat), confirmation of Councils preferred option, etc.
49. Following due process as required by the Local Government Act 2002, should the Council adopt the proposed LTP amendment, the Strategy would become embedded into Councils LTP and Infrastructure Strategy.
50. Responsibility for implementation will then pass to HBRC's Asset Management Group, who would be charged with monitoring triggers, undertaking pre-consenting investigations, consent applications, construction and operations and maintenance of any infrastructure approved under the amended LTP.
51. It is noted that the decision on when to implement a given coastal hazard mitigation project will largely be answered by signals, triggers and thresholds; pre-defined conditions that will prompt action. The question of what the work should be has been proposed by the

current pathways but will be the subject of future reviews as more is learned about the impacts of climate change and the performance of existing coastal hazard mitigation projects. It is likely that the pathways (particularly the medium- and long-term actions) will be modified over time, perhaps significantly, through successive reviews. Any such changes would be implemented through amendments to HBRC's Infrastructure Strategy and associated LTP.

### Liability and Risk Considerations

52. Should the HBRC accept the recommendations of Raynor Asher QC, it would represent a change in the status quo and a commencement of a significant new activity for HBRC.
53. Under existing arrangements (albeit without any specific legislative direction), the territorial authorities lead the implementation of coastal hazards mitigation projects. Current examples include the rock revetments at Clifton and Cape View Corner (HDC) and the consented (but not yet constructed) rock revetment at Whakarire Ave (NCC).
54. As a new activity for Council, consideration of the liability and risk exposure for HBRC is warranted and has been raised by Councillors.
55. Current thinking on the liability question suggests there are risks both ways, i.e. there are potential liability risks from constructing a coastal hazard mitigation project that later fails due to climate change impacts; but there are also risks from not responding to climate change and coastal hazards effects.
56. This was the conclusion reached by Jack Hodder QC, in an opinion commissioned by Local Government New Zealand<sup>1</sup>.
57. The report, titled "Climate Change Litigation: Who's Afraid of Creative Judges" considers the potential litigation risks councils face by choosing to recognise or ignore climate change-related risks in their decision-making.
58. An excerpt from that opinion is provided below and summarises the key points.
  - 58.1. *There are an increasing number of climate change cases being litigated around the world, mainly brought by private individuals against public authorities*
  - 58.2. *Groups and individuals are getting more and more creative with bringing claims – unless central government steps in, the judiciary will likely play a greater role in developing legal rules in this area*
  - 58.3. *Current local government litigation risk mostly relates to decisions to limit development (short-term judicial review). In the future it seems likely to extend to the consequences of allowing development and failing to implement adaptation measures (e.g. from homeowners suffering the physical and economic consequences of climate change in the longer term)*
  - 58.4. *There have not yet been any large damages claim in relation to failure to implement adaptation measures in New Zealand. However, it may be only a matter of time*
  - 58.5. *In the New Zealand statutory context, it is up to local authorities to consider carefully the consequences of decisions to take or not take steps – for example, adaptation measures such as controlling development and protecting coastal regions. With limited guidance from central government, they require lots of evidence and information to make decisions that will withstand legal challenge*
  - 58.6. *A more fundamental solution would sensibly recognise that anthropogenic climate change is a major "negative meta-externality" requiring collective action on the broadest scale, and funded on the broadest base (i.e., central government taxation).*

<sup>1</sup> Available from <https://www.lgnz.co.nz/our-work/publications/climate-change-litigation-whos-afraid-of-creative-judges/>

59. It is useful to consider parallels with the river flood control schemes operated by HBRC. HBRC designs and delivers works programmes to provide levels of service to mitigate flood risk over large areas of Hawke's Bay. It is recognised that certain storm events will exceed design parameters; 100% protection cannot be provided and is not offered. Coastal defence structures would operate in a similar way.

## Environmental and Regulatory Considerations

60. With reference to **Table 1** above, the first set of actions (approximately the first 20 years of the Strategy) in the recommended pathways would see hard structures (groynes) at Te Awanga and Haumoana, with onshore gravel renourishment programmes at Te Awanga, Haumoana, Bay View and Whirinaki. At Westshore, both sand and offshore gravel renourishment is proposed.
61. The Strategy will be reviewed, likely at least twice, before the next set of actions would be implemented, likely some time from 2040 onwards. Those reviews would take account of most up to date information on climate change, the performance of the existing hazard mitigation approaches, and the status of signals and triggers set at each part of the coast, among other considerations.
62. It is fundamental to the adaptive planning approach taken by the Strategy that the timing of the actions, and the actions themselves, can be changed in response to real world conditions. The medium-term steps outlined in Table 1 should be considered in this context.
63. With this flexibility (and inherent uncertainty) in mind, the consenting challenges that may be faced by the pathways have been considered under the Strategy's Regulatory Workstream through two reports prepared by consultants Mitchell Daysh.
64. The first report<sup>2</sup> provides a review of the policy and regulatory environment as it relates to the Strategy.
65. The second report<sup>3</sup> considers the resource consenting process and challenges for implementing the short-term actions proposed by the current recommended pathways.
66. Considering the regulatory and planning framework in Hawke's Bay, the report identified that the key potential consenting challenge was the original proposal for Pandora (stop banks to reduce coastal inundation risks). That proposal many constitute "impoundment" of the Ahuriri Estuary, a prohibited activity under the Regional Coastal Environment Plan. This prompted a re-think of the approach, and working with community members, the proposal for Pandora has been modified to consider a storm surge barrier at the harbour entrance as a medium-term action (refer Table 1).
67. The reports also highlight the New Zealand Coastal Policy Statement (NZCPS) as a key document. The following excerpts from Section 5.3 of the consentability report are pertinent.
- 67.1. *"The directive language used within Policies 11, 13 and 15 [of the NZCPS] effectively establishes 'bottom lines' as the policies all seek to avoid (i.e., not allow or prevent the occurrence of) certain effects in the interests of protecting indigenous biodiversity (Policy 11), preserving natural character (Policy 13) and the protection of natural features and landscapes (Policy 15). In places of outstanding or high natural character or landscape value, or where ecological values are significant, the 'avoid' language in Policies 11, 13 and 15 (and the policies in corresponding lower-order plans) can effectively act as a bar to consents being able to be obtained*

<sup>2</sup> Mitchell Daysh, 2020. Policy and Regulatory Review, Stage 4 Clifton to Tangoio Coastal Hazards Strategy. Available from <https://www.hbcoast.co.nz/resources/>

<sup>3</sup> Mitchell Daysh, 2020. Consentability of Short-term Adaption Responses, Stage 4 Clifton to Tangoio Coastal Hazards Strategy. Available from <https://www.hbcoast.co.nz/resources/>

- 67.2. *“...there is a clear preference for natural or “soft” defences (such as renourishment and planting) to be established over hard protection structures (such as sea walls and groynes). The weight afforded to these provisions could therefore be determinative for future applications at Clifton, Pandora, Haumoana and Te Awanga, particularly where resource consent is required for a non-complying activity. Recent consent applications for non-complying hard protection structures within the region (Clifton and Whakarire Avenue – refer to section 6 for case studies) have not found these provisions to present insurmountable consenting challenges.*
68. Further to the above comments, it is noted that a rock revetment at Cape View Corner has also recently gained resource consents, adding to the consents obtained for revetments at Clifton and Whakarire Avenue.
69. The NZCPS, while not preventing coastal hazards mitigation projects within the Strategy area to date, sets a high bar for future projects. There are examples (such as at Wainui Beach near Gisborne) where the NZCPS has prevented resource consents from being granted for such projects. While the nourishment programmes proposed are generally not at odds with the NZCPS, the groynes proposed at Te Awanga and Haumoana will need to be carefully considered against this policy.
70. A key element of work being developed under the Strategy is the Coastal Ecology Workstream. This will ultimately provide information on existing coastal values and attributes to assist with a full assessment of effects and more detailed analysis against the NZCPS for work proposed under the Strategy.
71. Preliminary work under the Coastal Ecology Workstream to date has identified the key ecological issues or risks that may arise from works proposed under the Strategy:
- 71.1. smothering by deposited or redistributed sand (subtidal and potentially intertidal) and gravel (intertidal)
  - 71.2. sediment suspension and redispersal
  - 71.3. burying benthic communities beneath control structures
  - 71.4. the hardening of the shoreline through the construction of artificial structures, with associated effects on the types and composition of shoreline communities and susceptibility to invasive marine pests
  - 71.5. sudden, localised changes in coastal processes caused by the construction of physical barriers and control structures that influence coastal erosion and sediment dispersal
  - 71.6. physical disturbance of the Coastal Marine Area (CMA) by machinery involved in the construction of structures, or beach renourishment
  - 71.7. changes in the presence of mobile species (particularly birds) that either favour or are inhibited by interventions
  - 71.8. dune planting.
72. The first phase of work in the Coastal Ecology Workstream is to identify gaps in our knowledge about existing coastal ecology values and attributes, and to design a monitoring and information gathering programme to address those gaps.
73. This information, coupled with more detailed design of the proposed coastal hazards mitigation projects, will allow an analysis of these potential effects as part of early phase work leading into resource consenting processes.

### **Alignment with Central Government**

74. The Climate Change Adaptation Act (“CCAA”) has been announced as part of a suite of new legalisation being developed to replace the Resource Management Act.
75. The CCAA is expected to address the shortcomings in existing legislation associated with managed retreat and funding and financing adaptation to climate change effects.



76. At this stage, no definitive advice is available on when the proposed CCAA may be available for public comment or when Government expects the new legalisation to come into effect, although it is understood to be targeted for implementation within the current parliamentary term (i.e. before the end of 2023).
77. To date the standing direction from the Partner Councils has been to proceed with developing a local solution to the funding and responsibility questions facing the Strategy. It was considered desirable for the Strategy to continue its development path and to contribute to and inform, rather than wait for, central government direction.
78. Opportunities for engagement in and contribution to the development of the CCAA are being actively pursued with the Ministry for the Environment.
79. The Memorandum of Transition (refer to 2.2 of the EICC resolution of 23 June) is proposed to include provisions for responding to the CCAA once enacted.

### Extending Strategy Area

80. The Strategy was initiated with the intention of establishing a template approach for responding to coastal hazards risks in the Hawke's Bay Region.
81. The Strategy area was defined to incorporate the most urgent areas of coastal hazards risks, while being manageable in scale. There are ongoing coastal hazards issues outside of the Strategy area that do require attention.
82. Notably, Raynor Asher makes the point in his review of funding arrangements that only HBRC is capable of extending a consistent, region-wide approach to coastal hazards management, and this was one of the reasons given for recommending that HBRC take a leadership role in Strategy implementation.
83. The project team has presented to regional forums on the work of the Strategy, and to date has had some interest expressed by Central Hawke's Bay District Council.
84. While the approach at this stage is to seek a successful outcome for the Strategy before commencing work in other parts of the region, it is expected that the Strategy will ultimately provide a model for rolling out to other parts of the Hastings District, and for the Wairoa and Central Hawke's Bay Districts. Under current legislative settings, similar discussions to those taking place now between Strategy Partner Councils, would need to take place between HBRC, Wairoa District Council, and Central Hawke's Bay District Council for this to occur.

### Decision-Making

85. The decision sought from all Partner Councils at this stage is an agreement in principle to the Joint Committee's recommendations. With this agreement, the Strategy team will proceed to developing the next level of detail, including the particulars of a draft Memorandum of Transition.
86. **Table 8** proposes a decision-making framework for the implementation of the Joint Committee's recommendations. It sets out the key decision-gateways from the agreement in principle sought by this paper (Gateway 1), through to the final adoption of a Long Term Plan amendment (Gateway 7).

**Table 8: Proposed decision-making framework**

Gateway	Action	Description
1	Agreement in Principle	Secure agreement in principle to the Joint Committee's recommendation that HBRC leads and funds the implementation of coastal hazard mitigation projects under the Strategy
2	Memorandum of Transition	Sets out particulars of arrangement between Councils for implementing coastal hazards mitigation projects under the Strategy, including roles and responsibilities, transfer of assets, ongoing management, how Councils will work together in future, etc.
3	Financial analysis	Develop and workshop with Council: <ul style="list-style-type: none"> <li>• Level of Service statements and measures</li> <li>• Funding model</li> <li>• Overall impact across all rates</li> <li>• Revenue and Financing Policy</li> <li>• Budget</li> </ul>
4	Pre-consultation feedback	Initiate pre-consultation with key parties to test ideas and concepts, present feedback to Council
5	Transition Plan	Develop detailed plan for orderly process of transitioning functions, assets and responsibilities from HDC and NCC to HBRC
6	Notify Long Term Plan amendment	Formal notification of proposed LTP amendment
7	Adoption of Long Term Plan Amendment	Review of submissions, hearings (if required) and adoption of final LTP amendment

### Timeframes

87. The Strategy Team have scoped out a draft timeframe, presented in Table 9, for advancing the Joint Committees recommendations through to a proposed Long Term Plan amendment.
88. The key date in this schedule is the notification of a proposed Long Term Plan amendment in March 2022. Subject to the outcome of consultation, this would allow for the introduction of a new rating regime to fund Strategy implementation from July 2022.

**Table 9: Indicative timeframe**

Task	Activity	Draft Timing
<b>Funding Review</b>	<i>Funding Review undertaken to provide recommendations on responsibility for Coastal Hazards</i>	<i>Complete</i>
	<i>Joint Committee resolution and recommendation on Funding Review</i>	<i>Complete</i>
	Partner Council in-principle decision on Funding Review	HDC, HBRC, NCC decision-making in progress
	Develop Memorandum of Transition between Partner Councils on Funding Review outcome	August – September 2021



Task	Activity	Draft Timing
<b>LTP Amendment</b>	Preparatory work: <ul style="list-style-type: none"> <li>• Level of service statement and measures</li> <li>• Funding model</li> <li>• Rates modelling</li> <li>• Budgeting</li> <li>• Revenue and Finance Policy</li> <li>• Auditing</li> </ul>	September – December 2021
	Pre-consultation	September – November 2021
	Consultation on Strategy as LTP amendment	March 2022
	Finalise LTP following consultation	June 2022

89. If the timeframes in Table 9 are not met, the next opportunity to introduce a new rate to fund Strategy implementation will be July 2023 (i.e. the start of the 2023-2024 financial year).

### Next Steps

90. If the recommendations of the EICC are confirmed and resolved, staff will initiate preparation of a draft Memorandum of Transition that sets out the detail of how the Councils will work together in practice under the new operational regime proposed by the Funding Review. This document will form the next key decision gateway for Councils.
91. It is noted that in response to feedback from Councillors, a small change has been made to the proposed resolution in this paper, from that considered and endorsed by the EICC. The change is made at 2.1.1.1 to clarify that HBRC cannot prevent coastal hazards from occurring; they are a natural and inevitable process. What is required is a strategy to adapt to these changing risks and impacts, and that is the role that HBRC are being asked to lead.

### Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the "*Coastal Hazards Strategy Implementation & Execution Funding Model*" staff report.
2. Agrees in principle to the outcome of the Funding Review and recommendations of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee; being:
  - 2.1. Endorses the findings of the review undertaken by Mr Raynor Asher QC titled "Review and Recommendations for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee", including the following key recommendations, for the purposes of commencing consultation under s.16 of the Local Government Act 2002:
    - 2.1.1. That the Hawke's Bay Regional Council takes charge of all aspects of adapting to and mitigating coastal hazards risks on the Clifton to Tangoio coast
    - 2.1.2. That the Napier City Council, Hastings District Council and Hawke's Bay Regional Council enter into a memorandum of understanding setting out agreed positions on this arrangement
    - 2.1.3. That an advisory committee is formed by elected representatives from Napier City Council, Maungaharuru-Tangitū Trust, Hastings District

Council, Mana Ahuriri, Hawke's Bay Regional Council and Heretaunga Tamatea Settlement Trust to support forward work

- 2.1.4. That a Transition Plan is prepared to set out the timing and orderly process of transitioning functions to the Hawke's Bay Regional Council in accordance with the terms set out in the memorandum of understanding.
3. Directs staff to prepare a draft Memorandum of Transition between the Hawke's Bay Regional Council, Napier City Council and Hastings District Council that details the proposed operational regime for implementing coastal hazards mitigation projects under the Clifton to Tangoio Coastal Hazards Strategy.

**Authored by:**

**Simon Bendall  
COASTAL HAZARDS STRATEGY  
PROJECT MANAGER**

**Approved by:**

**Chris Dolley  
GROUP MANAGER ASSET  
MANAGEMENT**

**Attachment/s**

- 1 [1](#) Raynor Asher QC report: Review and Recommendations for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee

## REVIEW AND RECOMMENDATIONS FOR THE CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

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**The Issue to be considered**

1. I have been engaged to review and deliver non-binding recommendations on the issue of which Hawke's Bay Local Authority should lead and fund the implementation of coastal hazard mitigation projects for the coast from Clifton to Tangoio. This extends to considering:
  - (a) Who should collect the rates that will fund the projects?
  - (b) Who should decide which rate payers should pay and in what amounts and proportions?
  - (c) Who should decide and control the projects to which the funds are applied?
  - (d) Who should be in charge of the implementation of the projects?

**Summary of my recommendations**

2. For the reasons I now set out below, I recommend 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 including deciding on preventative, mitigating or remedial works, making all decisions about rating for these works and collecting those rates, the implementation of all decisions including supervising works, and the control of all maintenance.
3. I recommend that there be an advisory committee including members of the Napier City Council, Hastings District Council and the Hawke's Bay Regional Council that has notice of, considers, and can comment on all significant proposals, but that it has no decision making powers, and no ability to delay the implementation of those proposals.
4. Therefore, the answer to each of the four questions listed above is that the Hawke's Bay Regional Council should carry out all the stated functions.
5. I now turn to my reasons for these recommendations.

### **The relevant local authorities**

6. There are three local authorities in the Hawke's Bay area which are directly concerned with this issue of coastal hazards mitigation on the Clifton to Tangoio Coast. The first is the Hawke's Bay Regional Council (HBRC). The second and third are territorial authorities (TAs), being the Hastings District Council (HDC) and the Napier City Council (NCC). The HBRC is the only authority with jurisdiction over the whole stretch of coast between Clifton and Tangoio. The HDC and the NCC have responsibility for their individual territories, but do not have jurisdiction over the territories of each other.
7. The Resource Management Act 1991 sets out the functions of regional councils and territorial authorities. Under s 30, regional councils must achieve integrated management of natural and physical resources of the region. This relates to the natural environment including air, land, freshwater and the coastal marine area. Through policy statements and plans, regional councils must set objectives, policies and methods for controlling the use of land to avoid or mitigate natural hazards. Under s 31, territorial authorities must achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. Through district plans, territorial authorities must control the effects of land use to avoid or mitigate natural hazards, as well as create rules for land use and subdivision.

### **The model choices**

8. There are two broad choices for the implementation of coastal hazard mitigation projects for the coast from Clifton to Tangoio. First, a hybrid model involving all the relevant local authorities, each having responsibility for some of the tasks or sharing the tasks between them. The alternative is a single agency model, involving a single authority which would have to be the HBRC.
9. These two broad models can be broken down into six possible sub-models:

#### **(a) MODEL ONE: The present TA and HBRC set up continues**

No change to the present

(b) **MODEL TWO: HBRC Only**

HBRC acts as sole agency and the TA's have no further role in prevention of coastal hazards

(c) **MODEL THREE: HBRC + Advisory Forum**

HBRC leads and controls all Strategy implementation functions, supported by an advisory forum involving the TAs

(d) **MODEL FOUR: Council Controlled Organisation (CCO)**

HBRC establishes a new CCO whose composition could match the existing Coastal Hazards Committee, tasked with implementing and monitoring Strategy

(e) **MODEL FIVE: HBRC + Decision-making Forum**

HBRC rates for Strategy implementation, and funding decisions are delegated to a decision-making forum involving TAs

(f) **MODEL SIX: HBRC + TA**

Hybrid model / shared responsibility, where HBRC rates for the public good component of works, and the TAs rate for private good component.

10. The last three models can be seen as variations of a hybrid approach, involving some re-organisation and a greater role for the HBRC, while maintaining significant TA control. Before analysing these choices and which is best, it is necessary to place those options in their historical context to understand the present situation and the need for a report such as this.

### **The development of Regional Councils and Territorial Authorities in New Zealand**

11. The history of the development of local government in New Zealand can offer some lessons which assist in determining the best way forward.

#### *Early days*

12. Māori, the indigenous people of New Zealand, did not have central or local governance in the European sense. Iwi and Hapū controlled their traditional lands, and the concept of absolute ownership was unknown.
13. Europeans brought with them a different concept of governance and land ownership, whereby the Crown held in fee simple all privately "owned" land following the Treaty



of Waitangi.<sup>1</sup> There were endeavours to apply the English local government structure consisting of provinces, towns/boroughs (municipal corporations), and counties (county councils).

14. In 1876 the central government created a new system of local government to be administered from the centre, due to the prevailing system that “hindered New Zealand’s social and economic development”.<sup>2</sup> Two new Acts were introduced, the Counties Act 1876 and the Municipal Corporations Act 1876, which provided the foundation for future local management.<sup>3</sup> These Acts outlined the functions of these local bodies; to set rates and establish and maintain basic services, including streets, water drainage, street lighting and transport.<sup>4</sup>

15. At the same time, special-purpose boards, or “*ad hoc* bodies”, were introduced to efficiently administer singular functions within a geographic region, such as the control of rabbits, rivers, harbours, fire, electric powers, hospitals and schools.<sup>5</sup>

16. Justification for the use of such *ad hoc* bodies at this time was that existing territorial authorities were often inappropriate, and “cooperative action could be politically difficult”.<sup>6</sup> In addition, the special expertise acquired by the special-purpose boards was considered “advantageous and efficient”.<sup>7</sup> The result was a “myriad of general-purpose and special-purpose local authorities”.<sup>8</sup>

17. By the 1890’s, a proliferation of local authorities was evident and there was need for reform. There was a worry that New Zealand was becoming “over-governed”, with

<sup>1</sup> Hinde, McMorland & Sim *Principles of Land Law in New Zealand* (3<sup>rd</sup> edition, LexisNexis, Wellington, 2020) at [3.007].

<sup>2</sup> *Te Ara – The Encyclopedia of New Zealand* “Local and Regional Government” (online ed) <<https://teara.govt.nz/>>.

<sup>3</sup> Jean Drage *A Balancing Act: Decision-Making and Representation in New Zealand’s Local Government* (Institute of Policy Studies Wellington, 2008) at 58; and Kenneth Palmer *Local Authorities Law* (Thomson Reuters, Wellington, 2012) at [23.1.1].

<sup>4</sup> Municipal Corporations Act 1876; Counties Act 1876.

<sup>5</sup> Drage, above n 3, at 59.

<sup>6</sup> Palmer, above n 3, at [23.1.1].

<sup>7</sup> *Ibid.*

<sup>8</sup> Drage, above n 3, at 59.

almost 2,135 territorial authorities in existence with a New Zealand population of only 630,000.<sup>9</sup>

#### *First attempts at Regional Bodies*

18. A Local Government Board was established by the early twentieth century to supervise a re-organisation of the system. The intention was to “reduce the number of local authorities and abolish *ad hoc* boards”,<sup>10</sup> which were considered to be a waste of ability and money.<sup>11</sup> A further attempt at restructuring the system occurred in 1946.

19. In 1960, the Labour government began a major parliamentary inquiry into the structure and fragmentation of local government, in order to “examine whether it was capable of meeting the increasing demands of a rapidly developing population and economy.”<sup>12</sup>

20. A principal finding of the inquiry was that the “basic structure of local government was sound, but the tendency towards forming *ad hoc* boards was undesirable.”<sup>13</sup> One solution to the failure of the current local authorities to coordinate management was to introduce a regional tier of local government, which would “assume strategic functions such as water services, sewage disposal and regional roading, and acquire other functions held by special purpose authorities”.<sup>14</sup>

#### *The first Regional Council*

21. In 1963, the concept of regionalism culminated in the formation of the Auckland Regional Authority. Its establishment came from the “inadequacy of the mess of territorial bodies to cope with rampant urbanisation.”<sup>15</sup> Services such as drainage and waste collection had become uncoordinated, and a need for better urban and regional

<sup>9</sup> At 59.

<sup>10</sup> At 61.

<sup>11</sup> At 61, referencing GW Russell, the Minister for Internal Affairs.

<sup>12</sup> Drage, above n 3, at 63.

<sup>13</sup> Graham Bush *Local Government and Politics in New Zealand* (Auckland University Press, Auckland, 1995) at 38.

<sup>14</sup> Palmer, above n 3, at [23.1.2].

<sup>15</sup> Bush, above n 13, at 39.



planning was required.<sup>16</sup> As such, regional boundaries were delineated, and Auckland *ad hoc* boards abolished.<sup>17</sup> This new regional body was given functions such as bulk water supply, sewerage, public transport, airport management, regional roads, civil defence and regional planning.<sup>18</sup> Territorial bodies in Auckland were slowly discontinued, as any new function was required to be administered by the new regional authority.<sup>19</sup>

*Local Government Act 1974 and the Local Government Amendment Act (No 2) 1989*

22. The *Local Government Act 1974* directed New Zealand to be divided into regions within 5 years, with each region having a directly elected regional council.<sup>20</sup> Under this Act, urban and rural territorial bodies were consolidated and many of the historic *ad hoc* functions of local government were taken over by these new regional bodies.<sup>21</sup>

23. The most extensive reform in local government occurred under the *Local Government Amendment Act (No 2) 1989*. It abolished all territorial authorities and many of the *ad hoc* boards (including catchment boards, harbour boards, electric power and health boards).<sup>22</sup> Approximately 850 bodies were consolidated into 86 multi-purpose local authorities, including regional councils with broad environmental responsibilities.<sup>23</sup>

24. Regional councils continued to have responsibility for the duties of many of the previous *ad hoc* boards as well as regional planning and environmental management. The new district and city councils were to carry out the functions of the previous general-purpose authorities.<sup>24</sup>

25. Under this Act, the purpose of local authorities was focused on the amalgamations of regions and districts, “to ensure recognition of different communities of interest, but

<sup>16</sup> *Te Ara*, above n 2.

<sup>17</sup> Bush, above n 13, at 40.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> Palmer, above n 3, at [23.1.3].

<sup>21</sup> Drage, above n 3, at 64.

<sup>22</sup> Drage, above n 3 at 64–65.

<sup>23</sup> *Te Ara*, above n 2.

<sup>24</sup> Drage, above n 3, at 65.

also to ensure the efficient and effective exercise of powers and functions”.<sup>25</sup> These purposes were appropriate in reducing the number of local authorities throughout the country to achieve efficiencies and to minimise duplication of resources and costs.

26. A review of the Local Government Act 1974 occurred in 2001. This led to the Local Government Act 2002, where broader purposes and powers were conferred equally on regional council and territorial authorities. This is the relevant Act today.

### **The Local Government Act 2002**

27. Local authorities as they exist today, being regional councils or territorial authorities,<sup>26</sup> are created by the Local Government Act 2002 (LGA). Councils can create council-controlled organisations (CCOs), which are companies controlled by a local authority or authorities.<sup>27</sup> The role of local authorities is to give effect to the purpose of local government as stated in s 10 of the LGA. The purpose is to enable democratic local decision making by and on behalf of local communities. The “core services” to be considered in performing the role, (therefore both territorial and regional), include “*the avoidance or mitigation of natural hazards*”.<sup>28</sup>

28. Section 14 of the LGA sets out principles relating to local authorities. A local authority should have regard to the views of all its communities,<sup>29</sup> and when making a decision should consider the interests of future as well as current communities.<sup>30</sup> In taking a sustainable development approach, a local authority should take into account the need to maintain and enhance the quality of the environment,<sup>31</sup> and the reasonably foreseeable needs of future generations.<sup>32</sup>

29. Importantly for the purposes of this report, a local authority should actively seek to *collaborate and co-operate* with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its priorities and outcomes.<sup>33</sup>

<sup>25</sup> Palmer, above n 3, at [23.2.4]; and Local Government Amendment Act (No 2) 1989, s 37K.

<sup>26</sup> As defined under s 5 of the LGA.

<sup>27</sup> As defined under s 6 of the LGA.

<sup>28</sup> LGA, s 11A(d).

<sup>29</sup> Section 14(1)(b).

<sup>30</sup> Section 14(1)(c)(ii).

<sup>31</sup> Section 14(1)(h)(ii).

<sup>32</sup> Section 14(1)(h)(iii).

<sup>33</sup> Section 14(1)(e).

30. Part 2, sub-part 3 of the LGA is headed “Co-ordination of responsibilities of local authorities”. This part does not seek to delineate the responsibilities of *regional* and *territorial authorities*. If a *regional council* wishes to undertake the same significant new activity and 1 or more territorial authorities in the region of the regional council have already undertaken a significant new activity or notified their intention to do so in their long-term plans or annual plans, the *regional council* must advise all the *territorial authorities* within its region and the Minister of the proposal and the reasons for it.<sup>34</sup> It must adopt the consultative procedure set out in s 93A, and if agreement is not reached with affected territorial authorities there must be a mediation process.<sup>35</sup> If the mediation is unsuccessful, the territorial authorities may ask the Minister to make a binding decision on the proposal, who will do so in consultation with the Local Government Commission.

### **The Resource Management Act 1991**

31. Like the LGA, the Resource Management Act 1991 (RMA) also makes no precise effort to delineate responsibilities between regional and territorial authorities. The RMA’s purpose is to promote the sustainable management of natural and physical resources, to manage the use and protection of natural and physical resources to sustain their potential to meet the reasonably foreseeable needs of future generations, and to safeguard and mitigate adverse effects on the environment.<sup>36</sup>

32. Section 30 of the RMA is titled, “Functions of regional councils under this Act”. Under this section, regional councils are given the function of integrated management of regional natural and physical resources,<sup>37</sup> for matters of regional significance, in particular for water and coastal resource management.<sup>38</sup> , and “the avoidance or mitigation of natural hazards”.<sup>39</sup> These functions are translated from a regional policy

<sup>34</sup> Section 16(2).

<sup>35</sup> Section 16(4).

<sup>36</sup> RMA, section 5.

<sup>37</sup> Section 30(a).

<sup>38</sup> Peter Salmon and David Grinlinton *Environmental Law in New Zealand* (2<sup>nd</sup> edition, Thomson Reuters, Wellington, 2018) at [9.6.2].

<sup>39</sup> Section 30(1)(c)(iv).

statement into regional plans.<sup>40</sup> Regional Councils also have the function, in conjunction with the Minister of Conservation, for the control of land and associated natural and physical resources,<sup>41</sup> the occupation of space in the coastal marine area and *the avoidance of natural hazards*.<sup>42</sup> The coastal marine area in s 3 is defined as including the foreshore, which is in turn defined as meaning land covered and uncovered by the flow and ebb of the tide at mean spring tides, (the mean high water mark).

33. Section 31 of the RMA is titled “Functions of territorial authorities under this Act”.

Territorial authorities have the function of establishing policies and plans concerning land use, storage of hazardous substances, control of subdivision of land, control of the emission of noise, and control of activities on the surface of water in rivers and lakes. These functions are the basis of the district plan and district rules.<sup>43</sup>

34. In contrast to regional council functions, territorial authorities have the function of controlling any *actual or potential effects on the use development or protection of land*, including for the purpose of the avoidance or mitigation of natural hazards.<sup>44</sup>

35. Under s 33 of the RMA, the planning function of local authorities may be transferred to another local authority on the grounds of community interest, efficiency, or technical or special capability. The intention of s 33 is to facilitate coordination of functions between regional councils and territorial authorities and to allow for combined plans and administrative arrangements.<sup>45</sup> This enables cooperation between councils as to which should exercise a common function.

36. Under s 34(1) of the RMA local authorities can delegate to any Committee established in accordance with the LGA. This is relevant to the later discussion of CCOs.

<sup>40</sup> Palmer, above n 3, at [17.4.3], and RMA s 30.

<sup>41</sup> Section 30(1)(d)(i).

<sup>42</sup> Sections 30(1)(d)(ii) and 30(1)(d)(v).

<sup>43</sup> RMA s 31, and Palmer, above n 3, at [17.4.4].

<sup>44</sup> Section 31(1)(b)(i).

<sup>45</sup> Palmer, above n 3, at [17.4.5].



### Overlap between the functions of regional councils and territorial authorities

37. The provisions of the RMA and the LGA mean that there are functional interactions between territorial and regional authorities. This has been described as “a paradigm of complementarity rather than hierarchy”.<sup>46</sup> The 11 regional councils have hallmarks of autonomy identical to territorial authorities (election, corporate status, powers to set rates etc.), but there is no statement of regional superiority. In sharing government locality, the two levels are said to be on equal footing.<sup>47</sup>

38. As such, there is considerable scope for overlap and conflict between the roles of regional councils and territorial authorities. This is confirmed in the recent *Report of the Resource Management Review Panel (RM Review Report)*,<sup>48</sup> where it was said that this lack of clarification of roles and responsibilities in the legislation can lead to “unhelpful overlap”,<sup>49</sup> resulting in tensions between local authorities in resolving issues and achieving outcomes (including conflicting regional and district policies).<sup>50</sup> Generally, the RMA places territorial authorities “in a subsidiary role” to regional councils, as district plans are required to implement the policies set out at the regional level.<sup>51</sup> The RM Review Report makes specific reference to the Clifton to Tangoio coastline as a case study,<sup>52</sup> but expressed no view on which Council or Councils should take responsibility and set and collect rates for hazard mitigation purposes.

39. On a natural reading of ss 30 and 31 of the RMA, a regional council’s role is to have charge of policies to avoid or mitigate natural hazards in a region. Territorial authorities with regional councils have the function of controlling the actual or potential effects of the use development and protection of the land. It is my reading of sections 30 and 31 that it is regional councils who should develop the policy to avoid or mitigate coastal hazards, with the territorial authorities having a role with the regional council in controlling what is done in those areas. However, the legislation provides no

<sup>46</sup> Bush, above n 13, at 117-118.

<sup>47</sup> Ibid.

<sup>48</sup> *Report of the Resource Management Review Panel, “New Directions for Resource Management in New Zealand”* (June 2020) [RMA Report].

<sup>49</sup> Chapter 8, “Policy Planning and Framework”, at [2].

<sup>50</sup> Ibid, at [47].

<sup>51</sup> RMA s 75(3)(c), and any district plan must not be inconsistent with any regional plan under s 75(4)(b); and Salmon, above n 38, at [9.6.2].

<sup>52</sup> RMA Report, above n 48, Chapter 6, at [43].

clarification on who should implement such policies, including the construction of new infrastructure to reduce hazard risks.

40. The obligations on local authorities are not just imposed directly by the RMA. Under the New Zealand Coastal Policy Statement 2010, local authorities must consider and plan for coastal hazards risks. Under Policy 24(1), local authorities are required to:

Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami) giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed.

#### **Summary of functions of local authorities**

41. In summary, the Local Government Act framework gives all three relevant authorities in Hawke's Bay a role in avoiding or mitigating natural hazards. There is nothing to indicate conclusively that one has primacy over the other, and they have a duty to collaborate and co-operate.
42. As was noted in the RM Review Report in relation to climate change adaption, there is a lack of clarity under the RMA in regard to the roles and responsibilities of local authorities, and confusion as to where primary responsibilities lie.<sup>53</sup> The RM Review Panel in its careful and lengthy report considered limiting the primary responsibility of natural hazards response to regional councils only, as matters of regional significance. However, it preferred an approach where responsibility for reducing the risks of natural hazards is assigned to both regional councils and territorial authorities, given the broad implications of the issues for both levels of local government.<sup>54</sup>
43. However, under the RMA some distinction can be seen in ss 30 and 31 between the power to be in charge of an integrated management of the natural and physical resources of a region, and the control of the use of land and avoidance of natural hazards. The former task is given to the regional councils, and the power to manage the effects of use and developments, which is given to the territorial councils.

<sup>53</sup> Above n 48, at Chapter 6, "Climate Change" at [32].

<sup>54</sup> Above n 48, at Chapter 8, "Policy and Planning Framework" at [45].

44. Legislation leaves it open to councils, both territorial and regional, to cooperate and allow one council to have the controlling role in an area of common jurisdiction.

**Case law on the relationship of regional councils and territorial authorities relevant to coastal hazards**

45. The element of hierarchy was noted by the Court of Appeal in *Canterbury Regional Council v Banks Peninsula District Council*.<sup>55</sup> It was observed that regional councils have the task of preparing policy as to any effects of the use of land which are of regional significance.<sup>56</sup> Territorial authorities have the function of establishing and implementing policies to achieve the integrated management of the effects of land and resources in their district and the control of the actual or potential effects of use including the avoidance or mitigation of adverse effects.<sup>57</sup>

46. The Court of Appeal held that the RMA provides a:

“...hierarchy of instruments to the extent that...district plans must not be inconsistent with...a regional policy statement or regional plan [s 75(2)]. It does not follow, however, that there can be no overlap between the functions of regional authorities and territorial authorities...to the extent that matters have been dealt with by an instrument of higher authority, the territorial authority’s plan must not be inconsistent with the instrument.”

47. It was also stated that:<sup>58</sup>

“A function of the regional council is to achieve integrated management of the resources of the region. It would be inconsistent with that function for...the decision as to the appropriate control to be carried out...on a regional basis, rather than by individual territorial authorities.”

48. The Court of Appeal concluded:

*“It follows that the control of the use of the land for the avoidance of mitigation of natural hazards is within the powers of both regional councils and territorial authorities. There will no doubt be occasions where such matters need to be*

<sup>55</sup> [1995] 3 NZLR 189 (CA).

<sup>56</sup> At 191.

<sup>57</sup> Ibid.

<sup>58</sup> At 196.

*dealt with on a regional basis, and occasions where this is not necessary, or where interim or additional steps need to be taken by the territorial authority. Any controls imposed can be tested by appeal to the Planning Tribunal, and inconsistencies are precluded by s 75(2)."*

[emphasis added]

49. It is stated in a leading text, *Brookers Resource Management*<sup>59</sup> that a territorial authority cannot control the use of land for purposes that are within the jurisdiction of the regional council. However, a territorial authority may exercise control for the purposes set out in s 31(1)(b), even if an incidental result falls within the function of the regional council.<sup>60</sup> That approach was applied to allow a city council to include controls on cell phone sites in its plan irrespective of whether the regional council had the power to control radio emissions, on the basis they were contaminants.<sup>61</sup>

50. There is one respect, however, in which the regional council has a power of importance in relation to coastal hazards that a district council does not have. It has the power to alter or terminate existing use rights in relation to land. This comment was made by the Chief Judge of the Environment Court in *Awatarariki Residents Incorporated v Bay of Plenty Regional Council*:<sup>62</sup>

*[10] The District Council requested this change to the Regional Plan because it does not have any power to alter existing use rights arising under s 10 of the RMA. The Regional Council, under s 30(1)(c)(iv) of the RMA, has the function of controlling the use of land for the purpose of avoiding or mitigating natural hazards. Under s 63(1) of the RMA, the purpose of a regional plan is to assist a regional council to carry out any of its functions in order to achieve the purpose of the RMA. A regional council may make rules under s 68(1) for carrying out its functions under s 30(1)(c). Under s 10(4) of the RMA, s 10 does not apply to any use of land that is controlled under s 30(1)(c). It is by that combination of functions and powers that the Regional Council may terminate existing use rights.*

[emphasis added]

51. This statement is relevant to the issue to be determined of who should have charge of the task of managing coastal hazards to the Clifton to Tangoio coast, and the rating for it. It is only the HBRC that has the power, through the removal of existing use rights,

<sup>59</sup> (online loose-leaf ed, Thomson Reuters).

<sup>60</sup> At [A30.05(2)].

<sup>61</sup> *Telecom NZ Ltd v Christchurch CC* EnvC C036/03.

<sup>62</sup> [2020] NZEnvC 215 at [10] and [11].



to direct property owners to engage in a managed retreat. This cannot be done by the territorial authorities. It is some indication from the legal framework that the general defence of the coast, which can presage a managed retreat response in the long term in some parts of Hawke's Bay, is more naturally the responsibility of the HBRC.

## Regional Plans

52. The Hawke's Bay Regional Resource Management Plan appears to recognise the primacy of the HBRC's role in RMA functions relevant to natural hazards. It records:

8.4.4.1 *Section 62 (1) (b) (h) of the RMA enables regional policy statements to set out the respective responsibilities of the regional council, and territorial authorities within the region concerned, for developing objectives, policies, and rules relating to the control of the use of land for:*

(a) *the avoidance or mitigation of natural hazards, and*

(b) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances.*

8.4.4.2 *If no responsibilities are identified in accordance with this provision of the Act, the regional council retains primary responsibility for natural hazards and hazardous substances.*

8.4.4.3 This section describes the respective functions of the HBRC, and of territorial authorities within Hawke's Bay, in relation to natural hazards and hazardous substances. This section is written in accordance with section 62 (1) (ha) of the RMA (and in keeping with the fact that this Regional Plan incorporates the role and provisions of a regional policy statement).

8.4.4.4 It is important that the HBRC and territorial authorities work together in the management of natural hazards and hazardous substances. To this end, the HBRC and territorial authorities have, through discussions and refinement of earlier arrangements set out in the former Hawke's Bay Regional Policy Statement (HBRC, 1995), reached the following agreements on their respective responsibilities.

## NATURAL HAZARDS

8.4.4.5.1 *Both the HBRC and the territorial authorities within the Hawke's Bay region will be responsible for developing objectives and policies for managing the use of land for the purpose of avoiding and mitigating natural hazards. Territorial authorities will be responsible for developing methods controlling the use of land for the purposes of avoiding or mitigating natural hazards, except in relation to coastal hazards. In relation to coastal hazards, both the HBRC and territorial authorities may be responsible for developing methods controlling the use of land for the purpose of the avoidance or mitigation of coastal hazards.*

8.4.4.5.2 To support the territorial authorities in developing and implementing their plan provisions in relation to natural hazards, *the HBRC will be the key information provider.* The HBRC will provide relevant, up to date and accurate data in an appropriate form for the territorial authorities to use. The HBRC will also use this information itself for natural hazard management and

planning purposes, and for Civil Defence management in accordance with the Civil Defence Act 1983.

[emphasis added]

53. The district councils or city councils so far have tended to be the proponents of physical coastal protection works and associated resource consent applications. That is because it is usually a residential settlement within their city or district which is threatened by the coastal hazard or some infrastructure (such as a road) for which that territorial authority has responsibility. There can be a need to get consents from both the territorial and the regional authorities when works situated in both jurisdictions are required.

54. The combined Regional Coastal Environment Plan (RCEP), created in the mid 2000's, was one of the first coastal plans in New Zealand to include regional rules controlling land use activities for the purposes of tackling coastal hazard risks. Previously, land use controls were only included in district plans. The HBRC had a leading role in identifying regionally significant coastal natural hazards, in particular in funding an extensive assessment of inundation and coastal erosion carried out by Tonkin & Taylor Ltd in 2004 which highlighted coastal hazard zones along the entire Hawke's Bay regional coastline.

55. However, support from territorial authorities is recognised in the RCEP. For example, a pragmatic approach was taken concerning the Westshore/Bayview coast in Napier. To avoid multiple coastal hazard zones and multiple rules, the RCEP omitted this hazard zone, and the Napier District Plan continued to govern hazard management in this area of the Napier coast. On the other hand, in reviewing its own district plan, the HDC made a policy decision to omit land use controls in relation to its own coastal hazard zones, save for subdivision, to avoid duplicity of rules. This was because the RCEP featured appropriate land use controls in relation to coastal hazard zones within the Hastings territory.

### Practicalities

56. Practical issues are discussed below under the following headings:

- (a) Public recognition of a need for urgent action on an integrated basis;

- (b) Protection can only work through an integrated approach to all of the Clifton to Tangoio coast;
- (c) The need for an integrated approach has been recognised already by the three local authorities;
- (d) Election by geographic area;
- (e) The HBRC has helpful experience in managing flood hazards in the Hawke's Bay;
- (f) Which authority has greater expert personnel?
- (g) Comparison to Civil Defence Management Groups;
- (h) Which body is best suited to work out fair rates and in particular targeted rates?;
- (i) Any indications as to the preference of ratepayers?;
- (j) The need for co-operation from the territorial councils; and
- (k) The future need for similar strategies for other parts of the coastline in the Hawke's Bay region.

*Public recognition of a need for urgent action on an integrated basis*

57. That there is a need for action held by the people of the Hawke's Bay is, to an extent, supported by the 'Climate Crisis Survey' which can be found on the Hawke's Bay Regional Council website. It noted:<sup>63</sup>

- **41% of people associated the Regional Council as the main organisation responsible for actions on climate change in Hawke's Bay**
- 25% of residents believe climate change is one of the challenges facing New Zealand
- Drinking water was of the highest concern, followed by economic struggles then climate change
- **90% of people believe that climate change is already occurring**
- **62% of people are concerned about the impact of climate change in Hawke's Bay**
- Drought is seen as the main negative outcome of climate change
- **55% of residents were prepared to pay more in rates to minimise the impact of climate change**
- The most supported initiative that people were prepared to pay for was a reduction of carbon and erosion through tree planting (69%)
- Concern for future generations was the main driving force for taking part in environmental actions
- **80% of people said they have been moderately or greatly involved in environmental activities**

<sup>63</sup> <https://www.hbrc.govt.nz/environment/climate-action/hb/climate-crisis-survey/>



- Lack of alternatives or resources and cost were the two main cited barriers to engaging in environment related activities
- The top four activities were recycling, reusable product purchases, energy saving household products, and composting
- Two-thirds of residents do not think the Council is doing enough to prevent and reduce the impact of climate change.

58. This is some indication that the people of Hawke's Bay are aware of, and concerned with, the impacts of climate change on the region. They are prepared to contribute more rates to prevent the adverse impacts of climate change. To some extent, it shows a public consensus on the need to prevent the impact of climate change on the region. If that is so, it follows that the body with jurisdiction over the whole coast is the logical leader. That body is the HBRC.

*Protection can only work on an integrated approach to all of the Clifton to Tangoio coast*

59. Until now, the steps taken by local authorities to protect the Clifton to Tangoio coast have been reactive responses of territorial authorities to specific damage arising from coastal hazards. Among the measures, there have been steps taken by the HDC to prevent coastal hazards at Waimarama Beach and Clifton through sea walls, and steps taken by the NCC to prevent coastal hazards at Westshore Beach (in conjunction with HBRC), and Whakarire Avenue. These have involved the territorial authority making applications for resource consents to the regional council for works on the coastal strip, and to themselves for land use or subdivision consent. This does not pose a conflict problem, as independent hearing commissioners may hear and determine the resource consent application.<sup>64</sup>

60. However, it is accepted by all three Councils that an integrated approach to the whole coastline is needed, rather than a piecemeal approach turning on territorial authority boundaries. What can be done in one part of the coast to prevent coastal hazards can affect, possibly adversely, another part of the coast.

<sup>64</sup> RMA, s 100A, whereby an applicant may request in writing that a local authority delegate its functions and powers, under s 34A(1), to an independent hearing commissioner to hear and decide their application.

61. This scientific reality was confirmed in the report of Emeritus Professor Paul D Komar and Professor Erica Harris.<sup>65</sup> They note that the Clifton to Tangoio coast contains two littoral cells, being stretches of beaches not separated by rocky shores and headlands.<sup>66</sup> These do not correspond to territorial council areas but are both within the HBRC area. In the coast North of the Napier Port up to Tangoio, gravel moves northwards.<sup>67</sup> Again, it can be noted that this movement crosses the territorial council border line.

62. The same is true South of the Port, where sediment has a predominant northward mitigation along the coast in response to the prevailing wave direction. Natural coastal processes have no relationship to territorial authority boundaries. However, the actions of authorities to respond to coastal hazards by intervening in coastal processes can have a direct consequence for a neighbouring jurisdiction. HBRC is the only authority with jurisdictional boundaries that can accommodate these entire littoral cells, including the coastal marine area.

63. When they commented on the effects of the 1931 earthquake in relation to the whole coast, the authors stated:<sup>68</sup>

“Prior to the uplift this coast in 1931, produced by the Hawke’s Bay earthquake, most of its beaches and backshore areas experienced chronic erosion and over wash flooding occurrences during storms, making it essentially impossible to develop. Even the downtown area of Napier was frequently inundated during the high water levels of storms. The character of this coast abruptly changed when the earthquake raised most of its shores by 1.5 to 2 metres, extending from Tangoio in the north to about the present-day communities of Awatoto and East Clive in the south. Elevated by that amount, those shores then exceeded the elevations of the tides plus the surge and wave runup of even major storms, their acquired stability permitting the development of homes and infrastructure found there today. Only the southernmost portion of this shore, extending along the present-day Haumoana, Te Awanga and Clifton, experienced subsided during the earthquake, increasing its hazards and in part accounting for its persistent problems with erosion and flooding. It is evident that any increase in the future levels of the sea and in the intensities storms, both being projected by climatologists to occur during the next 100 years, would result significantly enhanced threats to properties along the Hawke’s Bay coast.”

64. Earlier they had noted:<sup>69</sup>

<sup>65</sup> *Hawkes Bay, New Zealand: Global Climate Change and Barrier-Beach Responses* (March 2014).

<sup>66</sup> At [1.1].

<sup>67</sup> At [1.2].

<sup>68</sup> At [1.5].

<sup>69</sup> At [1.3].

This pattern of shoreline erosion in the south versus accretion to the north is produced by there being a net northward longshore transport of the beach sediments, caused by the dominant waves arriving from the southeast, the gravel and sand supplied by the Tukituki River and erosion of Cape Kidnappers being rapidly carried to the north within this littoral cell.

65. This physical reality requiring an integrated approach to the whole coastline is a reason for the local body that has jurisdiction over that coastline to be the body that takes responsibility for controlling and managing coastal hazards.

*The need for an integrated approach has been recognised already by the three local authorities*

66. None of the three local authorities have determined which authority or authorities should take charge of implementing works to reduce coastal hazards risks along the Clifton to Tangoio coast. However, the need for an integrated approach can be seen in the creation in 2014 of a Clifton to Tangoio Coastal Hazards Strategy Joint Committee (the Joint Committee). This is a true joint committee established under the Local Government Act consisting of members of the three local authorities and local Iwi. The Joint Committee identified the extent of coastal erosion and coastal inundation hazards across the whole of the Clifton to Tangoio coast, adopted a bespoke decision-making process, created two assessment panels, and are in the process of developing an implementation plan for responding to coastal hazards.<sup>70</sup> Strategy monitoring and reviews would be ongoing for at least the next 100 years.

67. This report of the Northern and Southern Cell Assessment Panels is impressive in that it makes detailed findings of the hazards on the coast and provides precise recommendations on pathways for protection. The area is divided into a northern and southern cell, and within the cells into coastal units. The units are based on "...a combination of ward boundaries, land area units and topography".<sup>71</sup> The coastal units are numerous and do not correspond to the territorial authority boundaries.

<sup>70</sup> Report of the Northern and Southern Cell Assessment Panels (14 February 2018) at [3.2].

<sup>71</sup> At [7].

68. The work of the Northern and Southern Cell Assessment Panels as recorded in that report, reflects the need for this integrated approach. Their final report of 14 February 2018 dealt with the Clifton to Tangoio coast as a whole, without territorial demarcation. The strategy covered the whole area and included the goal, “to take into account the impact of coastal hazards responses on natural coastal processes, and any resulting impacts on other parts of the coast”.<sup>72</sup>

69. This goal has been recognised by the Hawke’s Bay community and is a feature of the lead up to this report. The fact that the local authorities have themselves shown an admirable consensus through the use of a single body, the Joint Committee, to create an integrated response to coastal hazards, is itself a strong testimonial in favour of a single body being in charge of the actual rating and work.

*Election by geographic area*

70. It is significant that elected members of both territorial authorities and regional councils are elected by geographic districts with the authority area. Under the Local Electoral Act 2001 the members of territorial authorities are elected by ward,<sup>73</sup> and members of regional councils are elected by constituencies of the region.<sup>74</sup> This means that there is a specific member of each local authority with a particular interest in a particular part of the Clifton to Tangoio Coast.

71. This means that, while the NCC and the HDC will have particular geographic ties, so will the individual elected members of the HBRC. Within the HBRC, there is a member representing the northern part of the coast, a member representing the city of Napier, and a member representing the southern part of the coast. Therefore, the three relevant geographic areas in total encompass the relevant coastal area.

72. This means that, just as territorial councillors representing different wards will have a particular knowledge of and sensitivity of their particular ward area, so will the HBRC councillors to their particular constituencies.

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<sup>72</sup> At [3.1].

<sup>73</sup> Section 19C.

<sup>74</sup> Section 19E.



*The HBRC has helpful experience in managing flood hazards in the Hawke's Bay region*

73. It is useful to compare the management of flood hazards in the Hawke's Bay. The measures to prevent or control floods and provide protection in the Hawke's Bay are run by the HBRC. The HBRC decide what is necessary, rate for the cost, and manage the implementation of remedial measures. This has been the case as far as I can understand, since the creation of the HBRC. This is an indication that there has been a natural inclination to put the management of regional hazards in the hands of the HBRC.

74. What this means is that the HBRC has expertise in managing water encroachment. It has had to grapple with the need to calculate the movements and effects of water, the effects of extreme weather, the need to obtain permanent access to land to be used to prevent the damaging effects of water, and the creation and maintenance of structures on that land. It has had to deal with the issue that such expensive remedial measures will benefit some ratepayers far more than others, and on occasions to impose targeted rates that reflect this.

75. The territorial authorities have expertise in managing drainage and stormwater, but not in the creation of significant works to prevent water encroachment in specific vulnerable parts of their districts.

*Which local authority has greater expert personnel?*

76. Each territorial authority currently owns and maintains coastal structures. This means each territorial authority has a base level of capability. I understand that the NCC and the HDC have engineering and asset management teams dedicated to three waters (potable water supply, wastewater and urban stormwater), and many of these skills may be transferrable. They have large, dedicated project delivery teams to deliver a large and wide-ranging capital works programs. These capital works programs are in the \$50-\$100m per annum range, and include roads, bridges, Three Waters projects, and major buildings including museums, and those on reserves and parks.



77. HBRC has a smaller engineering and asset management team dedicated to flood control, drainage, and supporting coastal projects. HBRC employs a specialist dedicated to coastal modelling and analysis. HBRC currently actively monitors the extent of the coastline. HBRC holds expertise in modelling of drainage and rivers with two dedicated staff. They have additional flex and capability and frequently provide advice to the territorial authorities and Civil Defence.
78. HBRC has a small, dedicated project delivery team dedicated to delivering flood control and drainage projects, with a budget of around \$7m per annum.
79. I understand that the pending Three Waters reforms is likely to remove significant Three Waters engineering, asset management and project delivery resources from the territorial authorities, and amalgamate these into a single Three Waters entity, although no decisions have been made. This is a significant point as most of the transferable skills to coastal management will likely exit the territorial authorities over the next couple of years.
80. In considering the governance, rating, construction and maintenance of coastal strategy, the scale of the specialist resource required is a consideration. This is where there may well be a difficulty in putting control of the process in a Council Controlled Organisation (CCO). It would not have resources of its own and would have to use the resources of local authorities. It is difficult to see this as efficient, or economic. It would be difficult to develop a depth of expertise in managing coastal hazards over three local authorities, none of which controlled the works, the control being with a third body such as a CCO. It is difficult to see how such disparate expertise could be amalgamated into an efficient working unit. A model where all the expertise is in one organisation that collects the rates to pay for that expertise, and administers that expertise, seems preferable.
81. If there were one local authority in charge, then the right resources to deal with coastal hazards are likely to develop further, both as a group of staff members develops within the organisation, and through the use of independent consulting engineers and other expert professionals, who it would be expected would develop more expertise and a good working relationship with the local authority in charge. Members of that local

authority would develop knowledge of the best contractors and develop skills in dealing with them.

*Comparison to Civil Defence Emergency Management Groups*

82. During the course of my investigations, the analogy of the Hawke's Bay Civil Defence Emergency Management Group, which is a group created for the whole Hawke's Bay region, has been raised as an alternative to control by a single local authority or authorities. This group is created under the Civil Defence Emergency Management Act 2002 (CDEMA). Its members are the HBRC and all those territorial authorities that lie wholly within the boundaries of the Hawke's Bay region. There is a group controller and a group plan, under which effective civil defence management is carried out on a region-wide basis. Could a similar model be used for the creation of a CCO, which would take charge of managing coastal hazards?

83. Such civil defence groups *must* be created by local authorities under s 12 of the CDEMA. Such groups are designed to ensure civil defence co-ordination over a whole large area, and involve a number of concerned bodies and organisations in addition to local authorities, such as the Hawke's Bay District Commander of NZ Police, the Area Commander Hawke's Bay Fire and Emergency NZ, the Chief Executive Hawke's Bay District Health Board, the Hawke's Bay Medical Officer of Health the Group Welfare Manager the Group Recovery Manager, the Heretaunga Territory Manager, St John, the Chief Executive Officer of each Local Authority of the Group, the Chairperson of the Hawke's Bay Lifelines Group, and any other persons that may be co-opted by the Group.

84. Such groups are one-off, involving multiple administrative bodies in order to deal with the broad spectrum challenge of civil defence, and in particular emergency response. Inevitably, a group different from a local authority or authorities was required. The same statutory and practical imperatives do not arise with regard to coastal hazards which are typically slow moving and evolving over years and decades.

85. In summary, I do not think that the Hawke's Bay Civil Defence Emergency Management Group provides an appropriate template for a similar structure regarding

coastal hazard management. Therefore, I do not consider that the Civil Defence model should be applied to controlling coastal hazards.

*Which body is best suited to work out fair rates and in particular targeted rates?*

86. It is arguable that all people in the Hawke's Bay get some benefit from the protection of its coast, but it is also true that some will get far more benefit than others. The difficult question will arise of finding a fair way to rate for hazard protection measures that will greatly benefit those properties immediately on the threatened shore, with the benefits lessening the greater the distance of the rated property from that shore.

87. This was done in relation to the Waimarama revetment and to an extent with the Whakarire Avenue revetment. However, this was not done with the Clifton revetment, (which had no residences that were immediately affected). Different policies can be adopted therefore, from significant targeting of rates to none at all.

88. Who is best to decide? A territorial authority may well have the better knowledge of its local people, and the history and their concerns about a local hazard. On the other hand, they may not have the same understanding of how the coast benefits the Hawke's Bay as a whole, in terms of being an amenity for recreation, attracting tourists, and as a barrier to protect infrastructure such as roads cables and pipes. There may also be complexities where some benefits of a particular work (or adverse impacts) accrue outside of the rating jurisdiction of a given territorial authority from resulting 'downstream' coastal change. This could occur from, for example, a major beach nourishment programme in Westshore and Bay View (within the jurisdiction of NCC) potentially benefiting residents in Whirinaki (within the jurisdiction of HDC) as the nourishment material naturally migrates northwards.

89. It is also the case that the territorial authorities face the reality that infrastructure owned by them is threatened by coastal erosion, in particular coastal roads, cables and pipes under their control. Accepting that the territorial authorities could not be rated for any works, there is an advantage in having a body independent of the owners of that infrastructure, deciding on what should be done to protect it. If, say, a managed retreat and the destruction of a piece of territorial authority infrastructure was an option, the

HBRC as an independent organisation with no financial interest could be better suited to the tasks of decision-making, rating, implementation and maintenance, than the territorial authority itself.

90. For these reasons, I suggest that a regional council, the HBRC, is best suited for the task of responding to coastal hazards and setting rates. The task is best undertaken by an authority with pan-jurisdictional reach and a regional (rather than specific local) frame of reference.

*Any indications as to the preference of ratepayers?*

91. The ratepayers of Hawke's Bay voted against the creation of a single new body for all of Hawke's Bay, with local boards, in a poll conducted in 2015. In that poll, 34% of ratepayers were in support of such a body, and 66% against it. I see this as a poll requiring a multiplicity of considerations, and not an indication of any preference from the local population as to how to deal with the coastal hazards problem. I am not aware of any indications from ratepayers as to which Council they might wish to take charge of responding to coastal hazards to the Clifton to Tangoio coastline.

92. Thus, when this result is seen in conjunction with the results from the Climate Crisis Survey referred to earlier, the ratepayers can be seen as generally agnostic as to who does the work, but it is clear that they want it done and they want it done efficiently and effectively.

*The need for co-operation from the territorial councils*

93. Some of the work that will have to be done will fall within the coastal marine area which is the HBRC's bailiwick. Other works, on the landward side of the mean high water mark, fall within the territorial authority jurisdiction. The fact that regional councils have to deal with land which falls within their own jurisdiction but also within the jurisdiction of a territorial council is common, if not unusual. Regional councils have experience in designations, and in acquiring land under the Public Works Act 1981. For instance, some of the flood prevention works that have been carried out by



the HBRC have been on land which is not under HBRC control, and included private land and land owned by territorial authorities.

*The future need for similar strategies for other parts of the coastline in the Hawke's Bay region.*

94. Coastal hazards issues are of course not unique to the coastline between Clifton and Tangoio. Indeed, I understand that one of the objectives of the Clifton to Tangoio Coastal Strategy is to develop an approach and model to apply in future to other parts of the Hawke's Bay coastline. This introduces the prospect of involving additional territorial authorities in this work, namely the Wairoa District Council and Central Hawke's Bay District Council.

95. The Wairoa District Council and Central Hawke's Bay District Council have not been approached for comment, and it is not part of my specific brief to consider their position. However I comment that consistent with my analysis above, additional agencies can add complexity and inefficiency for little practical benefit. A single agency-model enables a regional roll out of strategic planning in ways that a multi-agency model cannot. This is a strong argument in favour of a single agency model for all of Hawkes Bay. However, I make this observation with diffidence, as I have no knowledge of the history and coastal erosion issues in those Council areas.

**Summary of factors in favour of continuing the status quo, with each council dealing with coastal hazards (Model One)**

96. The creation of the Joint Committee appears to me to constitute a recognition by all the local authorities that an integrated approach is required through all the local authorities working together.

97. Through discussions held as part of developing this review, some support was expressed for retaining the existing status quo (Model One) based on the concept that there should be a direct connection between the money being taken from ratepayers and those who could be held to account. The works and the ratepayers should be as closely joined as possible. It was suggested that the HBRC has no role to play in relation to

coastal hazards that are essentially community issues, and the HBRC's involvement should be limited to providing only an environmental point of view. It was observed that territorial authorities have the responsibility for the built environment. It was said that given the concern that a regional council should have for the environment, it was thought that a regional council was more suited to managing retreat, rather than hard engineering on the coast.

98. While these arguments have merit, they are not persuasive of a piecemeal approach corresponding to territorial boundaries, with the HBRC having a limited role. As I have set out, the problem of coastal hazards along the Clifton to Tangoio coast is physically problem of the whole coast, in particular the southern and northern sections, and does not correspond physically to the territorial authority boundaries. If responses are carried out from the point of view of just parts of that coast, the response may have adverse effects on other parts of that coast. In my assessment, coastal hazards are to be approached as a whole of coast issue, requiring a whole of coast response.

99. The various legislation and regional plans mentioned above give the regional and territorial authorities overlapping responsibility and powers in dealing with coastal hazards. However, it is clear from the interpretation of those instruments that a regional body, the HBRC, is higher in the hierarchy and therefore can be seen to have primacy.

100. As I have set out, the HBRC is better able to assess rates with a whole of region approach. The HBRC already has some of the skills and knowledge in dealing with the prevention of coastal hazards, having been in charge of managing and rating for flood prevention across the Hawke's Bay for many decades. This is not going to change, and the skill sets involved for both areas of flood prevention and coastal management overlap.

101. These issues were already in part at least recognised by the formation of the Joint Committee, which was set up by all the local authorities to proceed on a region-wide basis. This move to a whole of region approach can be said to have arisen in part as an organic response to the issues.

### **Summary of factors in favour of a single agency model (Model Two)**

102. It should first be observed that the analysis earlier of the LGA and RMA, the relevant authorities interpreting those Acts, and the relevant plans, indicates primacy of the Regional Council in relation to policy on coastal hazards, and equality in relation to implementation. Only the Regional Council can in relation to coastal hazards direct managed retreat.
103. The Clifton to Tangoio Coast is not congruent with the boundaries of the territorial authorities. Neither the NCC nor the HDC has jurisdiction over the coast of the other. In contrast, the coast all falls within the boundaries of the HBRC. This is the most powerful reason for the HBRC to rate and manage coastal hazards. As mentioned, what happens on one part of the Clifton to Tangoio coast may adversely affect other parts. There is no other existing single suitable body with the power to plan for, rate for manage and implement measures to control coastal hazards other than the HBRC, (other than through the creation of CCO, which is discussed below). Thus, geographic logic supports a single agency implementing measures to respond to coastal hazards along this coast, and the reality of the boundaries of the territories of the councils supports that council being the HBRC.
104. This geographic logic, at least as a matter of fact if not law, is increasingly recognised by local body politicians and employees in all three local authorities. It is reflected in the work of the Joint Committee. In my discussions with the councillors of all three local authorities, there appeared to be a recognition by most that a single agency was the most practical option in terms of efficiency and cost.
105. Even with a single agency approach, local interests can be recognised and promoted by members of the HBRC, given that they are elected on a constituency basis.
106. There is a considerable body of experience in the area of coastal hazards in the HBRC, and the work has a connection with flood control. The HBRC has successfully carried out flood control throughout the region in recent years.
107. Further, the HBRC is well able to carry out the task of considering whether there should be targeted rating, and if so in what proportions, and the collection of those

rates. It already administers targeted rating in the area of flood control. The HBRC is experienced in identifying water hazards, coming up with a remedial concept, working out how to acquire or control required properties and implementing the acquisition of necessary land, and doing the construction.

108. It is true that if the HBRC carries out the rate collection exercise, this will result in a greater percentage increase in the HBRC rates than would be the case if the NCC and HDC did the rating, as the overall rates on household of the territorial authorities are much higher. An extra rate to pay for protection from coastal hazards may be less noticed by rate payers if it is made by the territorial authorities. However, this is not a valid reason for the task of collection of such rates to be left to the NCC and HDC. The same ratepayers more or less will end up paying for the cost of the works, they will simply be paying directly to the HBRC rather than to the NCC or HDC. Any cosmetic reason should be treated as irrelevant.

109. The only reasons why the single collection model may not be the best are that:

- (a) The territorial authorities know their ratepayers, and the history of their district and perhaps have a closer connection to their ratepayers than the HBRC. The HBRC covers a much wider area, and must take into account the interests of many more groupings of ratepayers;
- (b) The territorial authorities have the power to do these works under the LGA and the RMA (although, so does the HBRC);
- (c) The NCC and HDC will have a good institutional knowledge of the coastal hazards in their territories; and
- (d) In particular, both the NCC and HDC have had hands-on experience in taking successful measures to prevent coastal hazards, in particular at Waimarama, Clifton and Westshore and have skills in that area in their existing staff.

110. However, these are not persuasive in comparison to the reasons favouring a single agency model. Indeed, a single agency model can be constructed to still benefit from



the knowledge, experience and capability of territorial authorities through the formation of an advisory forum, which I discuss below. There are therefore powerful reasons why the single model approach should be adopted. I will traverse some other considerations to the contrary below.

**Summary of factors in favour of HBRC and an advisory committee (Model Three).**

111. This model involves the HBRC being the decision-maker and implementer of all functions including rating (model 2) but supported by an advisory committee, (it could be called a forum or group), involving the territorial authorities. This approach was favoured by a number of politicians in two of the Councils.
112. For the reasons I have set out, I recommend that the HBRC takes charge of all aspects of the prevention and mitigation of coastal hazards on the Clifton to Tangoio coast. I believe that the HBRC's ability to carry out this role would be strengthened by an advisory panel or committee. While, for reasons that I will set out, I do not favour a CCO or any option that compromises the HBRC as the decision-maker and rating body in relation to all aspects of the prevention and mitigation of coastal hazards on the Clifton to Tangoio coast, a committee that had only an advisory role could be a real benefit.
113. As I have set out, the territorial authorities have a close connection with the ratepayers on their coastlines. They will know the socio-economic circumstances of the ratepayers of particular areas. They have a history of dealing with their own coastal areas that the HBRC has not had. They will know their infrastructure, and how it may be affected by a coastal hazard. They will be aware of the cost and implications of not stopping damage to that infrastructure.
114. The territorial authorities have had to manage coast related issues for many years. Obvious examples are the works at Westshore and Whakarire Avenue. The NCC has a good knowledge of what has been done, and what its ratepayers think about it. The HDC has had the experience of Clifton, and the long running issues at Haumoana.

115. In relation to specific proposals and issues relating to their coasts, the territorial authorities through an advisory body can let the HBRC know of the wishes of ratepayers and the history of parts of the coast. The individual territorial authorities through an advisory body can have an exact knowledge of what is happening in relation to coastal hazards in their area and how they are being dealt with, so that not only can they comment, but they can report back and have a sense of participation. The territorial authorities will be in a position to provide advice or assistance to the HBRC on proposals for works and strategies. They will also be able to come up with their own suggestions as to what could be done.

116. I would recommend that this advisory committee be modelled in composition at least in part on the existing Joint Committee, so that there would be an equal number, (perhaps two), of representatives from each of the three local authorities, plus continued Iwi representation. The local authority representatives should be elected politicians, who can be seen as responsible to, and representative of, their district's ratepayers. It will also be important to have inputs from key personnel in the three councils, in the same way as the existing Joint Committee has had the benefit of the TAG Group. I recommend that the advisory committee have an associated group of experts who work with them, like the TAG group.

117. I think it important that the HBRC has its own elected members on this advisory committee, and that they have a role in the HBRC in the area of coastal hazards. This will allow them to inform the other members of the advisory committee of what is intended and what is happening, and debate and learn. The HBRC members and Iwi representatives can also be a counter-balance against any particular sectional pressures and conflicts that might arise between the NCC and HDC.

118. I would envisage that the advisory forum or committee is given advance notice by HBRC of significant new works or maintenance works, and of rating proposals, so that they could be debated and commented on by the advisory committee. The finalisation of such proposals should allow the advisory committee reasonable time to understand, debate and comment. However, the time frame for such debate and comment would have to be such that there was no significant delay. Moreover, the view

of the advisory forum or committee, even if opposed to a proposed measure, could not delay the implementation of that measure by the HBRC.

119. The effect would be, then, that the advisory committee could come up with its own proposals or respond to those of HBRC. It would have to be given prompt advice of HBRC proposals, and then meet on relatively short notice to discuss and give such advice if considered appropriate. There would need to be a time frame for this, and it would need to be measure in weeks more than months. Significant delay would defeat one of the key benefits of having a single deciding body.

#### **Summary of factors in favour of a Council Controlled Organisation (CCO) (Model Four)**

120. The fourth proposed model is that HBRC establishes new council-controlled organisation (CCO) whose composition could match the existing Joint Committee, tasked with implementing and monitoring strategy. The HBRC would collect the relevant coastal hazard rates, but the CCO would decide on allocation of rate contributions, targeting, the projects to be undertaken, how those projects are to be carried out, and who should carry out those projects.
121. This model is supported by a number of councillors in one of the local authorities. I understand that it was envisaged that there would be an equal number of representatives from each local authority in this CCO.
122. This model is effectively a single entity in charge, not the HBRC, but rather a hybrid body of the local authorities. This would have some of the advantages of Model 2, with a single body making all the decisions, and which would develop skills and expertise in managing coastal hazards.
123. The power to delegate to CCOs is set out at part 5 of the LGA, and the power is wide. I will assume that it includes the power to decide on works and who will own them to prevent or mitigate coastal hazards, and to rate or get the regional council to rate for them, and to have staff and carry out those works.

124. The key disadvantage of such a model is that there would be the opportunity for conflict and stalemate, as councillors from particular authorities sought to maximise the position of the ratepayers that they represent, rather than the good of the Clifton to Tangoio coast as a whole. The great advantage of the HBRC being in charge, is that its councillors from all constituencies have a duty to advance the interests of the whole region, rather than one part of it. They are better able to manage a coast which demands a whole of coast approach, rather than one dictated by the boundaries of territorial authorities.

125. Also, there would be overlap in the CCO's functions particular in the area of flood control, with the HBRC. Such a move would be against the overall trend in local government, which is to try to check proliferation of authorities, and thus duplication of costs and a more piecemeal approach. The general move in local government is to conflate rather than expand the multiplicity of local government organisations. This would be a step in the opposite direction. A CCO would mean the creation of another *ad hoc* local body, a coastal hazards board, a move similar to the move to multiple boards in the late nineteenth century, where there were boards for rabbits, rivers and harbours.<sup>75</sup> Such a proliferation proved costly and inefficient and was firmly reversed in the next century.

126. The HBRC has representatives of all the ratepayers that are represented by the territorial authorities. The HBRC has representatives for the ratepayers in the constituencies that are on the Clifton to Tangoio coast. Those ratepayers do not therefore need a say in decision making through a CCO, as they already have a say through their votes for HBRC members. The territorial authorities, therefore, do not have to have a direct say in what happens through a CCO, because the ratepayers that they represent are already represented on the HBRC.

127. Further, if a CCO was to take charge, it would not have any staff. It would have to use NCC, HDC or HBRC staff. As a result, there would be more of a possibility of conflict and duplication.

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<sup>75</sup> Drage, above n 3, at 59.



128. The particular contributions that the NCC and HDC can make can be accommodated in an advisory committee as discussed in the preceding section. There is no need for the creation of a CCO, as the ratepayers affected by any coastal hazard works can have their democratic right to a say met through their votes for HBRC members. There is a significant downside in delegating all the coastal hazard functions to a CCO, in cost and delay and an unhealthy proliferation of the local government function. I do not recommend this model.

#### **HBRC + Decision-making forum (Model Five)**

129. Under this model, the HBRC would rate for strategy implementation, and funding decisions would be delegated to a decision-making forum involving the territorial authorities.
130. I do not support this concept for the reasons I have already set out. I favour the HBRC having all the decision making and rating functions, assisted by an advisory board which includes representatives of the NCC and HDC. If the HBRC's role was limited to rating and possibly implementation as well, this would involve its powers and functions being divided, which is undesirable for the reasons I have already set out. A decision making forum involving the NCC and HDC would be much like the CCO option, and could lead to division and stalemate, and the attendant delays and costs.

#### **HBRC + TA (Model Six)**

131. This proposal is for a hybrid model with shared responsibility between the HBRC, NCC and HDC. Under this model, the HBRC would rate for the public good component of works, and the NCC and HDC would rate for private good component.
132. Again, I do not support this for the reasons I have set out, where I favour the HBRC having all the decision making and rating functions, assisted by an advisory forum or committee which includes representatives of both territorial authorities. To split the rate collection function in relation to coastal hazards would lead to wrangles as to how the division should be made, and confusion among voters about to whom they are paying and for what. The advantages derived from the single authority option, which I have already set out, would be lost.

133. I have not sensed any particular enthusiasm for this option from any person or group.

#### **Transition**

134. The recommended single agency model represents a change to the status quo. This necessitates a comment on the successful transition to a new operational model.

135. If the Councils do accept my recommendation, they should record this in a joint memorandum or similar document as a first step. This would ensure that all parties are clear and agreed on the changes and their respective roles moving forward. I envision that this memorandum would include agreed positions on key matters, such as the ongoing role of the advisory committee and its membership, any financial contributions to operational costs from advisory committee members, and the future ownership and maintenance of existing coastal hazard assets.

136. On the issue of existing assets, I would envisage that all existing coastal hazard assets owned by the two territorial authorities (the NCC and the HDC), such as revetments (and including the resource consents held for structures that have not yet been built), be transferred to the HBRC. They are unlikely to have any open market value. This will allow for a fully integrated approach to managing coastal hazards risks at present and into the future; to do otherwise risks perpetuating the issues I have identified with the multi-authority options discussed above.

137. The next step will be for the HBRC, I suggest in conjunction with the Joint Committee, to prepare a Transition Plan to set out the timing and orderly process of transitioning to a single agency model in accordance with the terms set out in the agreement.

138. The Transition Plan should be prepared in consultation with the territorial authorities and set out procedures for the transfer of assets. A full transition plan would then be finalised and implemented.

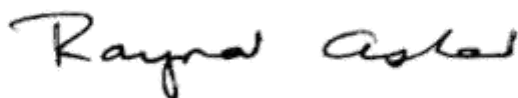
### Recommendation

139. For the reasons I have set out, I recommend that the HBRC takes charge of all aspects of the prevention and mitigation of coastal hazards on the Clifton to Tangoio coast including deciding on preventative, mitigating or remedial works, making all decisions about rating for these works and collecting those rates, the implementation of all decisions including supervising works, and the control of all maintenance. I recommend that there be an advisory committee which includes members of both the NCC and HDC, but that this advisory committee has no decision-making powers, and no ability to delay the implementation of proposals.

140. My recommendation is that the HBRC should take charge of:

- (a) The collection of the rates that will fund the projects;
- (b) Deciding which rate payers should pay and in what amounts and proportions;
- (c) Deciding and controlling the projects to which the funds are applied; and
- (d) Implementation of the projects.

Dated this 23<sup>rd</sup> day of April 2021







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

**Reason for Report**

1. This item provides an overview of the matters discussed at the Hawke's Bay Drinking Water Governance Joint Committee meeting on 2 July 2021 for Council's consideration alongside any additional commentary the HBRC representatives who attended the meeting may wish to add.

**Agenda Items**

2. The **Taumata Arowai Presentation** from Bill Bayfield and Ray McMillan covered:
  - 2.1. The history of Taumata Arowai (TA), an Independent Crown Entity that will be empowered upon enactment of the Water Services Bill
  - 2.2. TA is currently establishing offices and relationship building with stakeholders and the community, targeting 'go live' on 1 November 2021, and during this establishment phase the Ministry of Health will remain the regulatory authority for Drinking Water
  - 2.3. Water Services Bill, developed pre Covid-19 with a focus on drinking water, received more than 1000 submissions, therefore the reporting deadline for the Health Select Committee considering the Bill has been extended to 11 August 2021
  - 2.4. It is likely changes to the Bill from the Select Committee process will address wastewater and stormwater issues in addition to drinking water
  - 2.5. Responsibility for freshwater matters will remain with regional councils
  - 2.6. TA is working with private training providers to find solutions to issues around a national shortage of technical water staff.
3. The **Review of Terms of Reference for the Hawke's Bay Drinking Water Governance Joint Committee** (the Committee) item provided the Committee with a proposal, developed by a sub-committee tasked with revisiting the Committee's Terms of Reference, for the disestablishment of the Committee.
4. The *Terms of Reference Review Sub-committee*, comprising Councillors Hinewai Ormsby (HBRC) and Nigel Simpson (NCC) and Garth Cowie (Independent Chair of both the Committee and JWG), was established by the 29 March 2021 Joint Committee meeting to consider, whether to amend the terms of reference and expand the scope of the Committee to include Three Waters responsibilities.
5. Following the March 2021 Joint Committee meeting, the sub-committee met to discuss the way forward for the Joint Committee and to make appropriate amendments to the Terms of Reference if required. Members of the JWG held a separate workshop on this topic.
  - 5.1. The sub-committee considered the potential for the Committee to provide a feedback mechanism to the new Three Waters Entity and to provide closer oversight of the service delivery aspects of three waters infrastructure for Hawke's Bay. They also saw the opportunity for the Committee to become a key advisory or advocacy group. As well, the sub-committee considered that the Committee potentially had a more aspirational role to play in governance in this area. However, in the absence of any clear decisions about the construct of the new entities this was not able to be pursued in any detail.
  - 5.2. The JWG workshop traversed the future role of the Joint Drinking Water Working Group. The consensus is that there is value in retaining the JWG for several reasons,

including that the established collaborative cross-agency group ensures improved communications and understanding between the member agencies on drinking water matters. The JWG has strong input from a public health perspective, which does not appear to be prevalent in the development of the new infrastructure entities, which will provide additional support in this important area, and given the level of reform there will be the need to develop new policies, by-laws and potentially codes of practice. The JWG would be a suitable vehicle for working through these collaboratively.

- 5.3. The Joint Committee was established following the Havelock North drinking water contamination event, with its purpose being to provide governance oversight to the JWG to implement the recommendations from the Board of Inquiry, and the evolution of the JWG to a more permanent officials working group – which has been accomplished.
  - 5.3.1. The 17 recommendations from the first stage of the Board of Inquiry hearings were centred around the safety and integrity of the Brookfield Road bores and the wider Hastings District Council water supply and are either part of ongoing maintenance and monitoring work or were completed within twelve months of being issued.
  - 5.3.2. Part 2 of the Board of Inquiry report looked at the wider management of drinking water and the 40 recommendations from Part 2 focussed on legislative reform (including to the RMA for source protection), the establishment of a national drinking water regulator, and a range of recommendations to and for the Ministry of Health. Both the Joint Committee and JWG have contributed to the development of these changes when given the opportunity to do so.
  - 5.3.3. A White Paper prepared by the JWG at its inception also included a range of actions to be undertaken by the Group to enhance its operations and effectiveness. These included agreement on a communications protocol to be used in the event of a drinking water contamination event (or potential event) and a project to look at digital data sharing. The communications protocol is in place and being used. The data sharing project is not yet completed, due in part to the precedence given to developing the TANK source protection plan provisions and in part to the establishment of Taumata Arowai as the national drinking water regulator and its role in data collection and distribution not yet clarified.
- 5.4. Submissions to the TANK Plan Change in relation to drinking water provisions that were developed and written by the JWG were reviewed by the Committee and then approved for lodging
- 5.5. Challenges and major changes ahead in the water control sector may be more efficiently addressed if the JWG has simplified reporting lines
- 5.6. The future of the Joint Committee was also raised with the region's CEs. They reflected back the views of the HB Leaders Forum that the oversight of the broader Three Waters Reform should continue to occur at the leaders' (Mayors and HBRC Chair) level, and that the Committee has achieved what it was established to do and should be wound up.
  - 5.6.1. The ongoing oversight of the Working Group's work programme can be undertaken directly by the Hawke's Bay Leaders' Forum, in conjunction with the work being undertaken in the Three Waters space. The kaupapa of the regional leaders around infrastructure planning and operational delivery will require the Working Group to continue to ensure that public health issues are also considered within the wider work programme. This will also allow for the Working Group to be realigned to ensure that all three waters activities, and all relevant parties, are represented on the Working Group.
6. Following consideration of related issues and discussions with members of the JWG, HB Leaders Forum and CEs, the recommendation from the Sub-committee to the Joint Committee was that the Joint Committee be disestablished, and that governance oversight

of the JWG be transferred to the HB Leaders Forum. This will enable not only the financial aspects of Three Waters Reform to be overseen by the Regional Leaders, but also the advocacy and communications aspects of the transition.

7. The **Report on the Joint Committee's verbal submission to the TANK Hearing Panel** item provided a report-back to the Joint Committee on the verbal submission made to the TANK (Plan Change 9) Hearing Panel on behalf of the Committee, covering:
  - 7.1. two specific matters spoken to at the Hearing were the impact on the proposed provisions of changes to legislation and regulation at a national level, and the development of, and potential changes to, the Source Protection Zone (SPZ) maps.
    - 7.1.1. The reform of drinking water safety and wider three waters reform is happening at a national level across a range of government work programmes. The original submission to TANK was premised in part on the ability for the Hearing Panel to respond to national direction as part of its decision making and the verbal submission requested that the Hearing Panel takes into account the latest information available to it from the Water Services Bill and possibly the review of the NES for Drinking Water at the time of making their decisions.
    - 7.1.2. With respect to the Source Protection Zones the submission supported the HDC submission to include both the analytical and numerical models for their water supplies as providing extended protection and noted that the s.42A Officer's report recommended that all source protection zones be included in the Planning maps, rather than as a GIS layer outside the formal plan. The principal drinking water supplies for the TANK area – the Napier and Hastings urban supplies – are included in Plan Change 9, as the investigations have already occurred on these.
  - 7.2. Questions the Hearing Panel asked following the verbal presentation related to the definition of registered drinking water supplies and appropriate community size for source protection zones, and to the status of the maps.

### Decision Making Process

8. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that these items were specifically considered by the HB Drinking Water Governance Joint Committee and are now the subject of the following recommendations to Council.

### Recommendations

The Hawke's Bay Drinking Water Governance Joint Committee recommends that the Hawke's Bay Regional Council (and all other member agencies):

1. Receives and considers the *"Report and Recommendations from the Hawke's Bay Drinking Water Governance Joint Committee"*.
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 these items without conferring directly with the community or persons likely to have an interest in them.

### Review of Terms of Reference for the Hawke's Bay Drinking Water Governance Joint Committee

3. Agrees that the Hawke's Bay Drinking Water Governance Joint Committee is disestablished, having concluded the functions for which it was set up, and that governance oversight of drinking water safety is transferred to the Hawke's Bay Leaders' Forum, which may consider incorporating appropriate additional representation, particularly public health and Iwi.
4. Agrees to the retention of the Joint Drinking Water Working Group (JWG) and that the JWG will report directly to the Regional Leaders' Forum, with a report on its future

institutional and administrative support to be prepared by consultant Liz Lambert for consideration and approval by the Hawke's Bay Leaders' Forum.

**Reports Received**

5. Notes that the following reports were provided to the Hawke's Bay Drinking Water Governance Joint Committee:
  - 5.1. Taumata Arowai Presentation
  - 5.2. Report on the Joint Committee's Verbal Submission to the TANK Hearing Panel.

**Authored by:**

**Leeanne Hooper**  
**TEAM LEADER GOVERNANCE**

**Peter Martin**  
**SENIOR GOVERNANCE ADVISOR**

**Approved by:**

**Katrina Brunton**  
**GROUP MANAGER**  
**POLICY & REGULATION**

**Attachment/s**

There are no attachments for this report.

# HAWKE'S BAY REGIONAL COUNCIL

28 July 2021

## SUBJECT: COUNCILLORS' 2021-22 REMUNERATION & ALLOWANCES

Item 10

### Reason for Report

1. This item confirms the Remuneration Authority 2021-22 determination for local government elected members remuneration and allowances as gazetted recently.

### Officers' Recommendations

2. Council officers recommend that Council resolves to note receipt of the 2021-22 Determination, including changes to mileage and travel allowance.

### Executive Summary

3. The Council has been supplied with the Remuneration Authority determination for councillors' remuneration for the 2021-22 financial year.
4. While the remuneration pool amount remains the same, Council will need to resolve an updated proposal for its distribution as a result of the need to remunerate a sixth position of responsibility if the councillor appointed as Chair of EICC does not already hold a position of responsibility.

### Background / Discussion

5. Each year the Remuneration Authority (RA) determines the remuneration for elected members. In relation to remuneration, this Council's remuneration levels to be paid to elected members under the Local Government Elected Members' Determination 2021-22 are:
  - 5.1. \$62,000 per annum as the base salary for a councillor with no additional responsibilities
  - 5.2. The remainder of the (\$557,483) pool distributed evenly between positions of responsibility, currently:
    - 5.2.1. Cr Will Foley – Deputy Chair (effective 1 July 2021)
    - 5.2.2. Cr Hinewai Ormsby – Chair, Environment and Integrated Catchments Committee (EICC)
    - 5.2.3. Cr Neil Kirton – Chair, Corporate and Strategic Committee
    - 5.2.4. Cr Martin Williams – Chair, Regional Transport Committee and Hearings Committee
    - 5.2.5. Cr Craig Foss – Chair, Finance, Audit and Risk Sub-committee
    - 5.2.6. Cr Jerf van Beek – Chair, Clifton to Tangoio Coastal Hazards Strategy Joint Committee.

### Elected Member Allowances and Expenses

6. The 2021-22 Determination also includes Elected Members' Expenses and Allowances, which are set out in the following table.

Allowance	1 July 2021 – 30 June 2022
Mileage Allowance – petrol or diesel	\$0.79 per km
Mileage Allowance - Hybrid	\$0.79 per km
Mileage Allowance – Electric Vehicle	\$0.79 per km
Mileage Distance on Higher Rate	14,000 km per year

Allowance	1 July 2021 – 30 June 2022
Mileage Allowance (after higher rate distance)	\$0.27/km petrol/diesel (was \$0.30) \$0.16/km hybrid (was \$0.19) \$0.09/km electric (no change)
Threshold time on daily travel	8 hours in a 24 hour period
Travel Time Allowances	\$37.50 per hour (after the first hour of eligible travel) (no change)
Communication Allowance	\$800 Internet Service \$500 Cellphone Service \$200 Cellphone
Childcare Allowance	Limited to \$6,000 per child per year (no change) Eligibility criteria changed to exclude Parent, Spouse/Partner or family member that ordinarily resides with

### Financial and Resource Implications

- The levels of remuneration for councillors have not changed and are therefore within the budgets set in the 2021-31 Long Term Plan for this financial year.
- The changes to the Communications allowance result in an increase for most councillors of \$310 per annum (to \$1500), with one exception being a decrease to \$700 pa from \$1190 pa.

### Decision Making Process

- Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained in the Act and have concluded that because the Remuneration and Allowances are set by the Remuneration Authority as provided for in the Act, Council can make these decisions without consulting the community or others with an interest in the decision.

### Recommendations

That Hawke's Bay Regional Council:

- Receives and considers the "Councillors' 2021-22 Remuneration & Allowances" staff report
- Confirms the remuneration and allowances payable to councillors resulting from the Local Government Members (2021-22) Determination for effect from 1 July 2020.

### Authored by:

**Leeanne Hooper**  
**TEAM LEADER GOVERNANCE**

**Desiree Cull**  
**STRATEGY & GOVERNANCE MANAGER**

### Approved by:

**James Palmer**  
**CHIEF EXECUTIVE**

### Attachment/s

- [1](#) Remuneration Authority Email advice re 2021-22 Determination
- [2](#) Local Government Members 2021-22 Determination 2021



**Sent:** Monday, 5 July 2021 11:12 am    **Subject:** Local Government Members (2021-22) Determination

Greetings Mayors, Regional Council Chairs and CEOs

Attached is a copy of the Local Government Members (2021/22) Determination 2021, which is deemed to have come into force on 1 July 2021. This determination is scheduled to be notified in the New Zealand Gazette on Thursday 8 July 2021.

**I would appreciate it very much if you could circulate this email and accompanying determination to all elected members within your council, including community board and local board members, as well as to the staff involved in your democratic services area or equivalent.**

I encourage all elected members to read the explanatory note that is attached to the determination.

When making the determination the Remuneration Authority (the Authority) took into account the mandatory criteria listed in clause 7 of schedule 7 of the Local Government Act 2002. In addition (and as required under section 18A of the Remuneration Authority Act 1977) the Authority took into account the current countervailing economic conditions. This is an important criterion at this time.

### **Elected Members' Remuneration**

The economy has proven to be more resilient than predicted at this time last year. However, further waves of COVID-19 recurring around the world continue to present a highly volatile and uncertain global environment which is continuing to have a negative impact on many regions within New Zealand. Given this uncertainty, the Authority has taken a conservative approach to determining elected members' remuneration for the 2021/22 year. Some councils have received no increases, while the majority of councils have received an increase of 1% to 1.5% to their remuneration.

A small number of councils have been given larger increases. This is part of the phased implementation of the changes to the Authority's approach to determining elected members remuneration, begun in 2019. The phased implementation was delayed in 2020 as a result of the COVID-19 pandemic, so it has resumed this year.

Where a council has made a recent change to its governance structure, this has been captured in the determination. Those changes are effective from 1 July 2021.

### **Allowances**

It is the Authority's preference that councils supply the full range of information and communication technology (including mobile telephone and related mobile telephone service) to their members for use on local authority business rather than requiring members to use their own. However, if a council requires its elected members to use their own personal equipment, consumables and services, the Authority has increased the rates of the communications allowance to reflect the increasing costs of working remotely and the need for members to have access to more reliable and fit for purpose technology to support their work. Included in the communications allowance is a new item covering the reimbursement of ICT consumables such as paper and ink cartridges. Elected members using their own supply of consumables can seek a reimbursement of up to \$200 during the term of the determination.

We reviewed the childcare allowance that has been in place since 2019, taking into account feedback received from a number of councils. Consequently, the Authority has amended the allowance to remove any perceived discrimination based on family status. The upper limit of this allowance is unchanged.

The vehicle kilometre reimbursement allowance has been adjusted to reflect the rates prescribed by Inland Revenue for the 2021 income year.

All other allowances and hearing fees remain at their 2019 levels until the expiry of the determination.

The determination will be made publicly available on the Authority's website after it has been gazetted.

### **Use of Public Transport (bus, train or ferry), Micromobility Vehicles (eg: e-bikes and e-scooters) and Bicycles for Travel on Local Authority Business**

The Authority received a number of submissions and representations from councils regarding making provision in the determination for reimbursement of the cost incurred by elected members who use public transport (either local bus, long distance coach, train or ferry), micromobility vehicles (such as e-bikes and e-scooters) and bicycles when travelling on local authority business.

We support these alternative modes of transport, as they reinforce individual council's environmental goals by reducing carbon emissions and road congestion and provide greater choice and flexibility to elected members to move around their city, district or region.

Many councils have existing provisions, in their elected members' allowances expenses and reimbursement policies, for air travel and travel expenses, accommodation, car parking and the use of taxis or rental cars under certain conditions. A small number of councils also have a provision in their expenses policy for reimbursing elected members for the costs of using public transport, including buses and ferries, when travelling on local authority business.

Other councils may wish to amend their elected members' expenses and reimbursements policy to include the reimbursement of the actual and reasonable costs incurred by members who use public transport, micromobility vehicles and bicycles for travel on local authority business, upon the production of receipts or evidence satisfactory to the council.

### **Triennial Review of the Remuneration Settings for Local Government Elected Members**

I mentioned in an earlier email to you that the Authority begins its triennial review in the year before the local elections are held. A number councils have already sent in submissions which we will take into account. We will also be progressively consulting with all councils regarding sections of the review as we undertake them.

During our last major review (completed in 2019) we highlighted issues that we cannot resolve or are beyond our mandate. These issues are listed in the following two reports that have been previously been sent to all the councils:


- Determining the Remuneration of Local Government Elected Members – Oversight of Issues (2018)  
(see <https://www.remauthority.govt.nz/assets/Uploads/REM/determining-remuneration-local-government-elected-members.pdf>)
- Review of Community Board Member remuneration (2019)  
(see <https://www.remauthority.govt.nz/assets/Uploads/REM/review-community-board-remuneration.pdf>)

The reports and issues have been discussed with the Minister for Local Government, with the Local Government Commission and with the members of LGNZ's National Council and Community Boards Executive Committee. We will be meeting with the Panel Members of the Future for Local Government to brief them on the issues in early August 2021.

Regards

**Hon Dame Fran Wilde**

CHAIR

 RemunerationAuthority

29/06/2021  
PCO 23839/5.0

## Local Government Members (2021/22) Determination 2021

The Remuneration Authority makes this determination (including the appended explanatory memorandum) under the Remuneration Authority Act 1977 and clauses 6 and 7A of Schedule 7 of the Local Government Act 2002, after having regard to the matters specified in clause 7 of that schedule.

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**Local Government Members (2021/22) Determination  
2021**

**Determination**

**1 Title**

This determination is the Local Government Members (2021/22) Determination 2021.

**2 Commencement**

This determination comes into force on 1 July 2021.

**3 Expiry**

This determination expires at the close of 30 June 2022.

*Interpretation*

**4 Interpretation**

In this determination, unless the context otherwise requires,—

**ATA panel** means a panel appointed by an accord territorial authority under section 89 of the Housing Accords and Special Housing Areas Act 2013

**board** means—

- (a) a community board of a territorial authority other than the Auckland Council; or
- (b) a local board of the Auckland Council

**determination term** means the period from the coming into force of this determination to its expiry

**hearing** has the meaning given to it by clause 5

**hearing time** has the meaning given to it by clause 6

**local authority** means a regional council or a territorial authority

**member** means, in relation to a local authority or a board, a person who is declared to be elected to that local authority or board under the Local Electoral Act 2001 or who, as the result of further election or appointment under that Act or the Local Government Act 2002, is an office holder in relation to the local authority or board (for example, a chairperson)

**on local authority business** includes on the business of any board of the local authority

**regional council** means a regional council named in Part 1 of Schedule 2 of the Local Government Act 2002

**RMA** means the Resource Management Act 1991

**territorial authority** means a territorial authority named in Part 2 of Schedule 2 of the Local Government Act 2002.



Local Government Members (2021/22) Determination  
2021

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## 5 Meaning of hearing

In this determination, **hearing** means—

- (a) a hearing that is held by an ATA panel arising from—
  - (i) a resource consent application under subpart 2 of Part 2 of the Housing Accords and Special Housing Areas Act 2013; or
  - (ii) a request for a plan change or for a variation to a proposed plan under subpart 3 of Part 2 of that Act; or
- (b) a hearing arising from a resource consent application made under section 88 of the RMA; or
- (c) a meeting for determining a resource consent application without a formal hearing; or
- (d) a hearing arising from a notice of requirement (including one initiated by the local authority); or
- (e) a pre-hearing meeting held under section 99 of the RMA in relation to a hearing referred to in paragraph (b) or (d); or
- (f) a hearing as part of the process of the preparation, change, variation, or review of a district or regional plan or regional policy statement; or
- (g) a mediation hearing in the Environment Court as part of an appeal from a decision of a local authority; or
- (h) a hearing on an objection against a charge fixed by a local authority under section 36 of the RMA.

## 6 Meaning of hearing time

In this determination, **hearing time** means the time spent on any of the following:

- (a) conducting a hearing;
- (b) formal deliberations to decide the outcome of a hearing;
- (c) participating in an official group site inspection related to a hearing;
- (d) determining a resource consent application where a formal hearing does not take place;
- (e) up to a maximum of the aggregate of the time referred to in paragraphs (a) and (b), preparing for a hearing and participating in any inspection of a site for the purposes of a hearing (other than an official group site inspection under paragraph (c));
- (f) writing a decision arising from a hearing or communicating for the purpose of the written decision.

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Local Government Members (2021/22) Determination  
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*Entitlement to remuneration, allowances, and hearing fees*

**7 Remuneration, allowances, and hearing fees payable**

*Remuneration*

- (1) A member of a local authority or a board of that local authority is entitled to the applicable remuneration set out in the Schedule (adjusted under clause 9, if applicable).
- (2) If a member of a territorial authority is also elected or appointed to a board, the member is entitled only to the remuneration that is payable to the member as a member of the territorial authority.

*Allowances and hearing fees*

- (3) A member of a local authority or a board is also entitled to—
  - (a) the applicable allowances payable under clauses 11 to 14;
  - (b) the applicable hearing fees payable under clause 15.

**8 Acting mayor or chairperson**

- (1) This clause applies to a member who acts as a mayor or chairperson during a period when, because of a vacancy or temporary absence, the remuneration or allowances that would usually be paid to the mayor or chairperson are not being paid.
- (2) While acting as mayor or chairperson, the member must be paid the remuneration and allowances usually payable to the mayor or chairperson, instead of the member's usual remuneration, allowances, and hearing fees.

**9 Motor vehicles for mayors and regional council chairpersons**

- (1) A local authority may provide to the mayor or regional council chairperson of the local authority—
  - (a) a motor vehicle (which may be provided for restricted private use, partial private use, or full private use); or
  - (b) a vehicle kilometre allowance under clause 11.
- (2) The maximum purchase price that may be paid for a motor vehicle purchased by a local authority for provision to a mayor or regional council chairperson during the determination term is,—
  - (a) in the case of a petrol or diesel vehicle, \$55,000 (including goods and services tax and any on-road costs); and
  - (b) in the case of an electric or a hybrid vehicle, \$65,000 (including goods and services tax and any on-road costs).
- (3) If a motor vehicle is provided to a mayor or regional council chairperson for restricted private use, no deduction may be made from the annual remuneration payable to the mayor or regional council chairperson under the Schedule for the provision of that motor vehicle.

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Local Government Members (2021/22) Determination  
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- (4) If a motor vehicle is provided to a mayor or regional council chairperson for partial private use or full private use,—
- (a) the annual remuneration payable to the mayor or regional council chairperson under the Schedule must be adjusted by the local authority in accordance with subclause (5) or (6) (as applicable); and
  - (b) the adjustment must take effect on and from—
    - (i) the date of commencement of this determination (in the case of a motor vehicle provided to the person before that date); or
    - (ii) the date of provision of the motor vehicle to the person (in the case of a motor vehicle provided during the determination term).
- (5) If a motor vehicle is provided to a mayor or regional council chairperson for partial private use, the amount calculated in accordance with the following formula must be deducted from the remuneration payable to that person:
- $$v \times 41\% \times 10\%$$
- where *v* means the actual purchase price of the vehicle, including goods and services tax and any on-road costs.
- (6) If a motor vehicle is provided to a mayor or regional council chairperson for full private use, the amount calculated in accordance with the following formula must be deducted from the remuneration payable to that person:
- $$v \times 41\% \times 20\%$$
- where *v* means the actual purchase price of the vehicle, including goods and services tax and any on-road costs.
- (7) In this clause,—
- full private use** means—
- (a) the vehicle is usually driven home and securely parked by the mayor or regional council chairperson; and
  - (b) the vehicle is available for the mayor's or regional council chairperson's unrestricted private use; and
  - (c) the vehicle is used by the mayor or regional council chairperson for both local authority business and private use; and
  - (d) the vehicle may also be used by other local authority members or staff on local authority business, with the permission of the mayor or regional council chairperson
- partial private use** means—
- (a) the vehicle is usually driven home and securely parked by the mayor or regional council chairperson; and
  - (b) the vehicle is used by the mayor or regional council chairperson for both local authority business and private purposes; and

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- Local Government Members (2021/22) Determination  
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- (c) the vehicle may also be used by other local authority members or staff on local authority business, with the permission of the mayor or regional council chairperson; and
  - (d) all travel in the vehicle is recorded in a logbook; and
  - (e) the use of the vehicle for private purposes accounts for no more than 10% of the distance travelled in the vehicle in a year
- restricted private use means—**
- (a) the vehicle is usually driven home and securely parked by the mayor or regional council chairperson; and
  - (b) the vehicle is otherwise generally available for use by other local authority members or staff on local authority business; and
  - (c) the vehicle is used solely for local authority business; and
  - (d) all travel in the vehicle is recorded in a logbook.
- (8) Subclause (2) does not apply to a motor vehicle provided to a mayor or regional council chairperson before 1 July 2018.

#### *Allowances*

#### **10 Definition of member**

For the purposes of payment of allowances under clauses 11 to 14, **member**, in relation to a territorial authority, includes a member of a board of the territorial authority.

#### **11 Vehicle kilometre allowance**

- (1) A local authority may pay to a member a vehicle kilometre allowance to reimburse that member for costs incurred in relation to eligible travel.
- (2) A member's travel is eligible for the allowance if—
  - (a) it occurs on a day when the member is not provided with a motor vehicle by the local authority; and
  - (b) the member is travelling—
    - (i) in a private vehicle; and
    - (ii) on local authority business; and
    - (iii) by the most direct route that is reasonable in the circumstances.
- (3) The allowance payable to a member for eligible travel is,—
  - (a) for a petrol or diesel vehicle,—
    - (i) 79 cents per kilometre for the first 14,000 kilometres of eligible travel in the determination term; and
    - (ii) 27 cents per kilometre after the first 14,000 kilometres of eligible travel in the determination term:

**Local Government Members (2021/22) Determination  
2021**

cl 13

- (b) for a petrol hybrid vehicle,—
  - (i) 79 cents per kilometre for the first 14,000 kilometres of eligible travel in the determination term; and
  - (ii) 16 cents per kilometre after the first 14,000 kilometres of eligible travel in the determination term;
- (c) for an electric vehicle,—
  - (i) 79 cents per kilometre for the first 14,000 kilometres of eligible travel in the determination term; and
  - (ii) 9 cents per kilometre after the first 14,000 kilometres of eligible travel in the determination term.

**12 Travel time allowance**

- (1) A local authority may pay a member (other than a mayor or a regional council chairperson) an allowance for eligible travel time.
- (2) A member's travel time is eligible for the allowance if it is time spent travelling within New Zealand—
  - (a) on local authority business; and
  - (b) by the quickest form of transport that is reasonable in the circumstances; and
  - (c) by the most direct route that is reasonable in the circumstances.
- (3) The travel time allowance is \$37.50 for each hour of eligible travel time after the first hour of eligible travel time travelled in a day.
- (4) However, if a member of a local authority resides outside the local authority area and travels to the local authority area on local authority business, the member is only eligible for a travel time allowance for eligible travel time—
  - (a) after the member crosses the boundary of the local authority area; and
  - (b) after the first hour of eligible travel time within the local authority area.
- (5) The maximum total amount of travel time allowance that a member may be paid for eligible travel in a 24-hour period is 8 hours.
- (6) Despite subclause (1), the Chatham Islands Council may pay the Mayor of the Chatham Islands Council an allowance for eligible travel time.

**13 ICT allowances**

*Member uses local authority's ICT*

- (1) If a local authority supplies ICT to a member for use on local authority business and allows for its personal use, the local authority may decide what portion, if any, of the local authority's costs reasonably attributable to such personal use must be paid by the member.

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**Local Government Members (2021/22) Determination  
2021**

*Member uses own equipment and consumables*

- (2) If a local authority determines that particular ICT equipment is required by members to perform their functions and requests that members use their own equipment for those purposes, the local authority may pay an allowance.
- (3) The matters for which an allowance is payable and the amounts that may be paid for the determination term are as follows:
  - (a) for the use of a personal computer, tablet, or laptop, including any related docking station, \$400;
  - (b) for the use of a multi-functional or other printer, \$50;
  - (c) for the use of a mobile telephone, \$200;
  - (d) for the use of ICT consumables, up to \$200.

*Member uses own services*

- (4) If a local authority requests a member to use the member's own Internet service for the purpose of the member's work on local authority business, the member is entitled to an allowance for that use of up to \$800 for the determination term.
- (5) If a local authority requests a member to use the member's own mobile telephone service for the purpose of the member's work on local authority business, the member is entitled, at the member's option, to—
  - (a) an allowance for that use of up to \$500 for the determination term; or
  - (b) reimbursement of actual costs of telephone calls made on local authority business on production of the relevant telephone records and receipts.

*Pro-rating*

- (6) If the member is not a member for the whole of the determination term, subclauses (3) to (5) apply as if each reference to an amount were replaced by a reference to an amount calculated in accordance with the following formula:

$$(a \div b) \times c$$

where—

- a is the number of days that the member held office in the determination term
  - b is the number of days in the determination term
  - c is the relevant amount specified in subclauses (3) to (5).
- (7) The Remuneration Authority may approve rules proposed by a local authority to meet the costs of installing and running special ICT where, because of distance or restricted access, normal communications connections are not available.
  - (8) In this clause, ICT means information or communication technology, including—

Local Government Members (2021/22) Determination  
2021

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- (a) ICT equipment (for example, a mobile telephone and a laptop computer); and
- (b) ICT services (for example, a mobile telephone service and an Internet service); and
- (c) ICT consumables (for example, printer or photocopy paper and ink cartridges).

**14 Childcare allowance**

- (1) A local authority may pay a childcare allowance to an eligible member as a contribution towards expenses incurred by the member for childcare provided while the member is engaged on local authority business.
- (2) A member is eligible to be paid a childcare allowance for childcare provided for a child only if—
  - (a) the member is a parent or guardian of the child, or is a person who usually has responsibility for the day-to-day care of the child (other than on a temporary basis); and
  - (b) the child is under 14 years of age; and
  - (c) the childcare is provided by a person who—
    - (i) is not a parent of the child or a spouse, civil union partner, or de facto partner of the member; and
    - (ii) does not ordinarily reside with the member; and
  - (d) the member provides evidence satisfactory to the local authority of the amount paid for childcare.
- (3) A local authority must not pay childcare allowances to a member that total more than \$6,000 per annum per child.

*Hearing fees*

**15 Fees related to hearings**

- (1) A member of a local authority or a board who acts as the chairperson of a hearing is entitled to be paid a fee of up to \$100 per hour of hearing time related to the hearing.
- (2) A member of a local authority or a board who is not the chairperson of a hearing is entitled to be paid a fee of up to \$80 per hour of hearing time related to the hearing.
- (3) For any period of hearing time that is less than 1 hour, the fee must be apportioned accordingly.
- (4) This clause does not apply to—
  - (a) a mayor or a member who acts as mayor and is paid the mayor's remuneration and allowances under clause 8(2); or



cl 16	Local Government Members (2021/22) Determination 2021
(b) a chairperson of a regional council or a member who acts as chairperson of a regional council and is paid the chairperson's remuneration and allowances under clause 8(2).	
<i>Revocation</i>	
<b>16 Revocation</b>	
The Local Government Members (2020/21) Determination 2020 (LI 2020/160) is revoked.	



**Local Government Members (2021/22) Determination  
2021**

Schedule

**Schedule  
Remuneration**

cl 7(1)

**Part 1  
Remuneration of members of regional councils**

**Bay of Plenty Regional Council**

<b>Office</b>	<b>Annual remuneration (\$)</b>
Chairperson	146,500
Deputy Chairperson of Regional Council	80,004
Committee Chairperson (6)	70,000
Councillor with no additional responsibilities (6)	61,525
Councillor (Minimum Allowable Remuneration)	54,525

**Canterbury Regional Council**

<b>Office</b>	<b>Annual remuneration (\$)</b>
Chairperson	180,000
Deputy Chairperson	104,873
Councillor (with no additional responsibilities) (12)	71,599
Councillor (Minimum Allowable Remuneration)	63,570

**Hawke's Bay Regional Council**

<b>Office</b>	<b>Annual remuneration (\$)</b>
Chairperson	136,000
Deputy Chairperson of Regional Council	72,247
Chairperson Corporate and Strategic Committee	72,247
Chairperson Regional Transport Committee and Hearings Committee	72,247
Chairperson Finance, Audit and Risk Sub-committee	72,247
Chairperson, Clifton to Tangoio Coastal Hazards Strategy Joint Committee	72,247
Chairperson Environment and Integrated Catchments Committee	72,247
Councillor with no additional responsibilities (2)	62,000
Councillor (Minimum Allowable Remuneration)	50,378

**Manawatu–Wanganui Regional Council**

<b>Office</b>	<b>Annual remuneration (\$)</b>
Chairperson	143,000
Deputy Chairperson	67,656
Audit, Risk, and Investment Committee Chair and Catchment Operations Committee Deputy Chair	67,656
Audit, Risk, and Investment Committee Deputy Chair	50,116
Catchment Operations Committee Chair	72,668
Environment Committee Chair	65,150

11

Local Government Members (2021/22) Determination 2021	
Schedule	
<b>Office</b>	<b>Annual remuneration (\$)</b>
Environment Committee Deputy Chair	50,116
Passenger Transport Committee Chair	65,150
Passenger Transport Committee Deputy Chair	50,116
Manawatu River Users' Advisory Group Chair	50,116
Councillor (with no additional responsibilities) (2)	50,116
Councillor (Minimum Allowable Remuneration)	45,373
<b>Northland Regional Council</b>	
<b>Office</b>	<b>Annual remuneration (\$)</b>
Chairperson	126,500
Deputy Chairperson	79,181
Councillor (with additional responsibilities) (7)	71,681
Councillor (Minimum Allowable Remuneration)	53,710
<b>Otago Regional Council</b>	
<b>Office</b>	<b>Annual remuneration (\$)</b>
Chairperson	147,000
Deputy Chairperson	83,598
Councillor (with no additional responsibilities) (10)	62,000
Councillor (Minimum Allowable Remuneration)	48,670
<b>Southland Regional Council</b>	
<b>Office</b>	<b>Annual remuneration (\$)</b>
Chairperson	122,500
Deputy Chairperson and Regional Transport Committee Chair	63,784
Chair, Strategy and Policy Committee	54,672
Chair, Organisational Performance and Audit Committee	54,672
Chair, Regulatory Committee	54,672
Chair, Regional Services Committee	54,672
Councillor (with no additional responsibilities) (6)	45,560
Councillor (Minimum Allowable Remuneration)	37,788
<b>Taranaki Regional Council</b>	
<b>Office</b>	<b>Annual remuneration (\$)</b>
Chairperson	102,550
Deputy Chairperson of Regional Council	56,042
Chairperson Executive, Audit and Risk Committee	56,042
Chairperson Consents and Regulatory Committee	56,042
Chairperson Policy and Planning Committee	56,042
Chairperson Regional Transport Committee	45,781
Chairperson Civil Defence Group Committee	45,781
Councillor with no additional responsibilities (4)	39,466
Councillor (Minimum Allowable Remuneration)	37,493

# HAWKE'S BAY REGIONAL COUNCIL

28 July 2021

## Subject: AFFIXING OF THE COMMON SEAL

Item 11

### 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	<b>Leasehold Land Sales</b> 1.1.1 Lot 5 DP 10513 CT C1/1354 - Transfer	4460	20 July 2021
1.2	<b>Staff Warrants</b> 1.2.1 M. Moore J Oliver <i>(Delegations under the Maritime Transport Act 1994 (Sections 33D, 33G and 218(1), Section 38 of the Resource Management Act 1991 and Section 17 of the Local Government Act 2002).</i>	4458 4459	12 July 2021 12 July 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. No cross lease properties were sold, with 66 remaining on Council's books
  - 3.2. No single leasehold property was sold, with 80 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.

## **Authored by:**

**Diane Wisely  
EXECUTIVE ASSISTANT**

## **Approved by:**

**Ross Franklin  
ACTING CHIEF FINANCIAL OFFICER**

**James Palmer  
CHIEF EXECUTIVE**

## **Attachment/s**

There are no attachments for this report.

28 July 2021

## Subject: RESULTS OF THE 2021 RESIDENT SURVEY

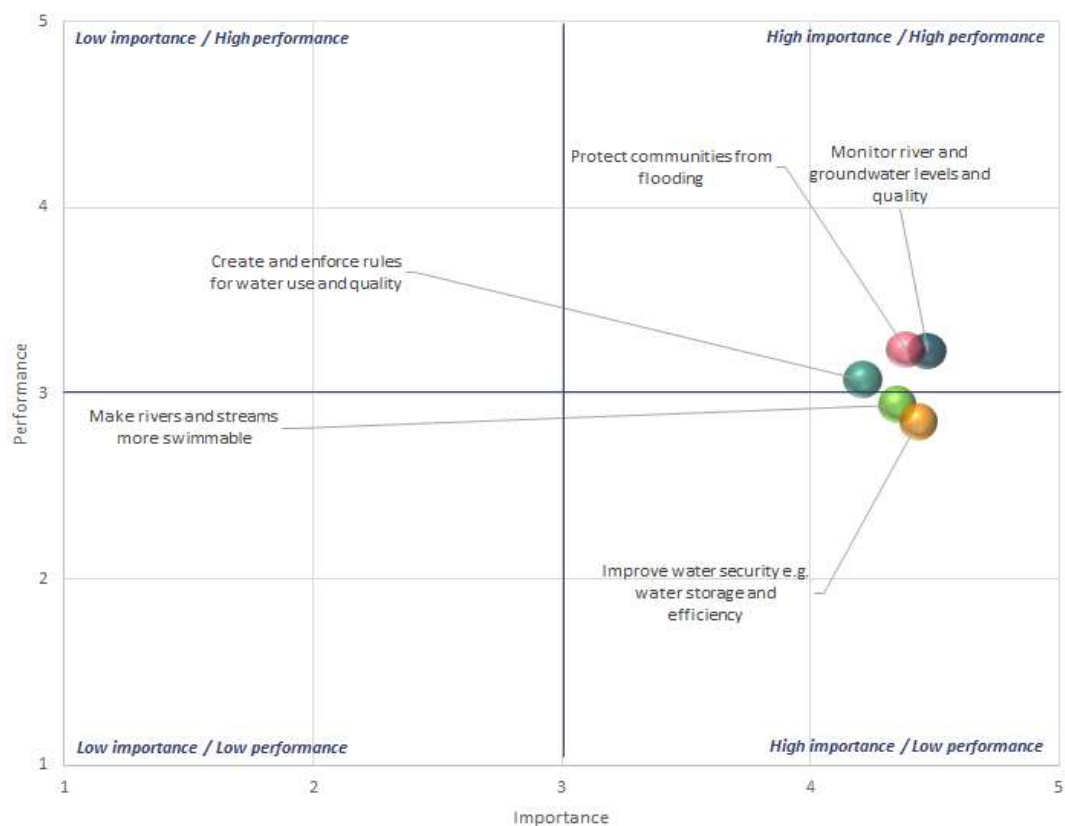
### Reason for Report

1. This item covers the results of the 2021 Resident Survey, conducted every two years. It indicates Hawke's Bay residents' attitudes to the environment, measures awareness and satisfaction with the Council's work, and confirms the most preferable ways for the Council to communicate with the region's community.

### Executive Summary

2. The survey (attached) gives a general impression of how the Regional Council is tracking in providing its core services, broken down into the categories of water, air, land and other services.
  - 2.1. In general, the community's rating of importance and the Regional Council's perceived performance or delivery sits in the upper quartile. This indicates on-track service delivery at a high level.
  - 2.2. By a narrow margin, the only two exceptions are swimmable rivers and streams, and water security, which are both areas of focus for the Regional Council in the 2021-31 Long Term Plan.

#### **Water related services 2021 – perceptual map**

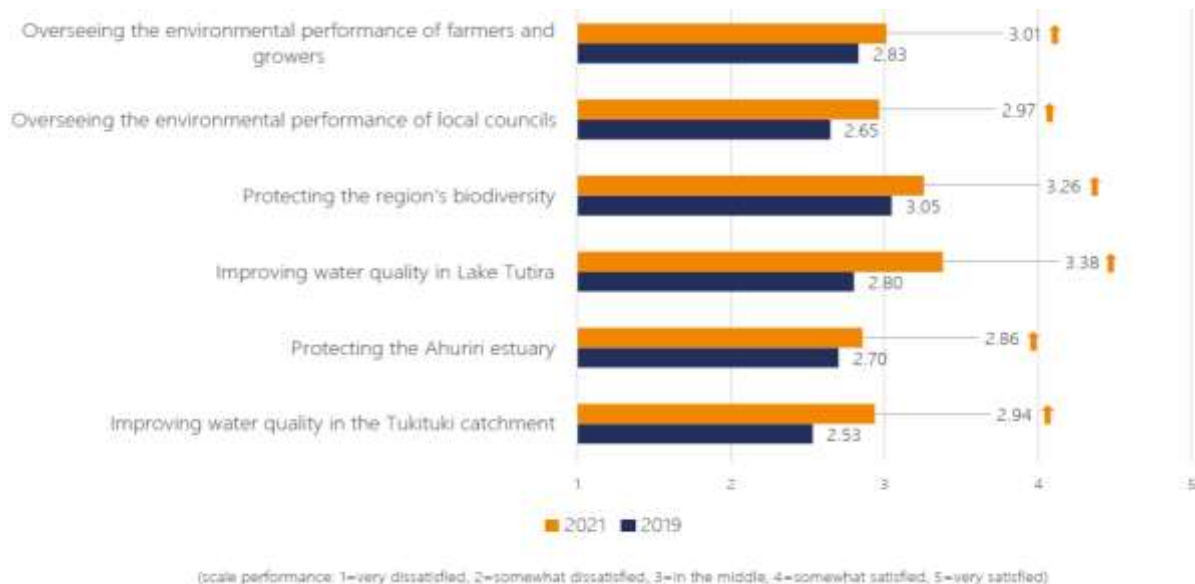


3. This year's analysis of 800 survey responses found that:

- 3.1. 64% named the Regional Council as the main environmental organisation in Hawke's Bay – down from 76.5% in 2019



- 3.2. The Council's main roles are perceived to be in waterway and coastal management, and flood control
- 3.3. The Regional Council's most popular work is in the areas of river access/quality outdoor places, and native bush/ reserves and wetlands
- 3.4. The five most important services provided by the Council this year (rating 4+ out of 5) were:
- 3.4.1. monitoring river and groundwater levels and quality
  - 3.4.2. improving water security
  - 3.4.3. looking after native bush, reserves and wetlands
  - 3.4.4. protecting communities from flooding – with relevance to Napier (Nov 2020)
  - 3.4.5. making rivers and streams more swimmable.
- 3.5. The Regional Council is encouraged to seek greater improvements in the areas of:
- 3.5.1. water security
  - 3.5.2. swimmable rivers and streams
  - 3.5.3. river and groundwater levels and quality
  - 3.5.4. plant and animal pest control
  - 3.5.5. flood control.
- 3.6. The Council's performance in relation to Tukituki catchment, Ahuriri estuary, Lake Tūtira, Protecting the region's biodiversity and, Overseeing the performance of both local councils and farmers/growers has improved since these questions were first asked in 2019.



- 3.7. 82% believed they receive 'acceptable to very good' value for their rates
- 3.8. 49% of residents disagreed about paying more - such as in rates, fees or charges - for the Regional Council to expand current efforts to protect and enhance the environment
- 3.9. Of the one-third of residents who were in direct contact with the Regional Council in the past year, 63% were satisfied with their contact – an improvement on 56% from the 2019 survey
- 3.10. The most preferred ways for the Regional Council to contact residents are:
  - 3.10.1. email (52%)
  - 3.10.2. flyer or letter (44.5%)
  - 3.10.3. Facebook/ social media (27%)
- 3.11. In the area of emergency management, emergency alerts on mobile were by far the most preferred way to communicate information during an emergency (74%), also:
  - 3.11.1. 86% had food stored for 3 days
  - 3.11.2. 81% had ways of cooking without electricity
  - 3.11.3. 62% had water stored for 3 days
  - 3.11.4. 61% had an emergency plan.
4. This year's survey was also timed to gain residents' feedback on the Long Term Plan consultation topics. These results were included with Long Term Plan 2021-31 reporting for Council deliberations in May 2021.

## Background

5. The gathering of resident feedback is conducted by an independent provider.
6. This year the provider used a mixed methodology of telephone (353), online (300) and postal (147) responses to achieve a representative sample of Hawke's Bay residents.
7. The surveys have been conducted on a two-yearly cycle since 2013, providing a trackable benchmark of changing community perceptions, and are available online at [hbrc.govt.nz](https://hbrc.govt.nz/search/#hbrcsurvey), search: [#hbrcsurvey](https://hbrc.govt.nz/search/#hbrcsurvey).

## Discussion

8. A brochure (attached) has been prepared this year, to better highlight the survey results in a more digestible and engaging format.



### **Next Steps**

9. Staff will disseminate the results across the organisation, and focus follow up in the areas of customer service, emergency management and communications.

### **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 "*Results of the 2021 Resident Survey*" staff report.

### **Authored by:**

**Drew Broadley**  
**MARKETING & COMMUNICATIONS**  
**MANAGER**

### **Approved by:**

**James Palmer**  
**CHIEF EXECUTIVE**

### **Attachment/s**

- 1 [↓](#) 2021 HBRC Resident Survey Report
- 2 [↓](#) 2021 HBRC Community Survey Brochure



# Hawke's Bay Regional Council

SIL Research

| Resident Survey 2021

May 2021

Contact: Dr Virgil Troy 06 834 1996 or [virgiltroy@silresearch.co.nz](mailto:virgiltroy@silresearch.co.nz)

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## EXECUTIVE SUMMARY

The purpose of this research was to ascertain Hawke's Bay residents' attitudes to the environment, to measure their awareness and satisfaction with Hawke's Bay Regional Council (HBRC) relative to its role, and to identify current and preferred methods of communication with the Regional Council. This survey occurs every two years. In 2021, the Regional Council also sought residents' opinions regarding the Long-Term Plan for 2021-31.

Research was conducted between 22 March and 6 May 2021. A total of n=800 surveys were used in the final analysis. The main findings were as follows:

**Awareness of Regional Council role and environmental matters:** Attribution of the Regional Council (63.9%) as Hawke's Bay's main 'environmental organisation' was down in 2021 (from 76.5% in 2019) but on par with the 2017 results. The most cited main role of the Council was 'waterways/coast management/flood control'.

**Long-Term Plan:** 'Work with water users to encourage more efficient and effective water use' (3.84 out of 5) and 'urgently remove the gravel build-up from the upper Tukituki River to keep the community safe from floods' (3.73 out of 5) were rated as the most important Long-Term Plan proposals. 'Introduce virtual bus stops' was least important (2.96 out of 5).

**Regional Council services:** Most services received similar or higher satisfaction ratings in 2021.

Water and related services continued to be of greatest importance to residents; on average 8-in-10 residents found these services important. While satisfaction with Council's performance in relation to water was lower compared to other services, 4-out-of-5 water attributes showed an improved performance. 'Make rivers and streams more swimmable' recorded the biggest improvement in 2021 (2.94) compared to 2019 (2.61). Amongst water services, only perceived flood control performance decreased in 2021; this could be influenced by Napier's major flood event in November 2020.

In 2021, the importance of air-related services was higher compared to 2019 levels, whereas satisfaction levels remained similar.

The importance of land-related services decreased slightly compared to 2019. At the same time, satisfaction with 3-out-of-4 land-related attributes has increased in 2021; only 'control plant and animal pests' exhibited a slight decline.

Among other services, the perceived importance of 'rules for water and boating safety' has continued to decline in 2021. Only one other service showed a decline in satisfaction ratings in 2021 – 'tourism promotion'.

The Regional Council performance in relation to 'Tukituki catchment', 'Ahuriri estuary', 'Lake Tātira', 'Protecting the region's biodiversity' and overseeing the performance of both local councils and farmers/growers has improved in 2021.

**Value of services:** Consistent with their improved satisfaction, 82.1% of residents stated the value of services they receive from their Regional Council rates is 'acceptable' to 'very good' (73.7% in 2019).

**Emergency management:** The threat or disaster of highest concern in Hawke's Bay residents was Earthquake (73.6%), followed by Flooding (59.1%) and Tsunami (33.6%). In 2021, more residents reported having a household emergency plan (62.1%) and a plan to get away in case of tsunami (64.5%). The most preferred communication method for emergencies was an emergency alert on mobile (74.1%).

**Dealing with the Regional Council and communication:** Across all residents, 32.1% had contact with the Regional Council in the last 12 months, similar to 2019 (38.7%). Of these residents, 63.2% were satisfied with the way their issue was dealt with (56.0% in 2017). Email (51.7%) continued to be the preferred way to receive communication from the Regional Council. Direct mail (a flyer or posted letter) was rated second (44.5%).

**Other findings:** The most requested area for improvement was water ('Improve water quality/management/fix waterways'). Just under half of residents (49.0%) disagreed about paying more, such as in rates, fees or charges, for Hawke's Bay Regional Council to expand on existing efforts to maintain and protect the environment in the region.



## HAWKE'S BAY REGION



82.1% believed they receive acceptable to very good value for their rates

Around 6-in-10 residents were satisfied with river access and quality outdoor places (60.8%, 3.64 on average) and native bush, reserves and wetlands (60.4%, 3.61 on average) – best performed areas in 2021.



63.9%

named HBRC as the main environmental organisation in Hawke's Bay



The main role: waterways/ coast management/ flood control

Top 5 most important services in 2021:



- Monitor river and groundwater levels and quality – 4.47 out of 5
- Improve water security – 4.44 out of 5
- Look after native bush, reserves and wetlands – 4.41 out of 5
- Protect communities from flooding – 4.38 out of 5
- Make rivers and streams more swimmable – 4.35 out of 5

64.8% found it important to encourage more efficient and effective water use



32.1% contacted the Regional Council

63.2% were satisfied with their contact

Further improvement is advised for:



Water security



Swimmable rivers and streams



River and groundwater levels and quality



Plant and animal pests' control



Flood control

Emergency preparedness:



86.3% had food stored for 3 days

81.2% had ways of cooking without electricity

62.2% had water stored for 3 days

61.4% had an emergency plan

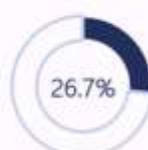
Preferred communication methods in 2021:



Email



Flyer/letter



Facebook/  
social media

Emergency alerts on mobile was the top communication method during an emergency



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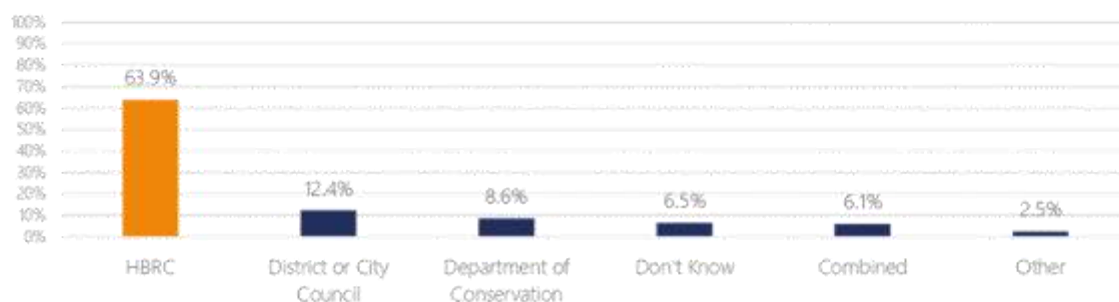
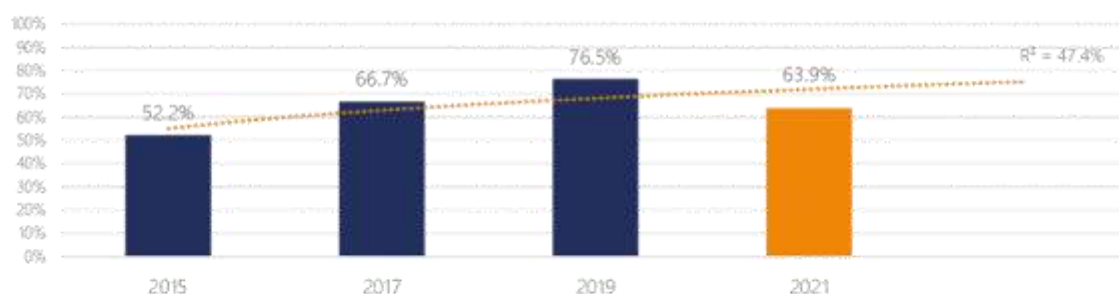


## MAIN ENVIRONMENTAL ORGANISATION

### Hawke's Bay residents' perception of main environmental organisation

Residents were asked: "When you think about responsibility for the land, water, air and coast in Hawke's Bay, which main organisation do you think of?"

HBRC mentioned by year



- In 2021, 63.9% of residents named the Regional Council as the main organisation responsible for the land, water, air and coast in Hawke's Bay – it remains the agency most likely to be identified with this role.
- Although fewer residents named the Regional Council in 2021 compared to 2019, this result was on par with 2017. This can be explained by a non-linear pattern of recall over time.
- In 2021, residents aged 18 to 39 (54.9%) were least aware of the Regional Council as the main organisation responsible for the land, water, air and coast in Hawke's Bay; this age group was more likely to identify the Department of Conservation or state they 'Don't know'.
- Rural residents (76.2%) were more likely than urban residents to select the Regional Council.

	HBRC	District or City Council	Department of Conservation	Don't Know
CHB	74.8%	5.9%	6.8%	6.4%
Napier	58.6%	14.6%	8.7%	8.7%
Hastings	66.0%	12.0%	9.6%	4.0%
Wairoa	62.5%	11.4%	2.1%	15.5%

## MAIN ENVIRONMENTAL ORGANISATION

### Main roles of HBRC

Residents were asked: "What do you see as the main role(s) of HBRC?". Open-ended question, responses were categorised.



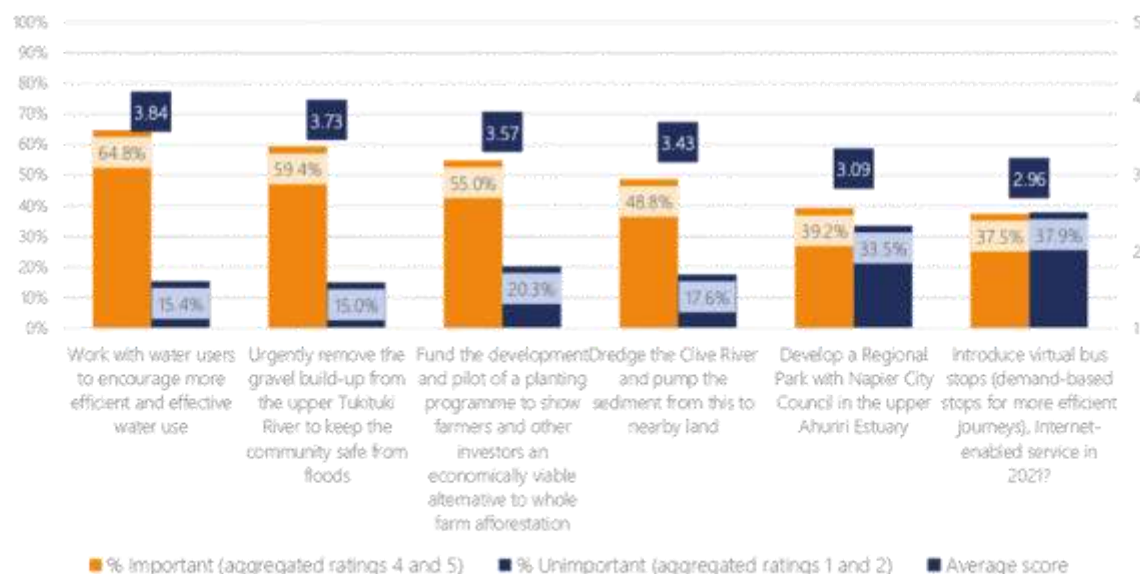
- Across all respondents, the most cited main role of the Regional Council was 'waterways/coast management/flood control' (24.7%); 9% of these residents specifically mentioned flood control – a new theme in 2021 (mostly Napier residents, followed by Hastings residents).
- Residents from Wairoa and Central Hawke's Bay were more likely to mention 'environmental management'.

*n=800. Totals may exceed 100% owing to multiple responses from some respondents.*

## 2021-31 LONG-TERM PLAN

### Long-Term Plan consultation – new questions in 2021.

Residents were asked how important each of the six proposals were to them.

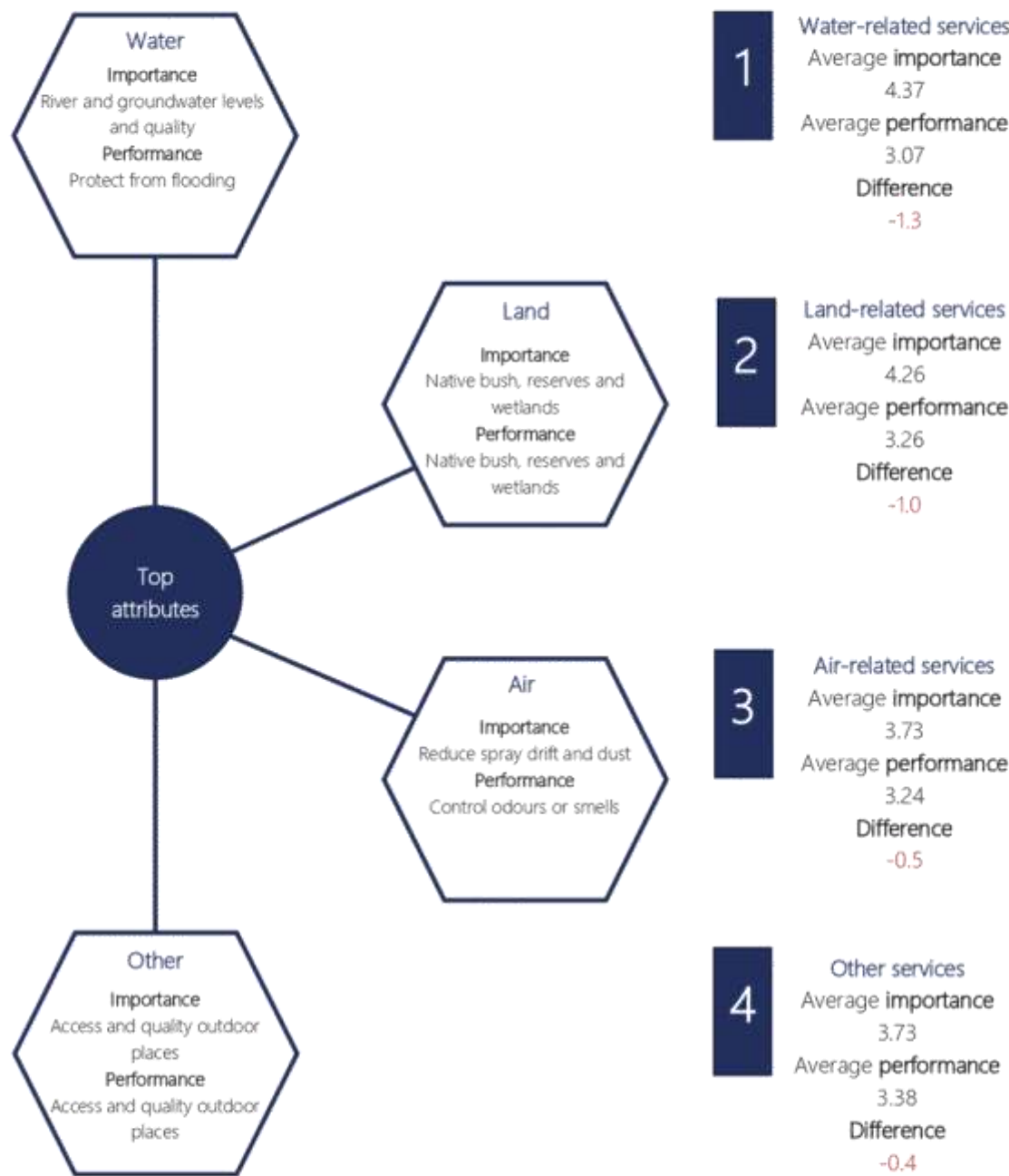


n=763-786 (scale importance: 1=totally unimportant, 2=somewhat unimportant, 3=in the middle, 4=somewhat important, 5=very important)

- Water usage and flood control were the highest priorities for Hawke's Bay residents.
- When asked about the 2021-31 Long-Term plan proposals, 'work with water users to encourage more efficient and effective water use' (3.84 out of 5) and 'urgently remove the gravel build-up from the upper Tukituki River to keep the community safe from floods' (3.73 out of 5) were rated as the most important.
- The importance levels for these proposals were greater amongst Central Hawke's Bay residents, and significantly lower in Wairoa.
- 'Introduce virtual bus stops' (2.96 out of 5) recorded the lowest importance score; this proposal was more important for Napier (2.99) and Hastings residents (3.06) compared to other areas. This was also more important for urban (3.04) compared to rural (2.54) residents.
- 'Develop a Regional Park with Napier City Council in the upper Ahuriri Estuary' proposal was also more important for Napier and Hastings residents compared to Central Hawke's Bay and Wairoa residents.
- Older residents (65+) placed higher importance on 'remove the gravel build-up from the upper Tukituki River' and 'dredge the Clive River'.

	Fund the development and pilot of a planting programme	Encourage more efficient and effective water use	Remove the gravel build-up from the upper Tukituki River	Dredge the Clive River and pump the sediment from this to nearby land	Introduce virtual bus stops, internet-enabled service in 2021	Develop a Regional Park with Napier City Council in the upper Ahuriri Estuary
CHB	3.62	4.03	3.98	3.48	2.63	2.96
Napier	3.51	3.89	3.86	3.32	2.99	3.18
Hastings	3.62	3.80	3.62	3.55	3.06	3.12
Wairoa	3.44	3.45	3.29	3.14	2.47	2.34

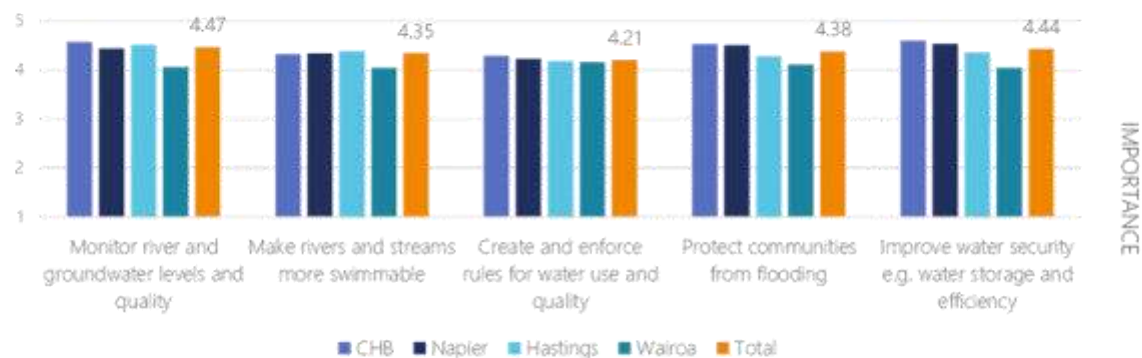
SERVICES IMPORTANCE AND PERFORMANCE



This page shows a summary for the importance and performance of the Regional Council's services, with average scores - in order of ranking - and top attributes.

## SERVICES IMPORTANCE AND PERFORMANCE

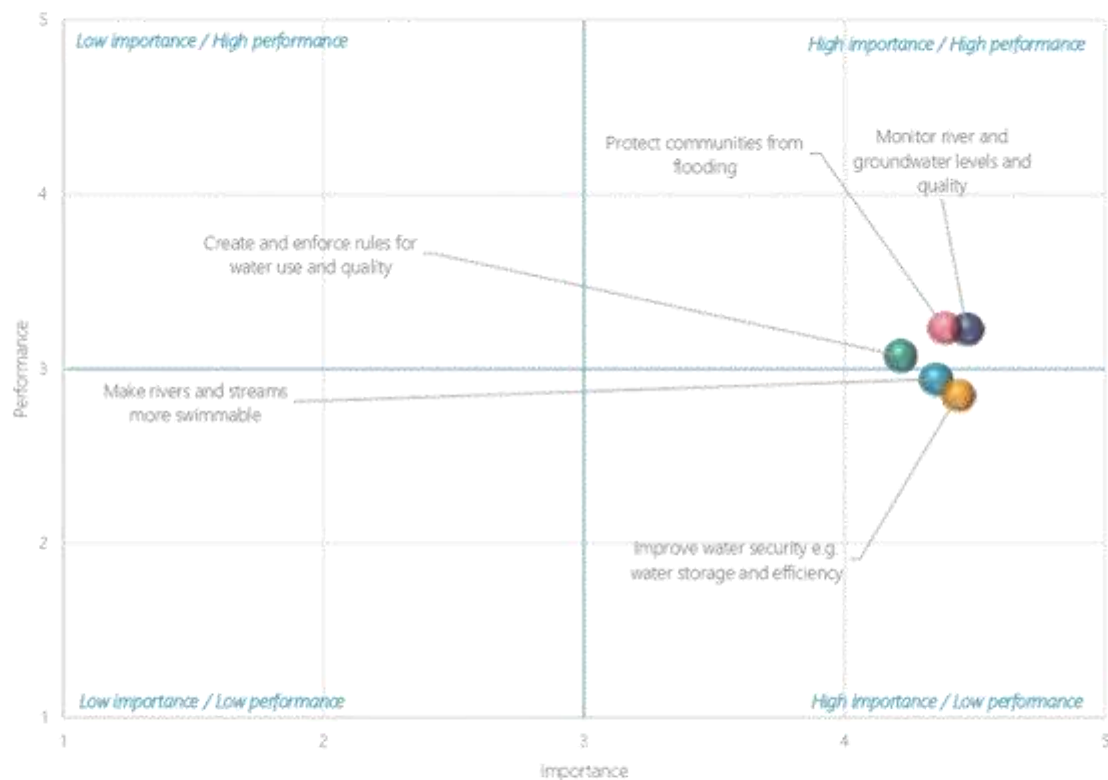
### Water related services 2021



- In 2021, water and related services continued to be of greatest importance to residents (4.37 on average). At the same time, satisfaction with the Regional Council's performance in relation to water was lower compared to other services (3.07 on average), resulting in the largest gap between perceived importance and performance; and indicating that water management was not meeting residents' expectations.
- 'Monitor river and groundwater levels and quality' was residents' most important service.
- Wairoa residents, on average, provided lower satisfaction ratings in relation to 'river and groundwater levels and quality'. At the same time, their perceived importance of this attribute was also lower.
- Satisfaction with flood protection was lower in Napier and Wairoa.
- Residents from Central Hawke's bay tended to provide higher satisfaction ratings, on average, in relation to 'make rivers and streams more swimmable' and 'create and enforce rules for water use and quality'.
- Older residents (aged 65+) tended to place higher importance on all water-related attributes. At the same time, they were also more likely to be satisfied.
- Māori residents reported, on average, slightly higher importance of water levels and quality, and flood protection.

n=695-793. 'Don't know' excluded from the analysis.

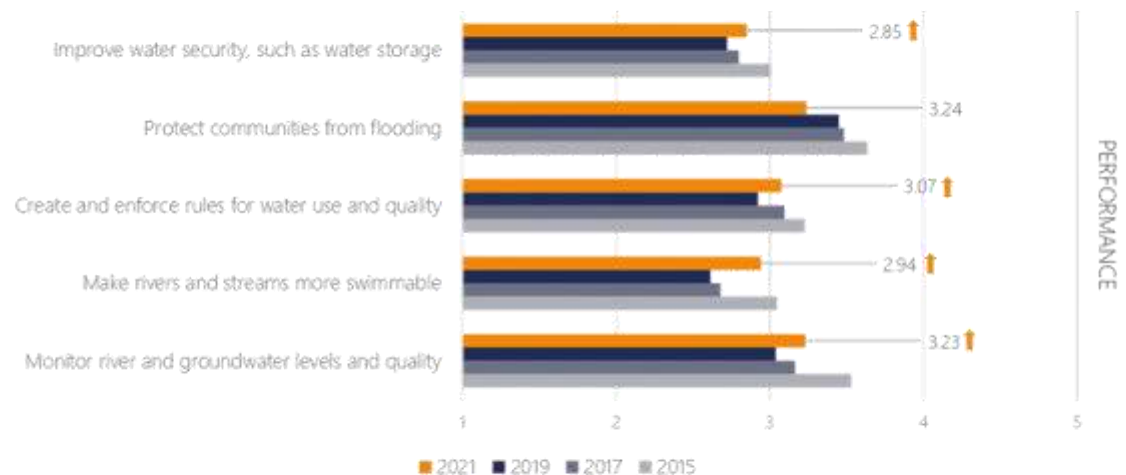
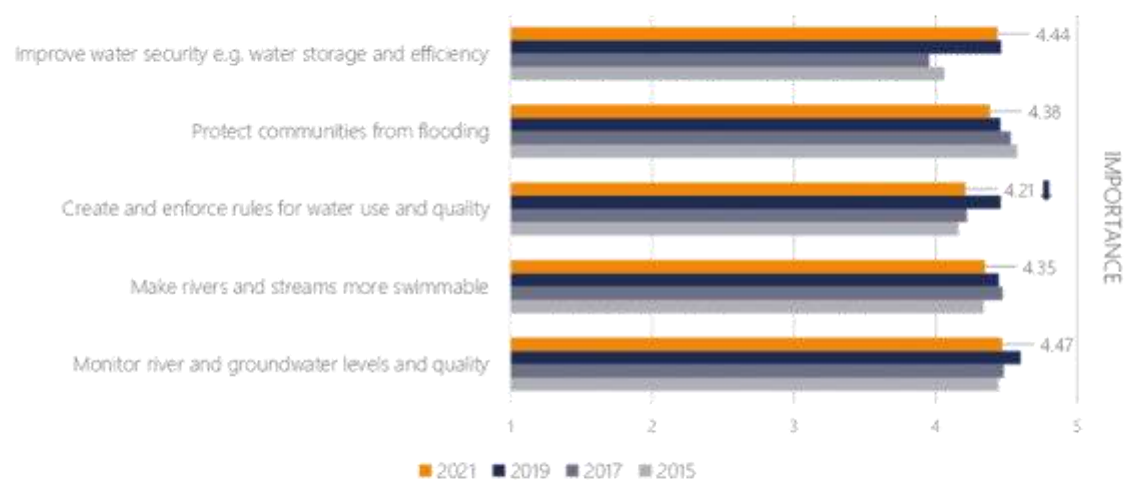
Water related services 2021 – perceptual map



'Improve water security' recorded the biggest gap between perceived importance (4.44) and performance (2.85), suggesting the greatest improvement potential.



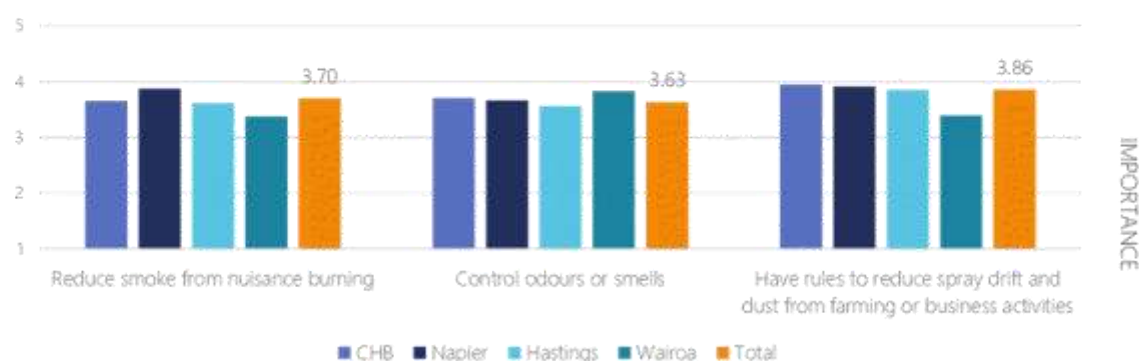
## Water related services by year



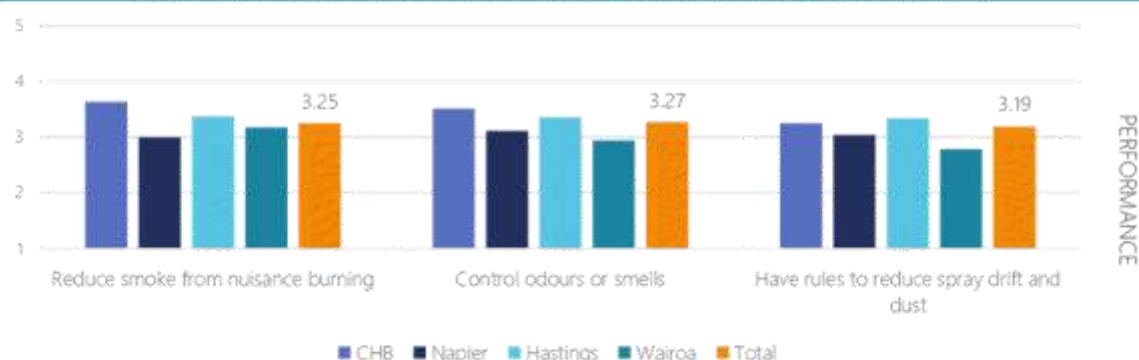
- In 2021, the importance of 4-out-of-5 water-related services remained similar to 2019; only one attribute ('Create and enforce rules for water use and quality') shows a slightly lower importance, on average.
- After a period of decline in 2017-2019, 'Monitor river and groundwater levels and quality', 'Make rivers and streams more swimmable', 'Create and enforce rules for water use and quality' and 'Improve water security' recorded improved satisfaction ratings on average.
- Only 'Protecting communities from flooding' showed a decrease in satisfaction in 2021. However, residents remained most satisfied with this over other water-related services.

## SERVICES IMPORTANCE AND PERFORMANCE

### Air related services 2021



(scale importance: 1=totally unimportant, 2=somewhat unimportant, 3=in the middle, 4=somewhat important, 5=very important)

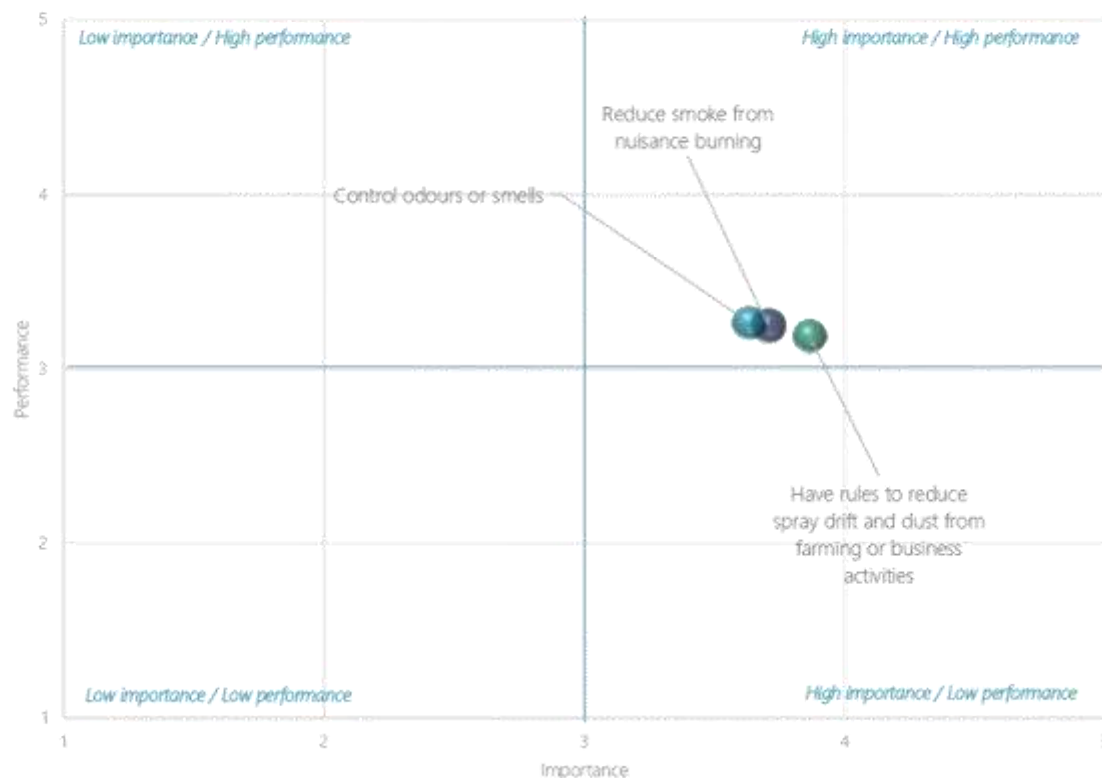


(scale performance: 1=very dissatisfied, 2=somewhat dissatisfied, 3=in the middle, 4=somewhat satisfied, 5=very satisfied)

- In 2021, air related services recorded, on average, one of the lowest importance levels overall (3.73) compared to other services.
- The most important air related activity was 'Have rules to reduce spray drift and dust' (3.86); at the same time fewer residents were satisfied (3.19) with the Regional Council's performance in this area.
- Hastings, and urban, residents placed significantly higher importance on 'Reduce smoke from nuisance burning'.
- At the same time, Hastings residents were least satisfied with nuisance burning control, whereas Central Hawke's Bay residents were the most satisfied.
- Urban residents also reported greater importance in relation to 'Control odours or smells' and 'Have rules to reduce spray drift and dust'.
- At the same time, rural residents were least satisfied with all air-related services.
- Older residents (aged 65+) reported greater importance, on average, across all three attributes, and their perceived satisfaction was also higher.

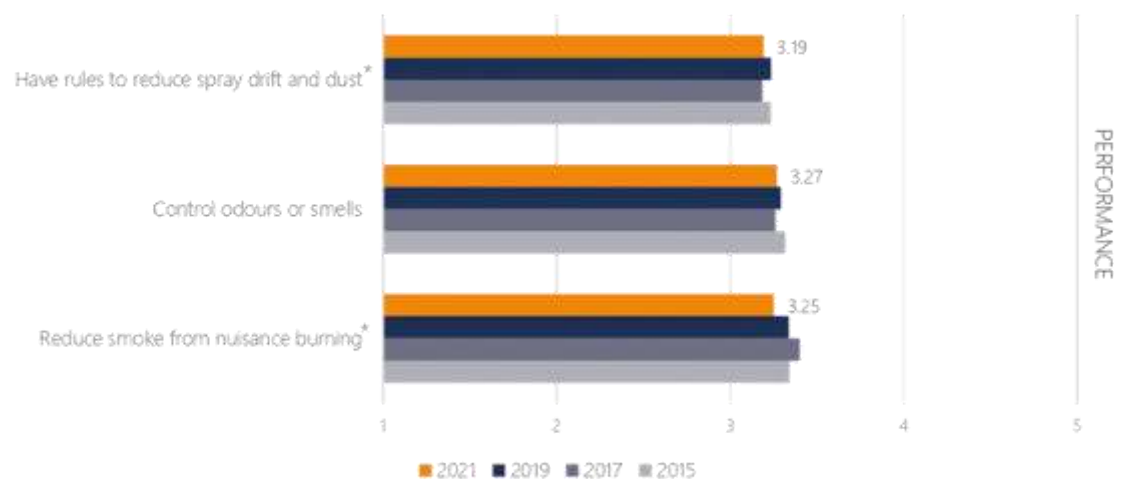
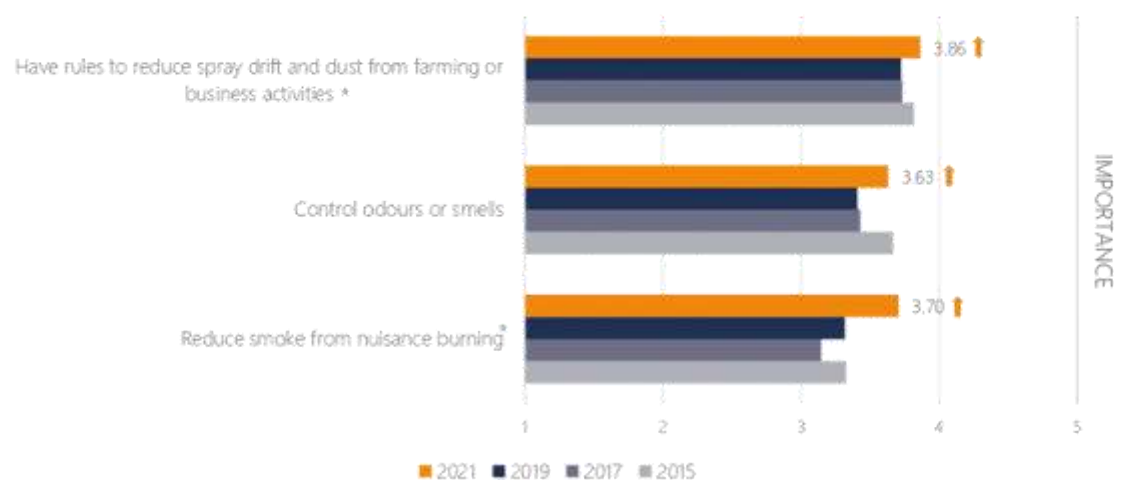
n=627-791. 'Don't know' excluded from the analysis.

Air related services 2021 – perceptual map



'Have rules to reduce spray drift and dust' recorded the biggest gap between perceived importance (3.86) and performance (3.19), suggesting the greatest improvement potential.

## Air related services by year

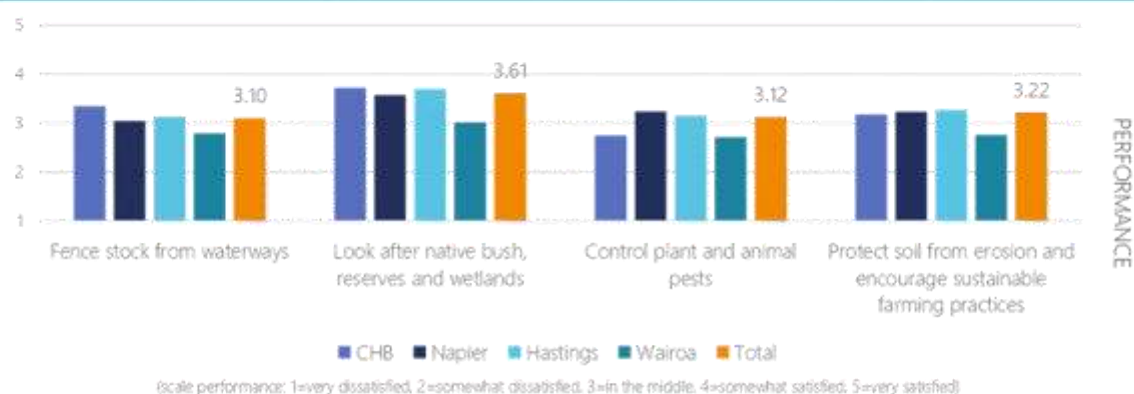
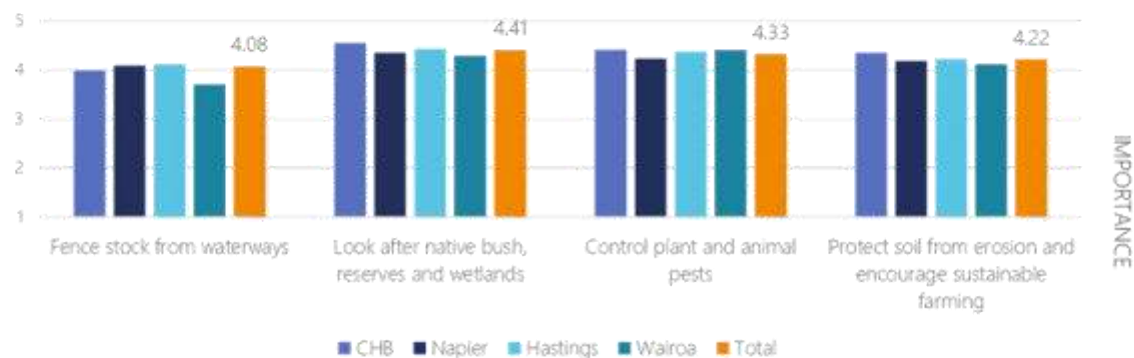


- In 2021, the importance of all air-related services was higher compared to 2019 levels – reaching new peaks in importance measured since 2015.
- At the same time, there were no significant differences recorded in satisfaction with air related services between years.

\* Note: two separate attributes were combined into one in 2021; average results are reported for historical comparison.

## SERVICES IMPORTANCE AND PERFORMANCE

### Land related services 2021



- In 2021, land-related services were perceived to be of high importance overall by residents (4.26, on average); and consistently high across all residential areas.
- 'Look after native bush, reserves and wetlands' (4.41) was the third most important statement compared to all services. The Regional Council's performance in relation to 'native bush, reserves and wetlands' was also one of the highest (3.61) of all services.
- Across services, satisfaction levels greatly varied by area and property type.
- Central Hawke's Bay and Wairoa residents were least satisfied with pest control. On top of that, Wairoa residents were also generally least satisfied across the other three attributes.
- Rural residents tended to be least satisfied across all four land-related services.
- Again, older residents (aged 65+) reported higher importance levels, on average.

n=655-796. 'Don't know' excluded from the analysis.

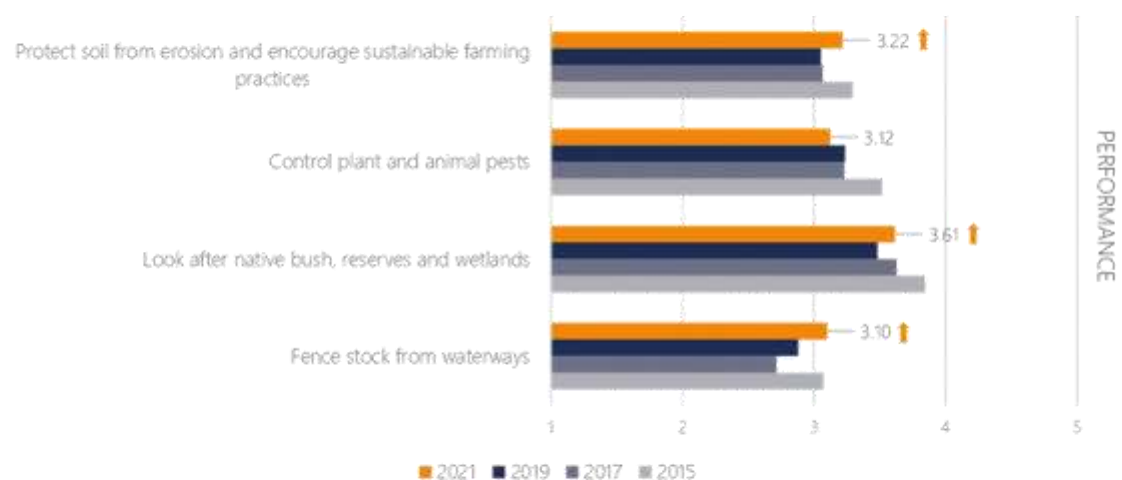
Land related services 2021 – perceptual map



'Control plant and animal pests' recorded the biggest gap between perceived importance (4.33) and performance (3.12), suggesting the greatest improvement potential.



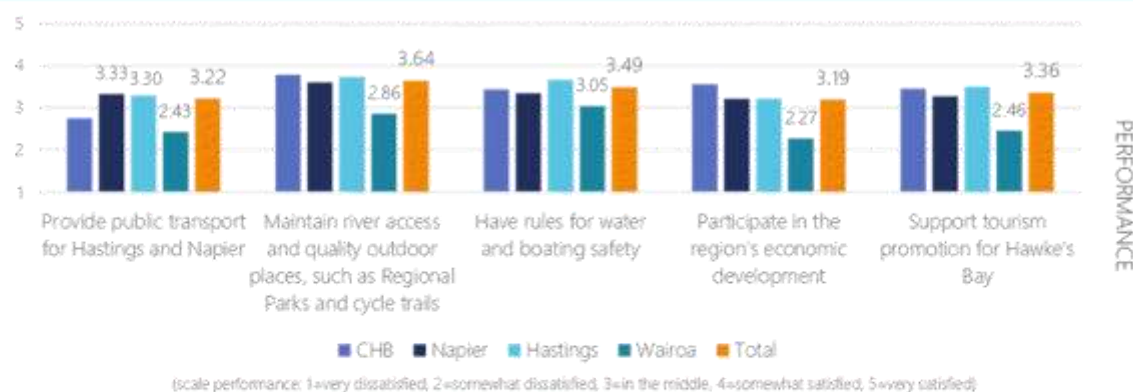
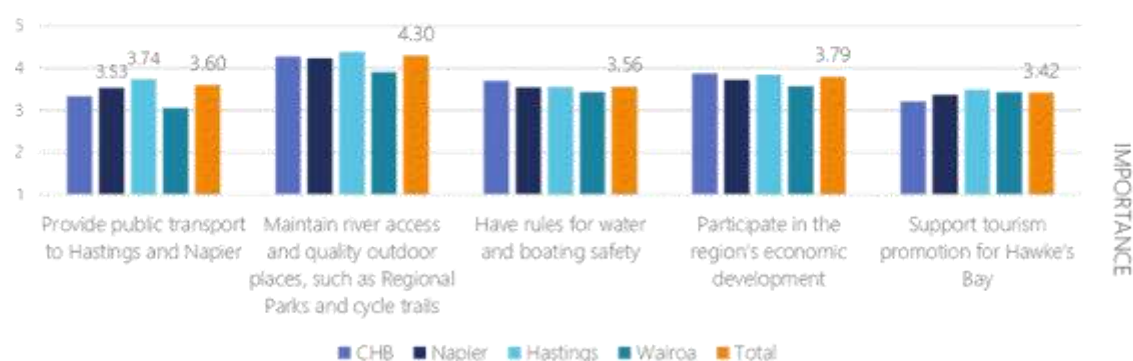
## Land related services by year



- In 2021, the importance of land-related services decreased slightly compared to 2019. The largest decline was recorded for 'fence stock from waterways'.
- At the same time, satisfaction with 3-out-of-4 land-related attributes has increased in 2021 – effectively narrowing the gaps between importance and performance relative to previous years.
- Only 'control plant and animal pests' exhibited a slight decline.

## SERVICES IMPORTANCE AND PERFORMANCE

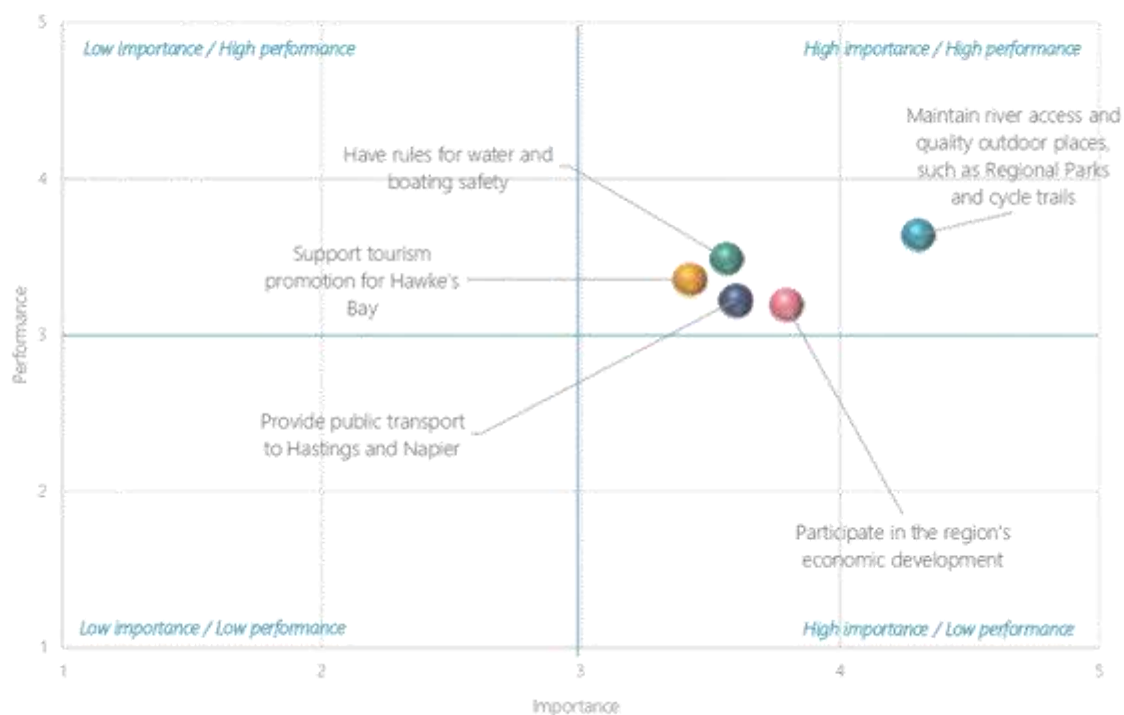
### Other services 2021



- In 2021, 'river access and quality outdoor places' continued to be the most important 'other' service managed by the Regional Council.
- The high importance of this service resulted in the largest gap between perceived importance and performance.
- The defined range of public transport provision was reflected by reported importance and performance ratings – higher in Napier and Hastings areas.
- Urban residents, on average, reported higher importance, and greater performance ratings, in relation to all five 'other' services.
- Wairoa residents were significantly least satisfied with the Regional Council performance across those services.
- Public transport was of greater importance to residents aged 65+ and 18-39. At the same time, the younger group was the least satisfied with this attribute.
- Residents aged 18-39 also reported higher importance for quality outdoor places.
- Residents aged under 65 were less satisfied with the region's economic development and tourism promotion.

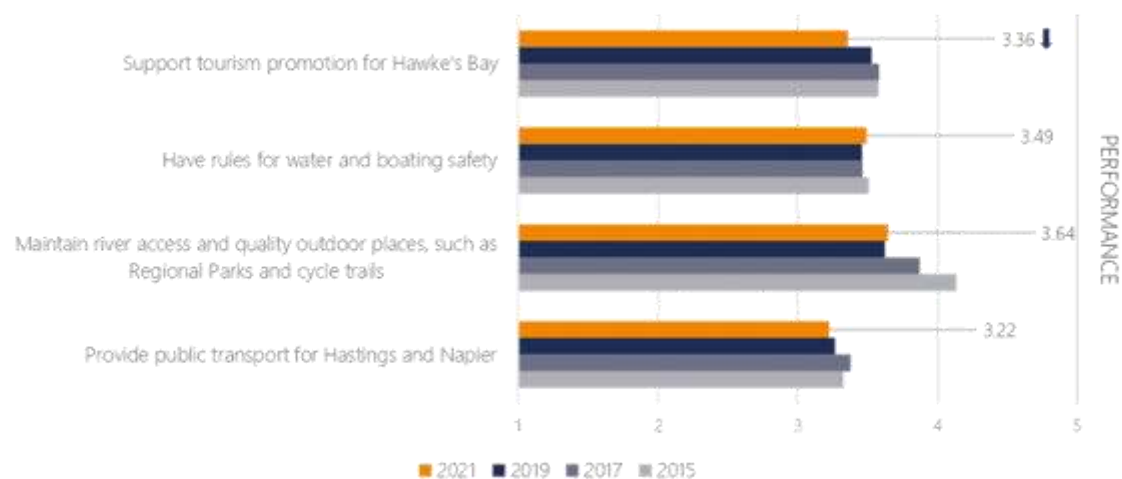
n=567-799. 'Don't know' excluded from the analysis.

Other services 2021 – perceptual map



'Maintain river access and quality outdoor places' recorded the biggest gap between perceived importance (4.30) and performance (3.64), suggesting the greatest improvement potential.

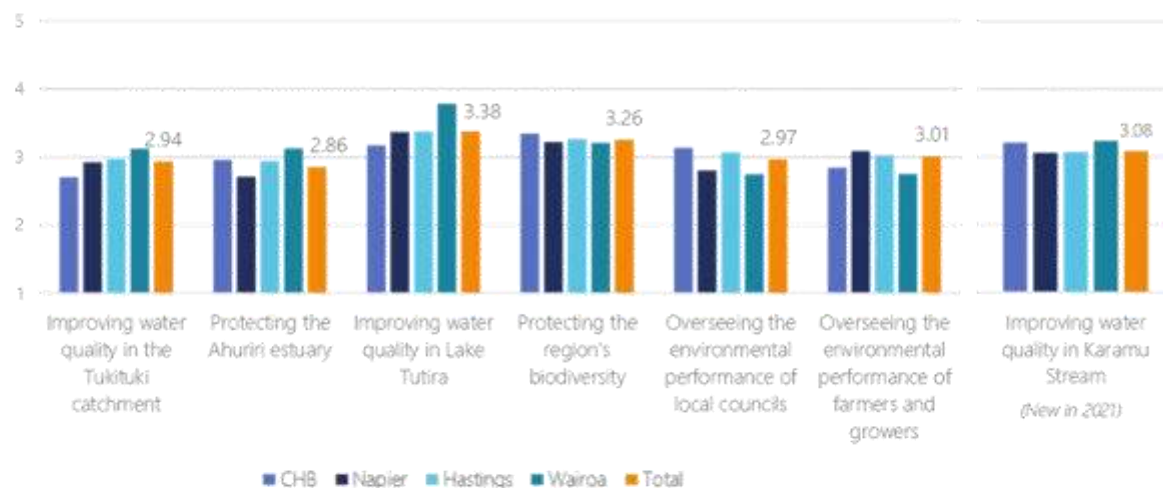
## Other services by year



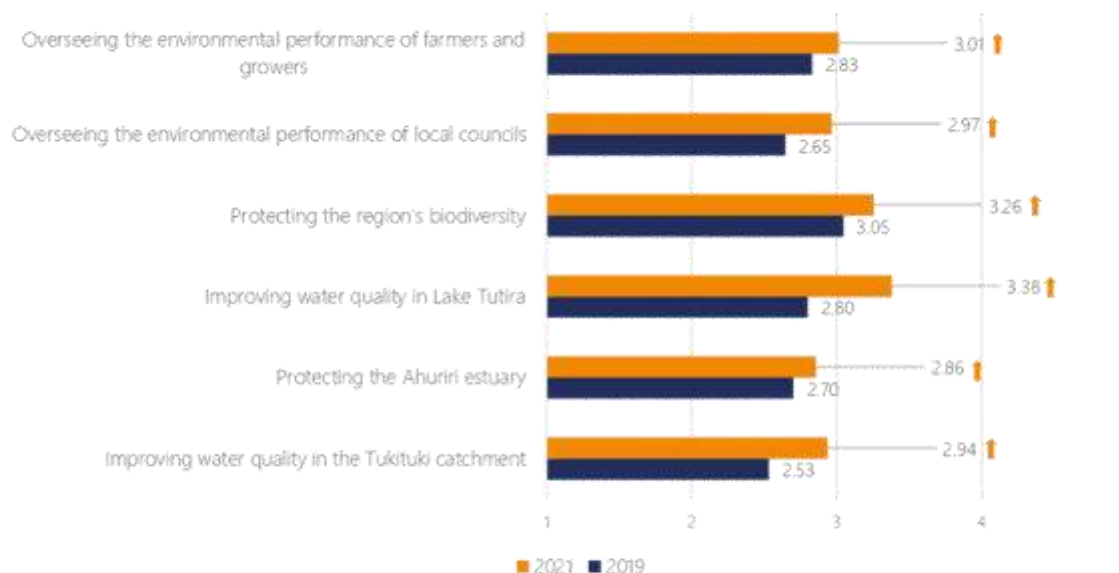
- Three services showed similar importance ratings between 2021 and 2019.
- The perceived importance of 'rules for water and boating safety' has continued to decline in 2021.
- Satisfaction with most 'other' services was on par with previous years.
- Only one service ('tourism promotion for Hawke's Bay') showed a significant satisfaction decline in 2021. However, this service could have been affected by the general tourism decline in 2020-2021 as a result of the COVID-19 pandemic.

## OTHER REGIONAL COUNCIL WORKS

Satisfaction with other Regional Council work 2021



- In 2021, all six other Regional Council works and matters improved in perceived performance compared to 2019 (when these questions were introduced).
- 'Improving water quality in Lake Tutira' recorded the biggest improvement in 2021 (3.38) compared to 2019 (2.80).
- 39.1% of residents (3.01 out of 5, on average) were satisfied with 'Improving water quality in Karamū Stream' in 2021.
- Rural residents tended to be least satisfied with all six attributes.
- Older residents (aged 65+) were more satisfied, on average, in relation to other Regional Council works and matters.
- Māori residents were slightly less satisfied with the Tukituki catchment and Ahuriri estuary.



(scale performance: 1=very dissatisfied, 2=somewhat dissatisfied, 3=in the middle, 4=somewhat satisfied, 5=very satisfied)

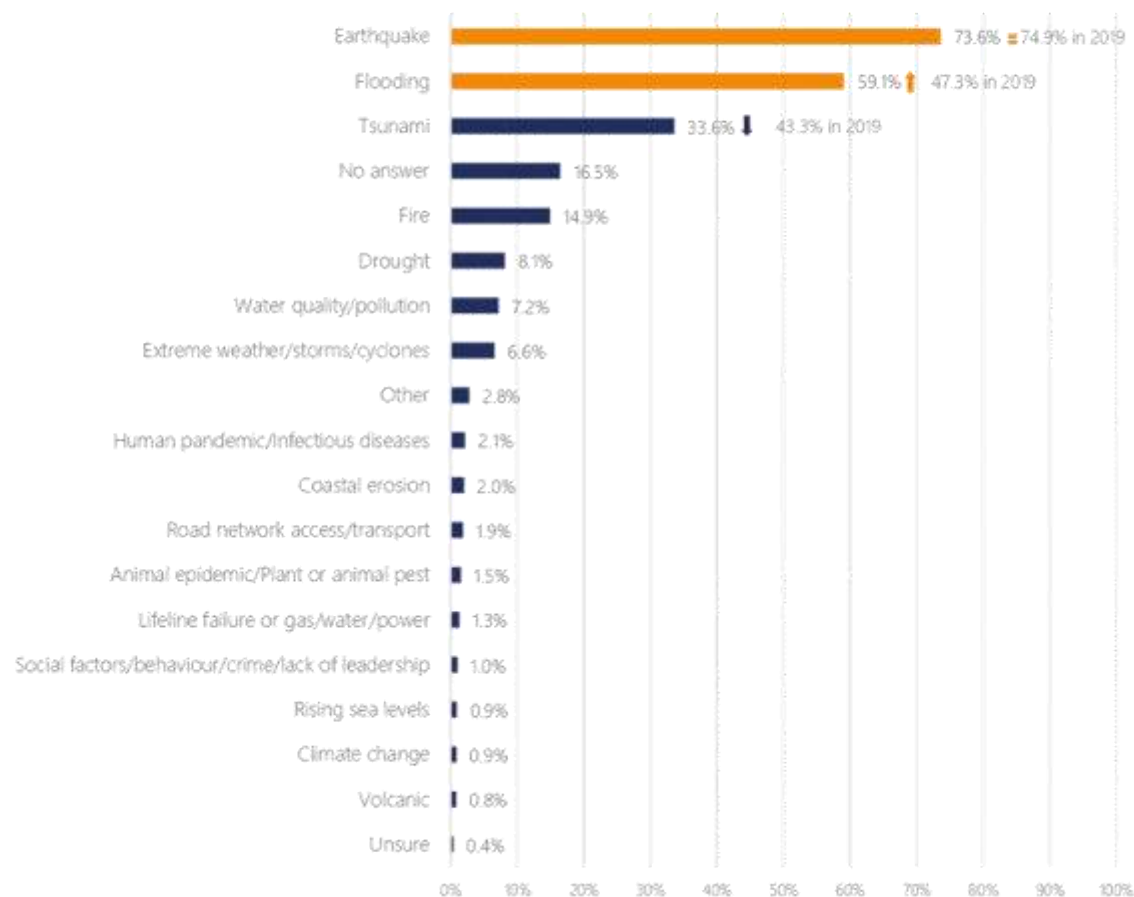
n=522-629. 'Don't know' excluded from the analysis.

## CIVIL DEFENCE EMERGENCY PREPAREDNESS

### Perceived natural hazards in Hawke's Bay

Residents were asked: "Thinking about the possible natural hazards that occur from time to time, if you were to list three possible disasters or threats specific to Hawke's Bay that would affect your safety or create a risk to your livelihood, what would they be?"

Open-ended question, responses were categorised.



- The majority (84%) of residents identified at least one natural hazard for the region.
- The threat or disaster of the highest concern for residents in Hawke's Bay was Earthquake (73.6%), followed by Flooding (59.1%) and Tsunami (33.6%).
- The perceived threat of flooding has increased in 2021 compared to 2019 (47.3%) – especially amongst Napier residents (66% in 2021 vs. 52% in 2019) in the wake of the flooding event in November 2020.

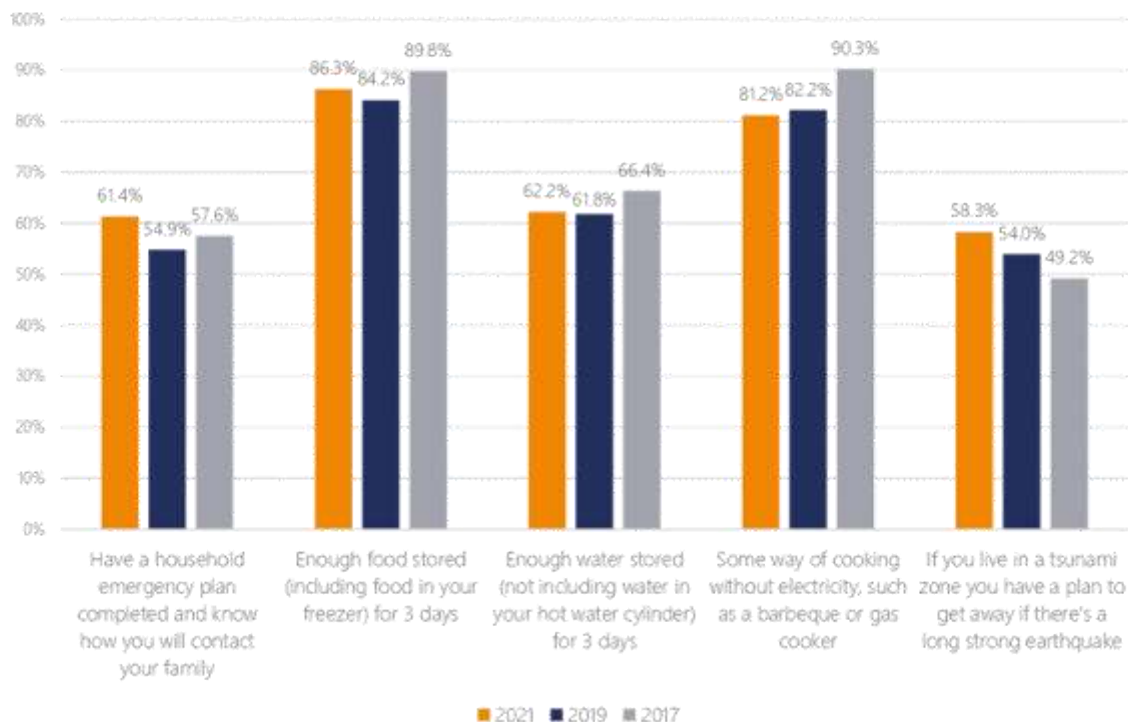
*n=800. Totals may exceed 100% owing to multiple responses from some respondents.*



## CIVIL DEFENCE EMERGENCY PREPAREDNESS

### Emergency preparedness

Residents were asked: "Have you and your family taken any action to prepare for natural hazards?"



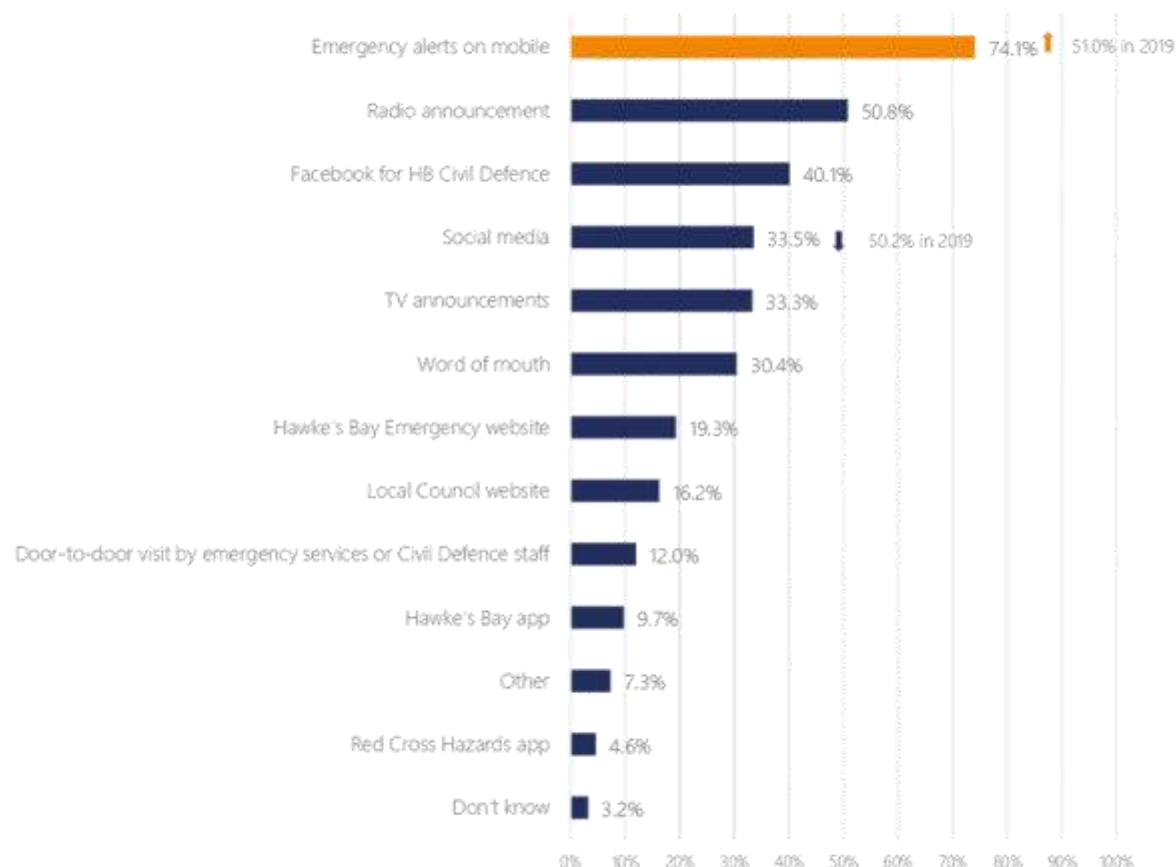
- In 2021, more residents reported having a household emergency plan (61.4%) and a plan to get away in case of tsunami (58.3%).
- 76.1% of Napier residents said they had a plan to get away if there is a long strong earthquake.
- Reported levels of stored food (86.3%), water (62.2%) and alternative ways of cooking (81.2%) remained similar to 2019.
- 4-in-10 residents reported four emergency preparedness steps completed all at once (emergency plan, stored food and water, and some way of cooking without electricity).
- Younger residents (aged 18-39) were less likely to have an emergency plan (51.0%), food (77.6%) or water (47.6%) stored.
- Rural residents were more likely to store water (80.7%) and have some way of cooking without electricity (87.2%), compared to urban residents.

*n=800. Only 'yes' responses are presented.*

## CIVIL DEFENCE EMERGENCY PREPAREDNESS

### Emergency communication

Residents were asked: "What communication methods would you use to get the most up to date information during an emergency in Hawke's Bay?".



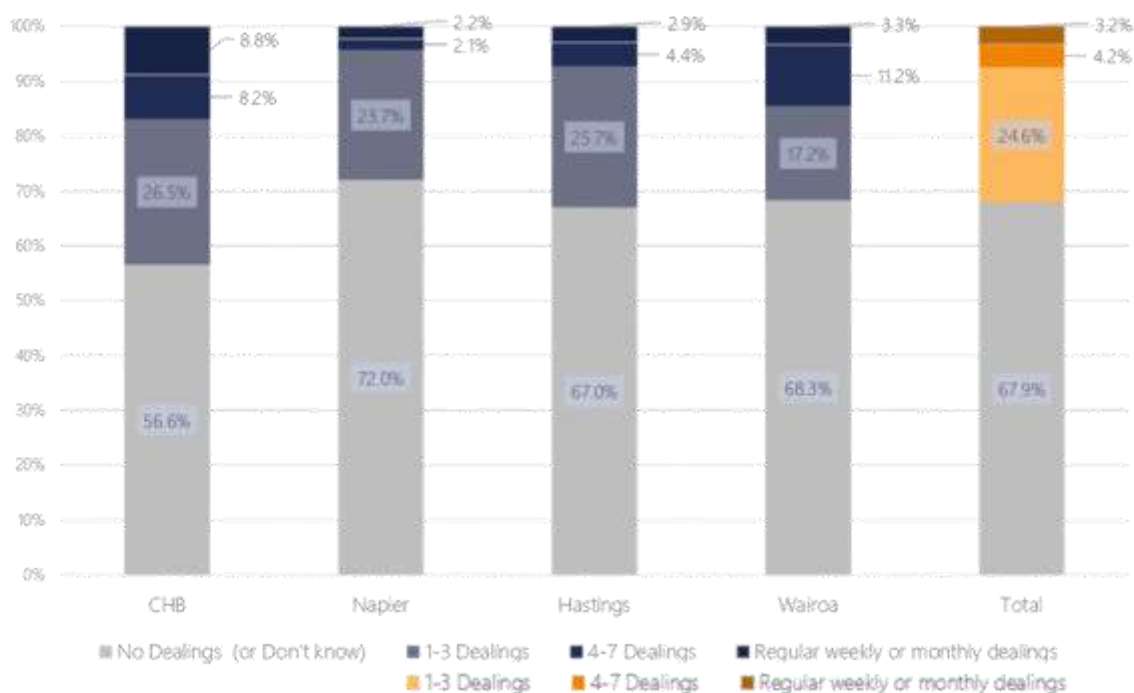
- The top three preferred communication methods during an emergency were: emergency alerts on mobile (74.1%), radio (50.8%), and Facebook for Hawke's Bay Civil Defence (40.1%).
- Significantly more residents cited emergency alerts in 2021 compared to 2019. At the same time, the share of social media has declined.
- Emergency alerts were the top choice amongst all resident segments.
- The second and third most preferred communication methods varied by age:
  - 18-39: Facebook and radio,
  - 40-64: radio and Facebook,
  - 65+: radio and TV announcements.

*n=794. Totals may exceed 100% owing to multiple responses from some respondents.*

## CONTACT WITH HBRC

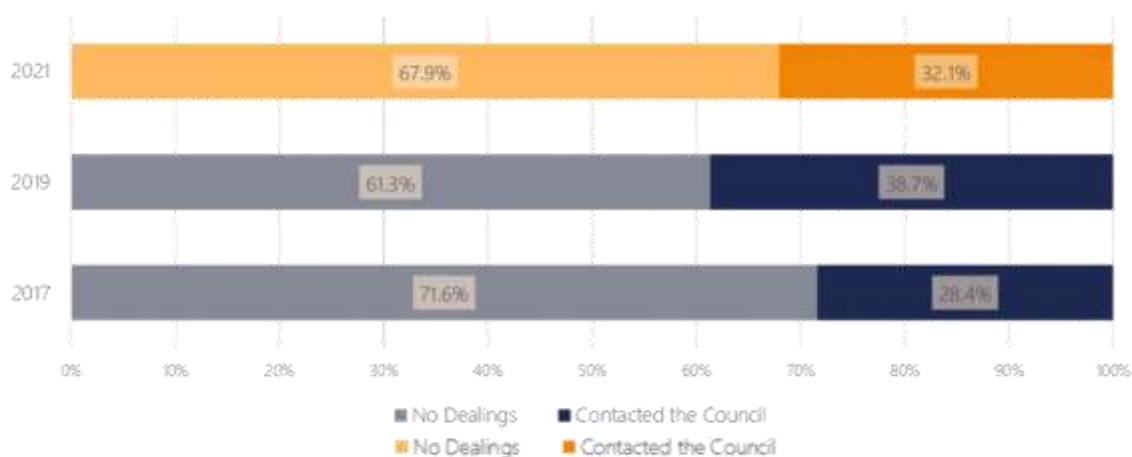
### Contact with HBRC in past 12 months

Residents were asked: "In the past 12 months, how often would you have had direct dealings or contact with Regional Council staff?", "Was your most recent dealing with the Regional Council...?"



- Across all residents, 32.1% reported having contact with the Regional Council in the last 12 months, which was similar to the 2019 results (38.7%).
- Phone was the most cited method of contact (44.3%), followed by in person contact (34.8%) and email (10.7%). Council's website\* was the least cited option (2.6%).

### Contact with HBRC by year



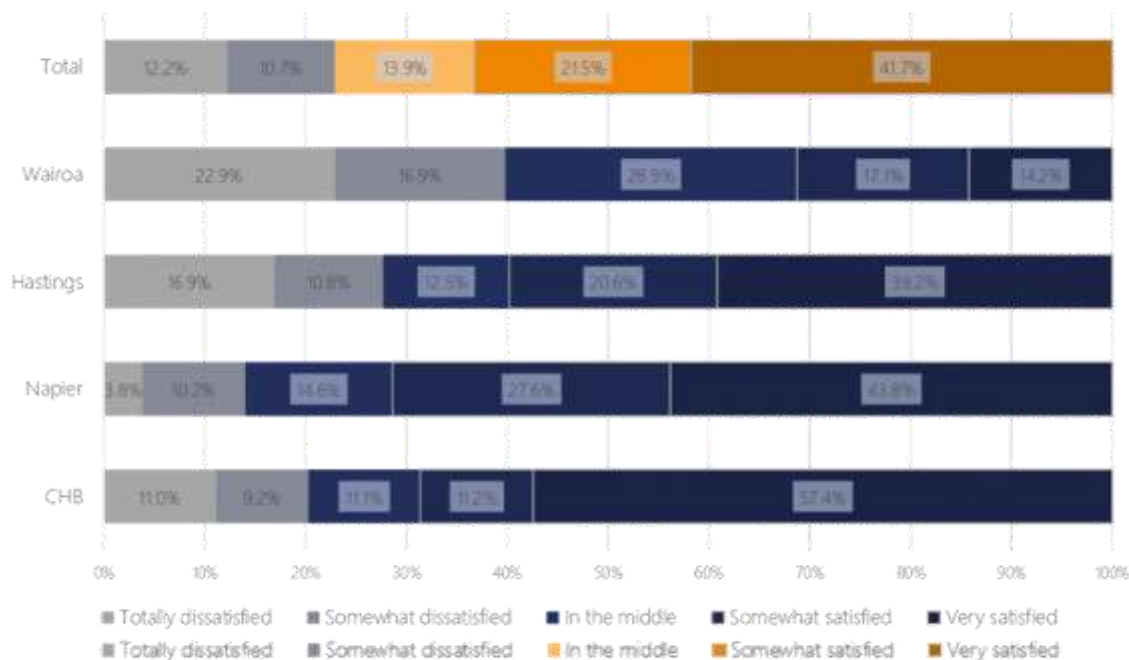
\*Note: some residents may not consider website as a form of a direct contact or dealing.

n=786. Had direct contact with the council n=253.

## CONTACT WITH HBRC

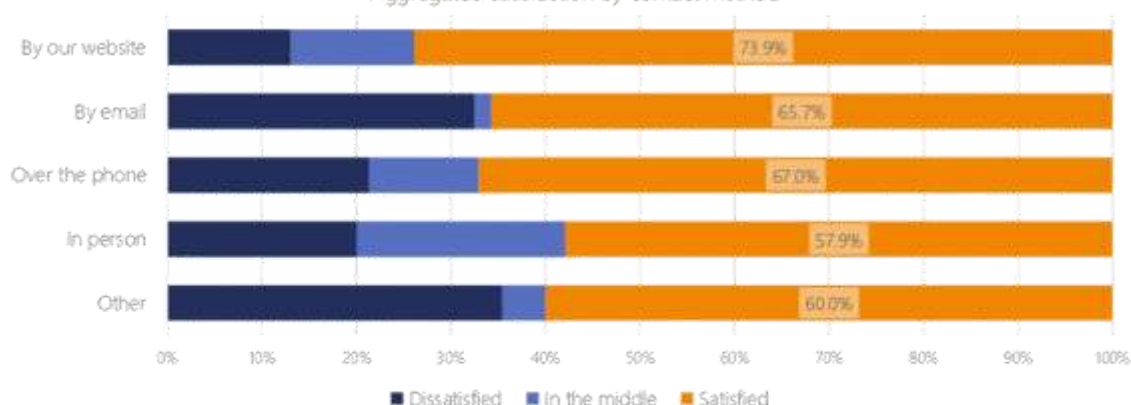
### Contact with HBRC in past 12 months - satisfaction

Residents were asked: "How satisfied or dissatisfied were you with your contact with the Regional Council?"



- Of those residents who had a direct dealing or contact with the Regional Council, 63.2% were satisfied with the way their contact was dealt with. This result was slightly up compared to 2019 (56.0%).
- Wairoa residents were more likely to be dissatisfied with their contact.
- Residents who contacted the Regional Council by phone or website were generally more satisfied; one-third of residents who used email were dissatisfied with their contact (32.5%).
- Residents' most cited reasons for being satisfied with their contact were 'Good staff/service' and 'Issue resolved/satisfactory outcome'.
- The most cited reasons for being dissatisfied with their contact were 'Insufficient response/unsatisfactory resolution', 'Poor attitude/lack of respect' and 'Delayed/minimal/no communication'.

### Aggregated satisfaction by contact method



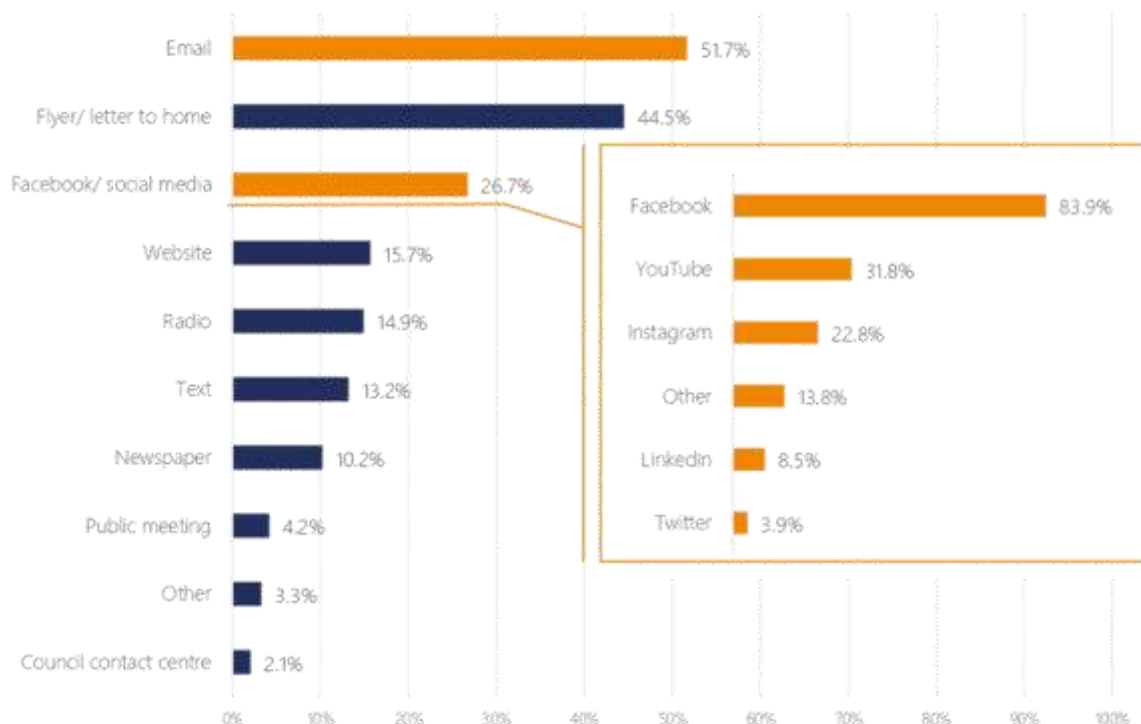
n=253

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## COMMUNICATION

### Preferred method of communication

Residents were asked: "How would you prefer to receive communications from the Regional Council?"



- In 2021, email (51.7%) continued to be the preferred way to receive communications from the Regional Council (up from 43.0% in 2019).
- Flyer/ letter to home was the second most cited option overall (44.5%); and most preferred by Wairoa residents, and residents aged 65+.
- Preference for Facebook/ social media (26.7%) as a method of communication decreased in 2021. At the same time, Facebook (83.9%) continued to be the most used digital platform.
- Facebook/ social media was more likely to be selected by younger residents (aged 18-39).

*n=788. Totals may exceed 100% owing to multiple responses from some respondents.*

## FINAL THOUGHTS

### Perceived value of services from HBRC rates

Residents were asked: "Overall, how would you rate the value of the services you receive from your Regional Council rates?"



- 82.1% of residents stated the value of services received from their Regional Council rates was 'acceptable' to 'very good'.
- Just under half of all residents (48.4%) stated this value as 'acceptable'.
- The perceived value of services from Regional Council rates improved in 2021 compared to 2017-2019 results, which was consistent with the generally higher performance ratings measured across Council's services.
- More Wairoa residents believed they receive poor value from their Regional Council rates.

Six services were found to statistically contribute towards perceived value of services from rates:

- Overseeing the **environmental performance** of local councils
- Support **tourism promotion** for Hawke's Bay
- Control plant and animal **pests**
- Create and enforce rules for **water use and quality**
- Protect soil** from **erosion** and encourage **sustainable farming** practices
- Improving water quality in **Lake Tūtira**

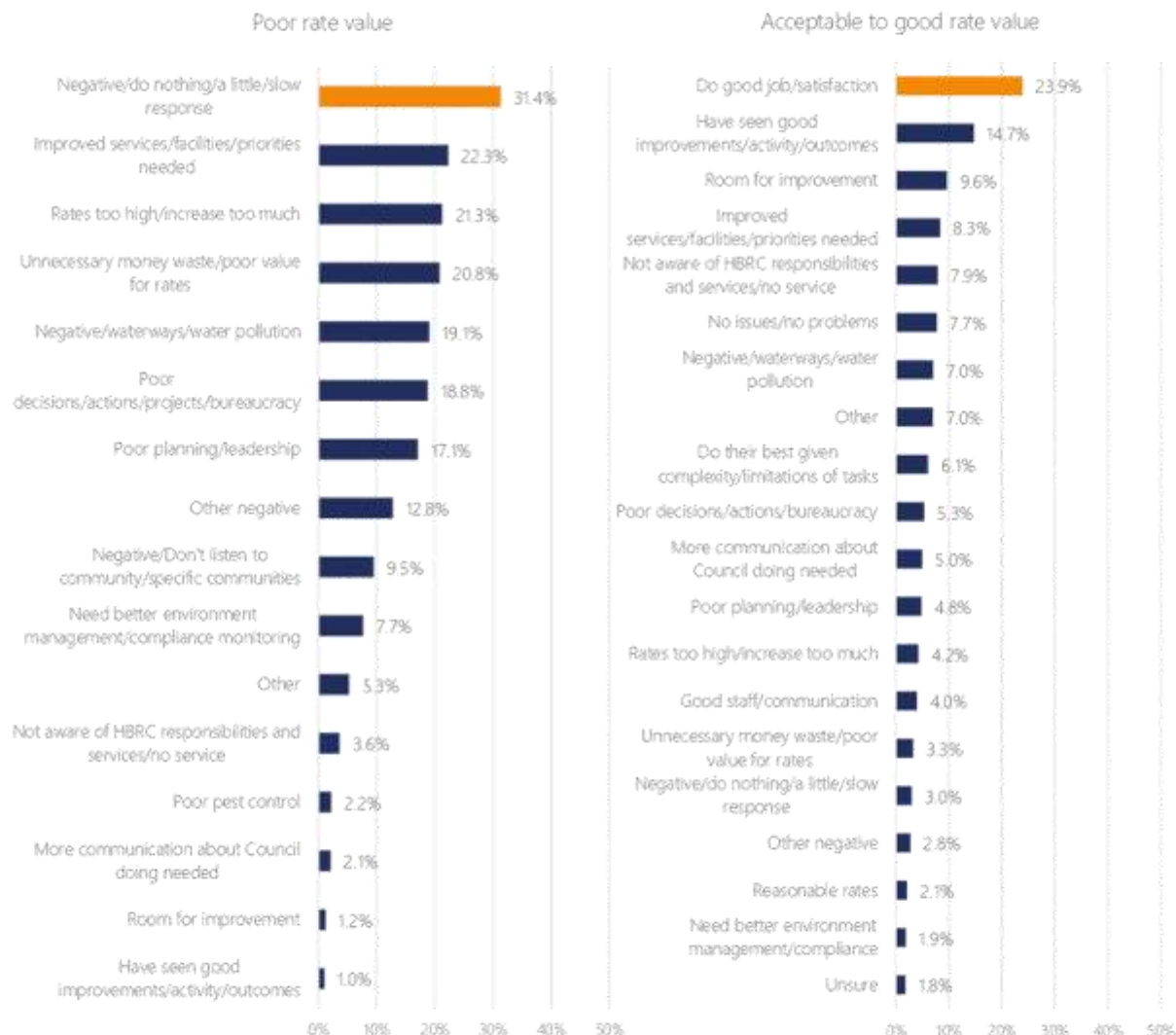
*n=785, 'No answer' excluded from the analysis.*



## FINAL THOUGHTS

### Perceived value of services from HBRC rates – reasons

Residents were asked: "Why do you say that?". Open-ended question, responses were categorised.



- Overall, one-third (31%) of residents did not provide a reason for their perceived value of services rating.
- Of 82.1% of residents who stated the value of services was 'acceptable' to 'very good', 23.9% were generally satisfied ('Do good job/satisfaction'), a further 14.7% specifically stated they 'Have seen good improvements/activity/ outcomes'; although 1-in-10 (9.6%) noted there was still room for further improvement.
- The most common reasons given for poor value of services ratings were 'Negative/do nothing/a little/slow response', 'Improved services/facilities/priorities needed', 'Rates too high/increase too much' and 'Unnecessary money waste/poor value for rates'.

Totals may exceed 100% owing to multiple responses from some respondents.

## FINAL THOUGHTS

### Protecting the environment

Residents were asked: "How much do you agree or disagree with the following... I'm prepared to pay more, such as in rates, fees or charges, for Hawke's Bay Regional Council to expand on existing efforts to maintain and protect the environment in our region?"



- In 2021, residents were asked if they are prepared to pay more to expand on existing efforts to maintain and protect the environment in the Hawke's Bay region.
- One-third of residents (33.8%) agreed they would pay more. However, just under half of residents (49%) disagreed.
- Residents from Central Hawke's Bay and Wairoa, and those aged between 40 to 64, were more likely to disagree.

*n=787. Totals may exceed 100% owing to multiple responses from some respondents.*

## FINAL THOUGHTS

### Improvements

Residents were asked: "What one thing could the Regional Council do to positively influence your opinion of them?". Open-ended question, responses were categorised.

Top 10 improvements



- While a range of improvements for the Regional Council were suggested, no single improvement was mentioned by more than 1-in-5 residents.
- In 2021, the top mentioned area for improvement was water ('Improve water quality/management/fix waterways').
- Rates were the second most cited improvement suggestion.
- Wairoa residents were most likely to request more attention to their own area.

### Other suggested improvements

Work effectively with other regional bodies	Māori ward seats for/against
More attention to CHB/Wairoa	Stop giving away water
Roads improvement	Better drains/flood management
Rubbish management	Improve air quality/monitoring
Unsure	Housing
Consideration given to leisure time and facilities	Promote green growing area
Better pest control	More/improved pathway/cycleways/toilets
Buy back port/develop assets/don't sell assets/Build dam	Water/boat safety
Improve public transport/bus service	

*n=549. Totals may exceed 100% owing to multiple responses from some respondents.*



## METHODOLOGY

### BACKGROUND AND OBJECTIVES

The purpose of this research was to ascertain Hawke's Bay residents' attitudes to the environment, to measure their awareness of and satisfaction with Hawke's Bay Regional Council relative to its role, and to identify current and preferred methods of communication with the Regional Council.

This survey is conducted every two years. In 2021, the Regional Council also consulted on their Long-Term Plan for the next ten years.

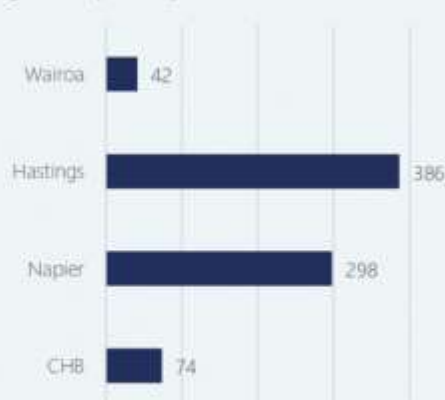
The 2021 survey included six specific proposals for public feedback.

### QUESTIONNAIRE AND PROJECT SPECIFICS

In 2015, SIL Research together with HBRC developed a Resident Survey questionnaire. This survey, with a few minor adjustments, was repeated in 2017-2019, and further adjusted in 2021 to ensure the questions are relevant and up to date.

SIL used a multi-layered sampling approach to ensure a proportional spread of respondents from each of the Council's four areas (Central Hawke's Bay, Hastings, Napier and Wairoa). In addition, the sample was monitored by age and gender distribution. See the Appendix (page 35) for a complete sample profile of demographic groups.

Figure 1 Responses by area



### DATA COLLECTION

Research was conducted between 22 March and 6 May 2021. Multiple data collection methods were utilised to ensure residents were represented and that collection methods were as inclusive as possible. A mixed methods approach included:

- (1) Telephone survey. Respondents were randomly selected from the publicly available telephone directories within specified territorial units;
- (2) Social media (available via SIL Research social media platforms, such as Facebook). The invitation advertisement was randomly promoted to Hawke's Bay residents;
- (3) Postal survey. 4,000 survey forms were sent to randomly selected Hawke's Bay households.

In addition, the survey was available via HBRC's online resources (e.g. Council Facebook).

A total of n=800 surveys were used in the final analysis.

### DATA ANALYSIS

Responses were statistically weighted to reflect the gender and age group proportions as determined by the Statistics New Zealand 2018 Census.

Before analysis, the data underwent a quality control check. The quality control check included, but was not limited to, removal of incomplete responses and responses coming from outside of the Hawke's Bay region.

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During the analysis stage of this report, two sets of statistical testing were employed while reviewing data findings. Chi-square tests were used when comparing group results in tables, and ANOVA tests were used when comparing statement means across groups. The threshold for reporting any statistically significant differences was a p-value of 0.05 (corresponding to a confidence level of 95%). The main resident demographics groups analysed in this report were: area, age, gender and property type. Where differences were outside this threshold (less than 95%), no comments were made; where differences were within this threshold, comments have been made within the context of their practical relevance to the Regional Council.

Using Statistics New Zealand population projections for the HBRC catchment area, a sample size of n=800 across 124,413 residents aged 18 years and over allows for a 95% confidence level +/- 3.5% where residents are split 50/50 on any given issues, and a 95% confidence level +/- 2.8% where residents are split 80/20.

#### NOTES ON REPORTING

Where applicable, the 2021 results were compared to previous years' data.

The term '*Resident*' has been used to represent respondents who participated in the survey.

Due to rounding, figures with percentages may not add to 100%. Reported percentages were calculated on actual results not rounded values.

## APPENDIX

## Survey participants

Table 1 Age groups

	Frequency	Percent	Target
15-17	1	0%	n/a
18-39	256	32%	258
40-64	347	43%	346
65+	196	25%	196
Total	800	100%	800

Table 2 Gender

	Frequency	Percent	Target
Male	385	48%	386
Female	415	52%	414
Total	800	100%	800

Table 3 Area

	Frequency	Percent	Target
CHB	74	9%	69
Napier	298	37%	305
Hastings	386	48%	387
Wairoa	42	5%	39
Total	800	100.0%	800

Table 4 Property type

	Frequency	Percent
Other	22	3%
Urban	621	78%
Rural	157	20%
Total	800	100%

Table 5 Property ownership

	Frequency	Percent
Other	13	2%
Own	697	87%
Rented	76	9%
I'd rather not say	14	2%
Total	800	100%

Table 6 Ethnicity (multichoice)

	Frequency	Percent
New Zealand European	663	83%
Māori	105	13%
Other (aggregated)	84	10%
Total	800	100%

Note: results were statistically weighted. Results may not add up due to rounding.





# 2021 Regional Survey Findings



*Hawke's Bay residents were asked about their attitudes to the environment, and about their awareness and satisfaction with the work of Hawke's Bay Regional Council*

**hbrc.govt.nz, search: #hbrcsurvey**



## About the 2021 survey

Hawke's Bay residents were asked about their attitudes to the environment, and about their awareness and satisfaction with the work of Hawke's Bay Regional Council. This survey follows previous surveys held every two years. The previous one was in 2019.

## Context - What was happening in 2021

- A significant flood event occurred in Napier city in November 2020
- Hawke's Bay, particularly south of Hastings, had remained very dry with extended periods of low rainfall since 2020
- All councils in Aotearoa New Zealand were preparing their significant 'Long Term Plans' and consulting with the public in April-May 2021, including in Hawke's Bay
- The Regional Council was also consulting on Maori Constituencies 22 March – 22 April 2021, and on the formation of a new council-controlled organisation to operate a proposed new food hub called FoodEast from 25 March – 12 April 2021
- The Government announced a review of Local Government on 23 April 2021.

## Survey methodology

Data was collected using a mixed method of telephone interviews (353), online (300) and a postal survey (147) of residents across Hawke's Bay

A total number of 800 surveys were used in the analysis: a statistically robust sample with a margin of error of  $\pm 5\%$

Responses were collected between 22 March and 6 May 2021

## How the survey differed to 2019

- Some questions were introduced relating to the consultation topics in the Regional Council's Long Term Plan process – which was seeking public feedback at the same time as the survey
- Questions about Climate Change were not repeated from 2019
- Some repetitive questions were removed, to keep the survey concise.



## OVERALL PERFORMANCE 2021

## What we found

82.1%

acceptable to very good

Value  
for  
Ratesup from  
73.7%  
in 2019

Areas the Regional  
Council should  
**focus on for more  
improvement**

Water security  
Swimmable rivers and streams  
River and groundwater levels and quality  
Controlling plant and animal pests  
Flood control



**Good awareness of the  
Regional Council's main roles in**

- Waterways
- Coastal management
- Flood control



**Awareness levels in the  
community about the  
difference between Regional  
Council and city or district  
council services remain low.**

## Residents rated 4+ out of five



Monitor river and  
groundwater levels  
and quality



Improve water security



Look after native bush,  
reserves, and wetlands



Protect communities  
from flooding



Make rivers and streams  
more swimmable



**1 in 3 Hawke's Bay people contacted  
the Regional Council in the past year**

**Of those contacts,**

# 63%

up from  
56%  
in 2019

**were satisfied  
with their experience**

## CONTACTING REGIONAL COUNCIL

### What we found

1 in 3 Hawke's Bay people contacted us in the past year - **63% were satisfied with their experience**

Who and how people interact with Regional Council is changing:



More people used the phone or visited one of our offices in their most recent contact with us.



Residents who contacted Regional Council by phone or website were generally more satisfied.



Satisfaction by contact method



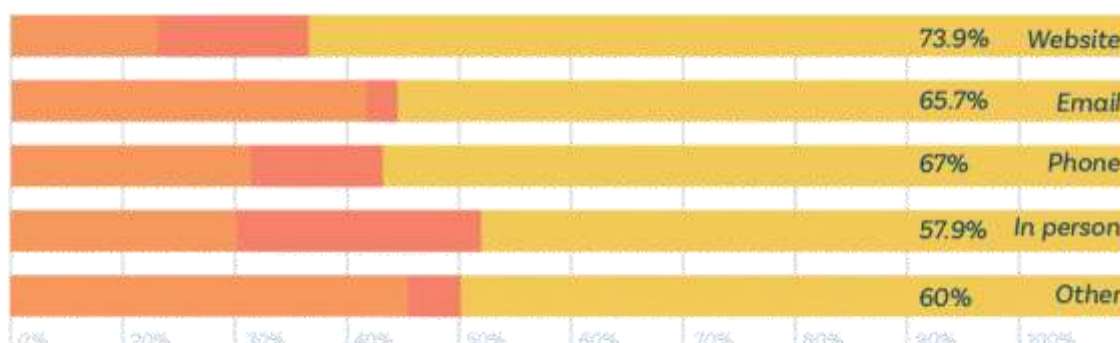
Disatisfied



In the middle



Satisfied



## CORE SERVICES AND IMPORTANT ISSUES

### What we found

Residents think the most important issues the Regional Council should be working on are:

1. Rivers and groundwater levels and quality
2. Native bush, reserves and wetlands
3. Reducing spray drift and dust
4. Access to quality outdoor places

Six areas of work first measured in 2019 showed improvement in how we performed:

Protecting the region's biodiversity	3.1	→	3.0
Overseeing environmental performance of farmers and growers	2.8	→	3.0
Overseeing environment performance of other HB councils	2.7	→	3.0
Improving water quality in Tukituki catchment	2.5	→	2.9
Protecting the Ahuriri estuary	2.7	→	2.9

## VALUES FROM RATES

### What we found

Six Regional Council services statistically contribute to the communities feelings of 'value for money' from rates:

**Overseeing the environmental performance of local councils.**  
**Support tourism promotion for Hawke's Bay.** **Control plant and animal pests.** Create and enforce rules for water use and quality.  
**Protect soil from erosion and encourage sustainable farming practices.** Improving water quality in Lake Tūtira.



**Email** is the most preferred way to get communication from Regional Council



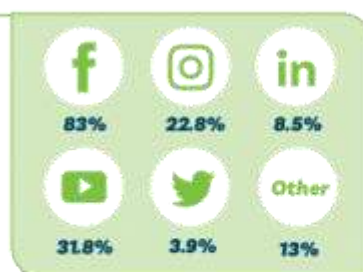
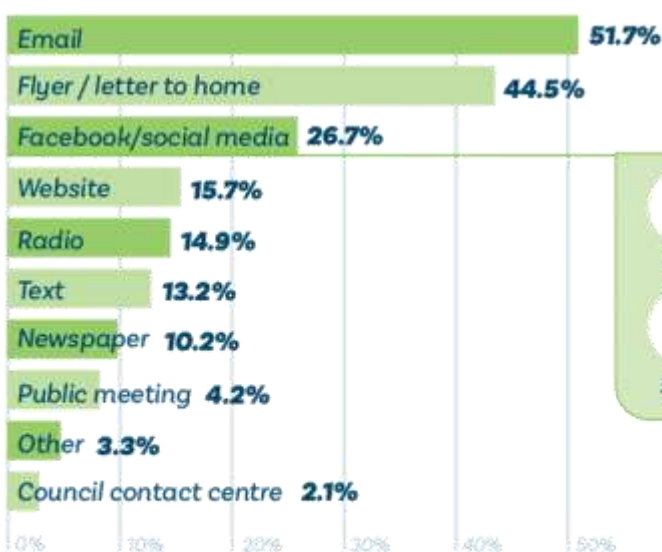
**Flyer or letter to home** was the second most preferred option, most preferred by those aged 65+



**Facebook** continued to be the most used digital platform, and most used by younger residents aged 18-39

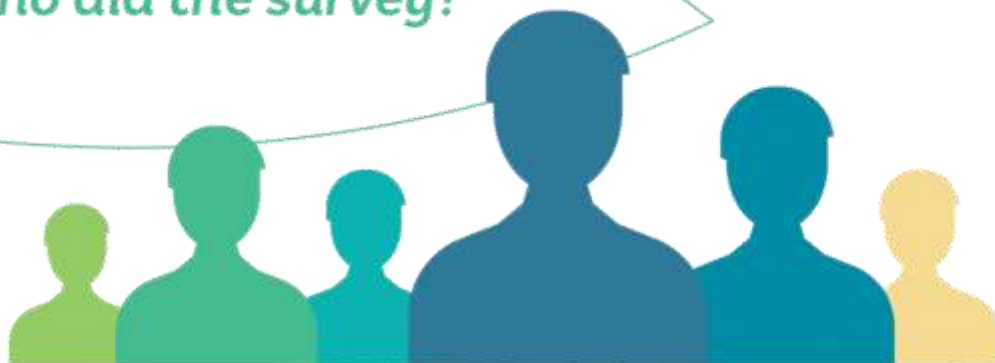
## COMMUNICATION

### What we found





## Who did the survey?



Ethnicity	Gender	Age	District	Property ownership	Live in city or rural area
<b>New Zealand European</b> 663 83%	<b>Female</b> 415 52%	<b>18-39</b> 257 32%	<b>Wairoa District</b> 42 5%	<b>Own</b> 697 87%	<b>Urban</b> 621 78%
<b>Maori</b> 105 13%	<b>Male</b> 385 48%	<b>40-64</b> 347 43%	<b>Hastings District</b> 386 48%	<b>Rent</b> 76 9%	<b>Rural</b> 157 20%
<b>Other (aggregated)</b> 84 10%		<b>65+</b> 196 25%	<b>Napier City</b> 298 37%	<b>Other</b> 13 2%	<b>Other</b> 22 3%
			<b>Central Hawke's Bay</b> 74 9%	<b>Rather not say</b> 14 2%	

## About our surveys

Hawke's Bay Regional Council carries out a resident survey every two years. All of the survey results are available online at [hbrc.govt.nz](https://hbrc.govt.nz), search: #hbrcsurvey

If you have any questions about the survey, contact the Regional Council and ask to speak to the Communications team.

[hbrc.govt.nz](https://hbrc.govt.nz)



# HAWKE'S BAY REGIONAL COUNCIL

28 July 2021

## Subject: REPORT FROM THE 28 JUNE 2021 HB CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE MEETING

Item 13

### Reason for Report

1. This item provides a summary of discussions at the 28 June 2021 HB Civil Defence Emergency Management Group Joint Committee (HB CDEMG JC).

### Agenda Items

2. **COVID-19 Response Review** provided the Joint Committee with an opportunity to note and endorse a report on the lessons learned from the HB CDEM Group response. Review findings and subsequent actions included:
  - 2.1. Regional Leadership Group during the event included Iwi representation. A process is now being undertaken to introduce permanent Iwi representation at both CDEM Group Joint Committee and CEG levels
  - 2.2. Some operational improvements were identified. These will form part of a continuous improvement process that is currently being developed by HB CDEM Group for consideration at the next CEG meeting on 26 July 2021
3. **Community Resilience Update** provided the Joint Committee with information about community support initiatives being undertaken including:
  - 3.1. Tsunami zone campaign letters will be distributed shortly. Partners in this process are being kept informed.
  - 3.2. The intention of the tsunami campaign is to empower people to act independently rather than waiting for instructions from authorities
  - 3.3. Communities at high tsunami risk are being targeted including those that would be difficult to evacuate people from
  - 3.4. Tsunami information boards are being installed along the HB coastline including Mahia, Westshore, Bayview, and Cape Coast areas.
4. **Group Manager's General Update** informed the Joint Committee about:
  - 4.1. CDEM staff retention and recruitment are issues throughout NZ particularly since the major COVID - 19 event in 2020.
  - 4.2. "Know your tsunami zone" campaign will commence in early July 2021 with 30,000 landowners to receive an information letter.
  - 4.3. A regional rapid building assessment system is being developed with a report on this to be considered by CEG
  - 4.4. Government emergency management reforms are being introduced. NEMA are looking for involvement from regional CDEM offices and councils. This comes at a time when TLA staff are already busy with other reform requirements
5. **National Emergency Management Agency (NEMA) Update** provided the Joint Committee with information and a presentation from NEMA's about their plans including:
  - 5.1. Senior NEMA staff will be making themselves more available to CDEM groups across NZ
  - 5.2. Focus areas include developing and drafting a new Emergency Management Act, reviewing the National CDEM Plan, and developing a National Disaster Resilience Strategy Roadmap

- 5.3. Emergency Management Act will repeal and replace existing legislation. A transition period is being planned
- 5.4. CDEM Sector Strategy to be completed by the end of 2021- looking for considerable input from partners and ensuring there is Maori representation at Joint Committee and CEG levels
- 5.5. NEMA recognise CDEM groups and TLA staff as key stakeholders and acknowledge the high level of demand in recent times.
- 5.6. NEMA is considering options to better support regions, including possible co-locations. This possibility might see NEMA supporting communities more rather than co-locating to assist CDEM groups
- 5.7. NEMA reforms have a tight end of year 2021 deadline and will require input from CDEM staff. It is likely staff will be diverted from other work to achieve this.

### **Decision Making Process**

- 6. 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 "*Report from the 28 June 2021 HB Civil Defence Emergency Management Group Joint Committee meeting*".

#### **Authored by:**

**Leeanne Hooper**  
**TEAM LEADER GOVERNANCE**

**Peter Martin**  
**SENIOR GOVERNANCE ADVISOR**

#### **Approved by:**

**Ian Macdonald**  
**GROUP MANAGER/CONTROLLER**

### **Attachment/s**

There are no attachments for this report.

**Subject: REPORT FROM THE REGIONAL PLANNING COMMITTEE**

**Reason for Report**

1. The following matters were considered by the Regional Planning Committee (RPC) meeting on 7 July 2021 and are now presented for Council's information alongside any additional commentary the Co-chair, Councillor Rick Barker, wishes to offer.

**Agenda items**

2. The **Freshwater Management Units** agenda item presented three options to the RPC for the delineation of the Freshwater Management Units (FMUs) (all or any part of a water body or water bodies, and their related catchments, that a regional council determines is an appropriate unit for freshwater management and accounting purposes) for the region. The paper sought an 'in-principle' agreement to an option to enable staff to initiate conversations about Freshwater Management Units with tāngata whenua and the community, noting that this was important for the on-going development of Kotahi.
3. Staff had previously introduced Freshwater Management Units to the RPC in a workshop in April, and a further workshop held prior to the RPC meeting on the 7 July. At that meeting some members expressed concern with making an in-principle decision and wanted to more fully understand the alternative option which had been presented by NKII in their submission to the TANK hearings for the TANK catchments. As a consequence, it was agreed to hold a further workshop with staff, NKII and the tangata whenua representatives prior to the next RPC meeting and decision making was deferred to that 1 September 2021 meeting.
4. The **Tangata Whenua Representatives on the Biodiversity Hawke's Bay Strategy Stewardship Group** item sought guidance and advice on inviting and engaging two tangata whenua representatives for the Biodiversity Hawke's Bay Strategy Stewardship Group (SSG). Tangata whenua provided relevant feedback to the Group and will take the matter forward directly with Biodiversity HB.
5. The **Māori Engagement ahead of Public Consultation on implementation and execution of the Coastal Hazards Strategy** item outlined proposed engagement with mana whenua ahead of formal consultation on the implementation and execution of the Clifton to Tangoio Coastal Hazards Strategy in early to mid-2022 and sought the Committee's feedback. The committee supported the proposed communication plan for engagement with relevant groups.
6. The **Resource Management Policy Projects July 2021 Update** item provided an outline and update of the Council's various plan change projects currently underway.
7. The **Statutory Advocacy Update** reported on proposals forwarded to the Regional Council and assessed by staff acting under delegated authority as part of the Council's Statutory Advocacy project.

**Decision Making Process**

8. 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

1. That the Hawke's Bay Regional Council receives and notes the "*Report from the Regional Planning Committee*", including the following reports that were provided to the Committee for information:
  - 1.1. Māori Engagement ahead of Public Consultation on implementation and execution of the Coastal Hazards Strategy
  - 1.2. Resource Management Policy Projects Update
  - 1.3. Statutory Advocacy Update.

## Authored by:

**Annelie Roets**  
**GOVERNANCE ADVISOR**

**Leeanne Hooper**  
**TEAM LEADER GOVERNANCE**

**Ceri Edmonds**  
**MANAGER POLICY AND PLANNING**

## Approved by:

**Katrina Brunton**  
**GROUP MANAGER POLICY &  
REGULATION**

**Pieri Munro**  
**TE POU WHAKARAE**

## Attachment/s

There are no attachments for this report.

# HAWKE'S BAY REGIONAL COUNCIL

28 July 2021

## Subject: COUNCILLORS' REPORTS FROM JULY 2021 MEETINGS OF OUTSIDE BODIES

Item 15

### 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 TBFree 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 July 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

28 July 2021

**Subject: DISCUSSION OF MINOR ITEMS NOT ON THE AGENDA**

**Item 16**

### 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 6.

Topic	Raised by



## HAWKE'S BAY REGIONAL COUNCIL

28 July 2021

### 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 17 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	REASON FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
2021 FY Section 36 Charges Transition	7(2)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.	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**

**Ross Franklin**  
**ACTING CHIEF FINANCIAL OFFICER**

#### Approved by:

**James Palmer**  
**CHIEF EXECUTIVE**