

Meeting of the Hawke's Bay Regional Council

Date: 25 January 2023
Time: 1.30pm
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

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1.	Welcome/Karakia/Apologies/Notices	
2.	Conflict of Interest Declarations	
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Decision Items (Public Excluded)		
13.	Confirmation of Minutes of the Public Excluded meeting held on 14 December 2022	63

Subject: Call for minor items not on the Agenda**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 12.

Topic	Raised by

Leeanne Hooper
Governance Team Leader

James Palmer
Chief Executive

Subject: Climate Action Joint Committee Terms of Reference

Reason for Report

1. This report presents the Terms of Reference (TOR) for the Climate Action Joint Committee for the Council's consideration and adoption.

Officers' Recommendations

2. Staff recommend that Council considers and adopts the attached proposed TOR as the next step toward the appointment of the Climate Action Joint Committee as a joint committee in accordance with Local Government Act (the Act) clauses 30(1)(b) and 30A.
3. Further, staff request that the elected members appointed to the Joint Committee collaborate with staff to engage with Territorial Authorities to secure cross-council adoption of the TOR, as required by the Act, to enable the formal (appointment) establishment of the joint committee.
4. Council is asked to note that the TOR initially adopted to establish the joint committee are open to amendments for further refinement through the joint committee itself, for recommendation to all of the participating councils for adoption.

Executive Summary

5. At its meeting on 16 November 2022, the Regional Council resolved that it:
 - 5.1. Supports the establishment of the Climate Action Joint Committee subject to confirmation of the Terms of Reference
 - 5.2. Appoints councillors Hinewai Ormsby and Xan Harding as HBRC's representatives on the Climate Action Joint Committee, and Di Roadley as alternate.
6. The Terms of Reference (Attachment 1) must be adopted by all the partner councils prior to the joint committee's first meeting. To allow time for that to happen, the meeting previously scheduled on 27 February 2023 will be rescheduled to early April.

Background /Discussion

7. The desire to establish a Joint Committee to oversee climate mitigation and adaptation work first arose at the Hawke's Bay Local Government Leaders (and CEs) Forum meeting on 31 October 2022. It was agreed that a joint committee provides an effective vehicle for a coordinated response to climate change which will be identified in the Triennial Agreement as a significant cross-council priority affecting all communities in the Hawke's Bay region.
8. It will also provide a platform for the work required of councils in meeting their statutory obligations to "have regard to" the *National Emissions Reduction Plan* and *National Adaptation Plan*, as well as meet obligations under the *Spatial Planning* and *Natural & Built Environments* legislation.
9. Since the Council agreed in principle to establish a climate action joint committee, the HBRC Chair and Deputy Chair presented to a Central Hawke's Bay District Council meeting on 8 December discussing the objectives and underpinning values of the work proposed for the committee. Further work to socialise the objectives of the Joint Committee is needed with the partner councils.
10. A decision on membership from the Māori Committee and Regional Planning Committee appointed tangata whenua members will be sought on 8 and 15 February respectively.

Membership and meeting frequency

11. The Terms of Reference (TOR) provide for:
 - 11.1. Up to two Regional Council elected members including the HBRC Chair and one alternate. The HBRC chair will be the appointed as the Chair of the Joint Committee.
 - 11.2. Up to two elected members from each Territorial Authority within the Hawke's Bay region, and one alternate.
 - 11.3. Up to two members and one alternate appointed by the HBRC Regional Planning Committee (RPC) to represent Post [Treaty] Settlement Governance Entity (PSGE) representatives on the RPC.
 - 11.4. Up to two members and one alternate appointed by the HBRC Māori Committee to represent the Ngati Kahungunu Taiwhena and Board representatives on the committee.
12. HBRC will be the administering authority for the Climate Action Joint Committee with administrative support (convening meetings, keeping minutes, etc) provided by the Hawke's Bay Regional Council's Governance team.

Technical Advice

13. A Technical Advisory Group (TAG) will comprise of staff members from the member councils who are working in climate mitigation and adaptation and will involve subject matter experts as required to ensure linkages with other workstreams, such as the work of the Regional Transport Committee and the Clifton to Tangoio Coastal Hazards and Napier-Hastings Future Development Strategy joint committees. Hawke's Bay Regional Council's Climate Action Ambassador, along with the dedicated roles at Napier City and Hastings District councils will lead this work.

Options Assessment

14. The Council has previously agreed to support formation of a climate action joint committee, subject to an agreed terms of reference. The Council could still choose to:
 - 14.1. adopt the terms of reference as proposed, for proposing to the member councils for adoption (meeting in February-March)
 - 14.2. make amendments to the attached proposed terms of reference, which will then flow through to the member councils for adoption, or
 - 14.3. revoke its earlier support for establishing the joint committee (this option is not favoured by staff).

Financial and Resource Implications

15. Councillor members of the joint committee will not receive extra remuneration for their membership but will be entitled to reimbursement of associated costs such as for travel which will be funded by the Council they represent.
16. HBRC, as the administering authority, will cover the costs of administration and tangata whenua representatives' remuneration. It is estimated to cost around \$8,000 per annum as detailed in the table following. Costs assume three meetings per year, held in the HBRC Chamber and not livestreamed or recorded. Livestreaming would cost an additional \$700 + GST per meeting. These costs can be accommodated within the existing HBRC climate change engagement and governance budgets.

Description		Per meeting	Per year
Travel allowance reimbursement	\$0.83 x 250km	\$207	\$622
Catering	25 x \$23 pp	\$575	\$1,725
RPC rep – Additional meeting fee	\$452 x 2 members	\$904	\$2,712
MC rep – Additional meeting fee	\$452 x 2 members	\$904	\$2,712
	Total	\$2,590	\$7,771

17. Funding for technical inputs will predominantly come from the existing HBRC budget with contributions on a case-by-case basis from member councils, as per the status quo.
18. Consideration could be given to sharing the costs for tangata whenua participation and technical inputs, similar to the Napier-Hastings Future Development Strategy Joint Committee, between all the member councils as part of the next LTP.

Decision Making Process

19. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 19.1. Council is required to (LGA sch.7 cl.19(1)) hold the meetings that are necessary for the good government of its region
 - 19.2. Council may appoint (LGA sch.7 cl. 30(1)(a)) the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate, including joint committees
 - 19.3. Given the provisions above, Council can exercise its discretion and make these decisions without consulting directly with the community or others having an interest in the decision.

Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *Climate Action Joint Committee Terms of Reference* staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Adopts the Terms of Reference for the Climate Action Joint Committee as proposed.
4. Invites the Regional Planning Committee to appoint up to two members and one alternate to represent the Post [Treaty] Settlement Governance Entity representatives on the Regional Planning Committee as provided for in the Terms of Reference.
5. Invites the Hawke's Bay Regional Council's Māori Committee to appoint up to two members and one alternate to represent the Ngāti Kahungunu Taiwhenua and Ngāti Kahungunu Board representatives on the HBRC Māori Committee.
6. Subject to the agreement of all member councils, appoints the Climate Action Joint Committee, under Clause 30 of Schedule 7 of the Local Government Act 2002 with the Central Hawke's Bay District, Hastings District, Napier City and Wairoa District councils

Authored by:

Leeanne Hooper
Team Leader Governance

Pippa McKelvie-Sebileau
Climate Action Ambassador

Desiree Cull
Strategy & Governance Manager

Approved by:

James Palmer
Chief Executive

Attachment/s

1 [!\[\]\(17acf1afa8cdf0b67c53d4865a5ed469_img.jpg\)](#) Climate Action Joint Committee ToR proposed for adoption 25Jan23

Terms of Reference for the Climate Action Joint Committee

As adopted by resolution of:

Hawke's Bay Regional Council, 25 January 2023

Central Hawke's Bay District Council, ...2023

Hastings District Council, ... 2023

Napier City Council, ... 2023

Wairoa District Council, ... 2023

1. Name and status of Joint Committee

- 1.1. The Joint Committee shall be known as the Climate Action Joint Committee.
- 1.2. The Joint Committee is a joint committee under clause 30(1)(b) of Schedule 7 of the Act.

2. Purpose

- 2.1. Climate mitigation and adaptation is core business for councils. It spans multiple council workstreams such as urban planning, land-use and resource management, transport, flood protection, coastal hazards and emergency management. Without duplicating effort, the purpose of the Joint Committee is to support a joined-up, coordinated and collaborative response to address the complex challenge of transitioning to a climate resilient future for the communities of Hawke's Bay.
- 2.2. The focus of the Joint Committee will be promoting action to mitigate climate change (emissions reductions and offsetting) and adapt to changing regional climate.
- 2.3. The Climate Action Joint Committee aims to support resilient communities and industries to thrive within boundaries of our natural environment.

3. Objectives

- 3.1. Oversee and guide the development and implementation of a Regional Emissions Reduction Plan including recommending actions for partner councils to include in their Long Term Plans.
- 3.2. Oversee and guide the development and implementation of a spatial Regional Climate Risk Assessment to deliver on responsibilities under the National Adaptation Plan to:
 - 3.2.1. Reduce vulnerability to the impacts of climate change
 - 3.2.2. Enhance adaptive capacity and consider climate change in decisions at all levels
 - 3.2.3. Strengthen resilience.
- 3.3. Support compliance with the statutory requirement to "have regard to" the National Emissions Reduction Plan and the National Adaptation Plan in all RMA-related plans of partner councils.
- 3.4. Inform planning to drive climate-resilient development in the right locations within the Future Development Strategy required under the National Policy Statement on Urban Development, and the Regional Spatial Strategy and regional combined plan proposed under the Spatial Planning and Natural and Built Environments legislation.

4. Membership

- 4.1. Up to two elected members from the Hawke's Bay Regional Council; being the Chair and one other elected member, and one alternate.
- 4.2. Up to two elected members from each Territorial Authority within the Hawke's Bay region; preferably the Mayor and one other elected member, and one alternate.
- 4.3. Up to two members and one alternate appointed to represent the Post [Treaty] Settlement Governance Entity (PSGE) representatives on the HBRC Regional Planning Committee¹.
- 4.4. Up to two members and one alternate appointed to represent the Ngāti Kahungunu Taiwhenua and Board representatives on the HBRC Māori Committee².
- 4.5. Under clause 30A(6) Schedule 7 of the Act, the power to discharge any member on the Joint Committee and appoint his or her replacement shall be exercisable only by the body that appointed the member.

5. Chairperson and Deputy Chairperson

- 5.1. The Chairperson of the Joint Committee will be the Chair of the Hawke's Bay Regional Council.
- 5.2. At the first meeting of the Joint Committee the members shall elect a Deputy Chairperson.
- 5.3. The mandate of the Chairperson and Deputy Chairperson ends if that person, through resignation or otherwise, ceases to be a member of the Joint Committee.

6. Delegated authority

The Joint Committee has delegated responsibilities for:

- 6.1. Guiding and providing oversight for climate mitigation and adaptation across the region with current and relevant technical inputs.
- 6.2. Leading regional emissions reduction plans including recommending actions to partner councils to include in their Long Term Plans
- 6.3. Leading spatial regional climate risk assessments to deliver on responsibilities under the National Adaptation Plan
- 6.4. Setting targets, including interim goals, towards achieving carbon neutrality by 2050
- 6.5. Monitoring regional greenhouse gas emissions (community carbon footprint) on a regular basis and reporting annually on implementation of regional emissions reduction plans
- 6.6. Considering and recommending key emissions reduction actions to each of the partner councils and industry for consideration
- 6.7. Advocating for and/or advancing the objectives of regional climate action by submitting on and participating in processes, at the Joint Committee's discretion, including but not limited to:
 - 6.7.1. Council long term plans
 - 6.7.2. Council annual plans
 - 6.7.3. District and regional plan and policy changes
 - 6.7.4. Reserve management plans

¹ HBRC Regional Planning Committee is a co-governance committee composed of an equal number of elected councillors and appointees from each of the Post Settlement Governance Entities (PSGEs) within the HB Region.

² HBRC Māori Committee has 13 tangata whenua representatives, 3 from each of the Taiwhenua (and Wairoa Kahungunu Executive) within the Hawke's Bay regional boundary and 1 from the Ngāti Kahungunu Iwi Inc Board

- 6.7.5. Asset management plans
- 6.7.6. Notified resource consent applications
- 6.7.7. Central Government policy and legislation
- 6.7.8. Investigating and securing additional sources of funding to support regional decarbonisation, offsetting and protecting communities from the impact of climate change.
- 6.8. For the avoidance of doubt, the Joint Committee can only make recommendations to partner councils. Without legally binding subsequent council decisions, the partner councils agree to:
 - 6.8.1. Have particular regard to the recommendations of the Joint Committee in developing policies, determining priorities, and allocating resource;
 - 6.8.2. Progress, to the fullest possible extent, actions identified through joint planning and decision-making arrangements.

7. Powers not delegated

The following powers are not delegated to the Joint Committee:

- 7.1. Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Local Government Act 2002.
- 7.2. Decisions relating to the allocation of funding for undertaking investigations, studies and/or projects in climate adaptation, offsetting or climate mitigation and matters relating to consenting.

8. Meetings

- 8.1. The Hawke's Bay Regional Council standing orders will be used to conduct Joint Committee meetings as if the Joint Committee were a local authority and the principal administrative officer (Chief Executive) of the Hawke's Bay Regional Council or his or her nominated representative were its principal administrative officer.
- 8.2. The Joint Committee shall hold meetings at such frequency, times and place(s) as required for the performance of the functions, duties and powers delegated under this Terms of Reference, at least three times per year.
- 8.3. Notice of meetings will be given as far in advance as possible to all Joint Committee members, and in accordance with the provisions of the Local Government Official Information and Meetings Act.
- 8.4. Meetings may provide for members' attendance by audio-visual link if required.
- 8.5. Members, or their confirmed alternates, will attend all Joint Committee meetings.
- 8.6. The quorum will consist of a majority of members.

9. Voting

- 9.1. In accordance with clause 32(4) Schedule 7 of Act, at meetings of the Joint Committee each member has full authority to vote and make decisions within the delegations of the Terms of Reference on behalf of the body that appointed them without further recourse to the appointing body.
- 9.2. Where voting is required, each member has one vote.
- 9.3. Best endeavours will be made to achieve decisions on a consensus basis.
- 9.4. The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, may use a casting vote.

10. Good faith

- 10.1. In the event of any circumstances arising that were unforeseen by the partner councils or their representatives at the time of adopting these Terms of Reference, the partner councils and their representatives hereby record their intention that they will negotiate in good faith to add to or vary these Terms of Reference so as to resolve the impact of those circumstances in the best interests collectively of the partner councils taking into account also the views of the Regional Planning Committee and Māori Committee appointed members in relation to those circumstances.

11. Remuneration

- 11.1. Each partner council shall be responsible for remunerating its representatives on the Joint Committee and for the costs of those persons' participation in the Joint Committee.
- 11.2. Hawke's Bay Regional Council as the Administering Authority shall be responsible for remunerating the Regional Planning Committee and Māori Committee representatives on the Joint Committee for travel and attendance as per its agreed meeting fees policy.

12. Technical Advisory Group and Reporting

- 12.1. A technical advisory group (TAG) will service the Climate Action Joint Committee.
- 12.2. The TAG will comprise of staff members from the partner councils who are working in climate mitigation and adaptation and will involve subject matter experts as required to ensure linkages with other workstreams, such as the work of the Regional Transport Committee and Napier-Hastings Future Development Strategy Joint Committee. The TAG will be lead by the Hawke's Bay Regional Council Climate Action Ambassador along with the dedicated roles at Napier City Council and Hastings District Council.
- 12.3. Following each meeting of the Joint Committee, the TAG shall create a summary report of the business of the meeting which will be distributed, for information, to each partner council for inclusion in the agenda for the next available council meeting. Such reports will be in addition to any formal minutes prepared by the Administering Authority, which will be circulated to Joint Committee members.

13. Variations to the Terms of Reference

- 13.1. Any member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Joint Committee for recommending to the partner councils if agreed.
- 13.2. Amendments to the Terms of Reference must be agreed by all partner councils before taking effect.

14. Recommended for Adoption

- 14.1. The Climate Action Joint Committee, made up of the following members, confirms this Terms of Reference as adopted by the five partner councils and Regional Planning Committee and Māori Committee representative members.

Hawke's Bay Regional Council represented by:

Councillors Hinewai Ormsby and Xan Harding, and Di Roadley as alternate.

Councillor Hinewai Ormsby as Chairperson of the Climate Action Joint Committee

Appointed by HBRC resolution on 16 November 2022.

Central Hawke's Bay District Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by CHBDC resolution _____ 2023

Hastings District Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by HDC resolution _____ 2023

Napier City Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by NCC resolution _____ 2023

Wairoa District Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by WDC resolution _____ 2023

Regional Planning Committee representatives, _____ and _____, and _____ as alternate.

Appointed by RPC resolution on 15 February 2023.

HBRC Māori Committee representatives _____ and _____, and _____ as alternate.

Appointed by Māori Committee resolution on 8 February 2023.

Appendix A – Project Background

1. In 2022 HBRC, HDC, and NCC each invested in dedicated strategic climate change roles, an acknowledgement of the important leadership role councils can, and should, play in regional climate action.
2. There is a general acknowledgement that the transition to a low emissions future cannot be achieved by individual councils working in isolation and a regional approach is needed.
3. In 2022 the Ministry for Environment released Aotearoa's first Emissions Reduction Plan. A significant number of the actions in that plan involve Local Government.
4. In September 2022 the first Hawke's Bay Community Carbon Footprint was released, measuring greenhouse gas emissions from 2018/19 to 2020/21. Separate footprints were created for each Territorial Authority. The whole of region footprint established that our regional emissions for 2020/21 were made up of:
 - 4.1. Agriculture 67%
 - 4.2. Transportation 20%
 - 4.3. Stationary Energy 10%
 - 4.4. Waste 2%
 - 4.5. IPPU 1% (Industrial Processes and Product Use)
5. The next step for is to create a Regional Emissions Reduction Plan, with input from all Hawke's Bay councils, as well as significant engagement across expert, business, and community spheres.

Subject: Hearings Committee

Reason for Report

1. This report proposes that a Hearings Committee is not established for the 2022-2025 triennium, and that the functions and powers carried out by previous Hearings committees are transferred to the Council or a Council committee and that further delegations are made to staff and/or a pool of commissioners.

Officers' Recommendations

2. It is proposed that the Hearings Committee is not established and the functions delegated to previous Hearings committees be transferred to and carried out by Council or a Council committee and by further delegations to staff and/or a pool of commissioners.

Executive Summary

3. There is limited need for a Hearings Committee. It currently functions to appoint hearing commissioners for resource consents hearings and for Pest Management Plan hearings.
4. The meetings are infrequent and principally only occur when there is a need to appoint commissioners.
5. It is proposed that the Hearings Committee is not established for the 2022-25 triennium and its functions be carried out by the Council or another committee, and by increased delegations to staff and/or a pool of commissioners.

Background /Discussion

6. HBRC has previously had a Hearings Committee as part of its Council committee structure. Over the past few years this committee has met occasionally, mostly to appoint resource consent hearings panel members. On one occasion, in February 2018, it was convened to appoint the members of the Biosecurity Working Party to review and make recommendations to the Council on the Regional Pest Management Plan.
7. The Hearings Committee has previously been delegated the following functions by the Council. In relation to resource consents its functions are to hear and make decisions on:
 - 7.1. notified applications where submissions have been made and submitters wish to be heard
 - 7.2. reviews of conditions (s.128) where consent holder and/or submitters wish to be heard
 - 7.3. notified applications where submissions have been made and where the Committee considers it necessary to hold a hearing
 - 7.4. objections to decisions made under delegated authority by staff, where the applicant wishes to be heard (s.357, s357A, s357AB, s357B, s357C, s357CA and s357D)
 - 7.5. where the staff recommendation is to decline any application for reasons other than inadequate information
 - 7.6. on objections against costs under Section 36(6) of the Act and objections to the levying of Financial Contributions under Section 108 of the Act
 - 7.7. on lapsing of consents under Section 125 of the Act where Council Policy directs; or staff elect not to make a decision under delegated authority, or where a decision of an officer

- acting under delegated authority is subject to an objection
- 7.8. To authorise the resolution and settlement of appeals on resource consent decisions (where this is not already delegated to staff)
 - 7.9. The appointment of Hearings Committee members or independent commissioners to a Hearing Panel to undertake the functions set out above pursuant to s 34A RMA and the appointment of the Chairperson of the Hearing Panel.
8. There is provision for the Hearings Chairperson to sit alone to hear objections made under s.357, s357A or s357B in accordance with s357C and s 357D. These are objections to decisions made by staff under delegation.
 9. In addition to RMA resource consent hearings and related processes listed above the Hearings Committee has the function of hearing and deciding on submissions on any statutory documents prepared under the Biosecurity Act (such as the Regional Pest Management Plan) prepared by Council. It also has the function of hearing and deciding on submissions on special consultative matters notified under the Local Government Act 2002 on a case by case basis as and when delegated by Council.
 10. Over the past 5 years the Hearings Committee has met on nine occasions as follows.
 - 10.1. three meetings in February, March & October 2018
 - 10.2. one meeting in June 2019
 - 10.3. two meetings in February & September 2020
 - 10.4. two meetings in April & June 2021
 - 10.5. two meetings in March & September 2022.
 11. The meeting in February 2018 was used to appoint the members of the Biosecurity Working Party to review and make recommendations to the Council on the Regional Pest Management Plan. The meetings in 2021 included reports on the Hearings Committee Terms of Reference, staff delegations and management of conflict of interests. All the meetings have been used to appoint Commissioners to resource consent hearing panels.
 12. While the Hearings Committee can hear and make decisions on consent applications without appointing commissioners, consent hearings are usually held for applications that are complex and technical in nature. Commissioners have been sought with technical expertise in engineering, coastal processes, air quality, fresh water and ecology. Such technical expertise is generally not held by our Hearings Committee members and to avoid additional costs to the applicant, officers will often attempt to keep commissioner numbers to a practical minimum. This will often include one or two technical members and a Hearings Committee member usually as Chair. The most recent hearings have included two councillors, one as Chair, one to provide cultural expertise and a technical member in addition.
 13. The meetings are generally brief and where possible are included as a follow on to other Council meetings although not all members of the Hearings Committee would necessarily be present at the preceding meeting. It can be necessary for some members to travel to attend the meeting or to join via video link. This may be for a matter of ten minutes.
 14. There are time limits for processing consents which can necessitate the need to convene the Hearing Committee quickly in order to appoint commissioners and then to organise and schedule a hearing within the time limits. Circumstances can change and there can be a need to amend commissioner appointments. The process needs to be reasonably quick and agile. Unfortunately, calling a Hearings Committee meeting can not be done quickly given the requirements of the Local Government Official Information and Meetings Act 1987 to provide adequate notice of meetings and publish agendas etc. As a consequence, officers are often seeking decisions from the Chair and Deputy Chair to be made without a meeting. An email conversation with the entire committee has facilitated this to happen.

15. There is cost to maintain and support the Hearings Committee and it is considered that there are more efficient and effective options for carrying out the necessary functions currently assigned to the Hearings Committee. These options include referring matters to full Council or to another more regular committee as and when required and for Council to increase staff and commissioner delegations. There are limits however to how delegations can be made under the RMA.
16. The provision to appoint commissioners to hear submissions on the Pest Management Plan has occurred once in the past five years. On this occasion commissioners were appointed to hear submissions and to make recommendations to Council. Having appointed the panel via the Hearings Committee, the appointments were later amended and powers and functions were delegated via the Regional Council meeting. (April 2018). The hearing or appointment of commissioners to hear special consultative matters has not occurred via the Hearings Committee in the past five years.

Options Assessment

Option 1: Council to appoint hearing commissioners and delegate further powers to staff

17. The first option is for the Council to make hearing commissioner appointments and also to delegate more powers to staff and to independent commissioners. The Council would appoint commissioners from time to time for specific applications and could also delegate more powers to staff and/or commissioners to process lower level hearings that are considered to be at the less contentious end of the scale, on a standing or enduring basis.
18. This would lessen the need for involving the Council in minor matters including objections to staff decisions and to costs. In this situation there could be a pool of commissioners already appointed and reasonably available to proceed when requested.
19. If this option is chosen staff will come back to Council with a list of people that they recommend are delegated the powers of commissioner on an enduring basis on a specified range of matters. This list could include councillors, PSGE representatives on the RPC and Taiwhenua representatives on the Māori Committee who are accredited decision makers. They will also bring back some recommended additional delegations for staff.

Option 2: Council transfer the Hearings Committee functions and powers to another more regular committee

20. An alternative option is to delegate the relevant powers and functions of Council to a different committee that meets on a regular basis such as the Environment and Integrated Catchment Committee or the Regional Planning Committee. There would be a standing item on the agenda for the appointment of commissioners. If this was done there would still be merit in delegating more functions to staff. Also, or instead, the Committee could appoint a pool of commissioners to be available on a continuing basis to hear the less contentious matters that need to be heard. If this option is chosen staff will come back to the Committee with a list of people that they recommend are delegated the powers of commissioner on an enduring basis.

Option 3: Status quo retain the Hearings Committee

21. The status quo is to continue with the current arrangement and maintain a Hearings Committee. This would see the appointment of a Chair and up to eight people onto the committee. The frequency of meetings will depend on the nature of applications coming into Council. Only a few of the 500 plus resource consent applications received each year are notified and not all of these require a hearing. The retention of the Hearings Committee seems unnecessary given its limited workload. If it is retained, officers recommend a review of officer delegations and also to appoint commissioners to a pool of commissioners to increase efficiency of consent processes.

Further discussion relevant to all options

22. Delegation of more powers to staff is proposed in all options. For example more of the minor hearing matters could be delegated to staff. These could include changes to specific wording of conditions agreed to without the need for further dispute or to costs. In this situation an alternative staff member the Group Manager Policy and Regulation or the Chief Executive, who is not directly involved in the decision could be appointed to hear the objections. Alternately an independent commissioner from the proposed pool of delegated commissioners could be invited to hear the matter. Before commencing, the objector could be offered the choice of an elected member or an independent commissioner to hear the matter.
23. There is a Delegation Manual which delegates all the day-to-day decision-making functions and powers to staff. It is proposed that some more functions and powers are delegated to staff. These include the hearing of objections to certain decisions.
24. Note that the power of delegation is not something that can be delegated to staff. Staff cannot be delegated the authority to delegate decision making powers to hearings commissioners.

Strategic Fit

25. The Hearings Committee can be involved in appointing hearings commissioners to hear matters that relate to any of the HBRC strategic goals. Resource Consent hearings can be required for matters involving water, land, biodiversity or infrastructure, independently or in combination. The Hearings Committee can also be involved in appointing people to hear Biosecurity Plans.
26. Whichever way the committees are set up and the powers and functions of the Council are assigned, the RMA resource consenting functions of the Council will need to be carried out, as will the biosecurity functions.
27. If the Hearings Committee is not established its functions will need to be distributed in a different way to ensure that the Council's functions and powers are still correctly and effectively exercised.

Significance and Engagement Policy Assessment

28. There will be no change to what Council must do in terms of processing and hearing resource consents or preparing and hearing submissions on plans prepared under the Biosecurity Act. This discussion is about how the Council will go about seeing that this is done. There will be no change to the service that is provided by the Council. The significance of this review is low in terms of Council's Significance and Engagement Policy.

Climate Change Considerations

29. The Council will need to ensure that policies and rules that address climate change and sea level rise are recognised and given effect to. They will need to ensure that there is a clear process for appointing resource consent hearing panel members to hear and consider applications which apply and test these policies and rules.
30. Whatever option is chosen this should remain the case.

Considerations of Tangata Whenua

31. Resource consent applications can often be notified and go to a hearing because of the effects of the proposal on tangata whenua values. Tangata whenua often need to be represented on a hearing panel in light of the expertise in cultural matters required. The RMA, the RPS for Freshwater and the pending Natural and Built Environments Act all require tangata whenua involvement in decision making where appropriate.
32. The hearings committee has had Māori Committee and RPC appointees on it to guide and assist in appointing commissioners with an understanding of tikanga Māori and of the perspectives of local iwi or hapu. Members have often undertaken the "Making Good Decisions" course to

become accredited as commissioners. This has been with the thought that they could be appointed to hearing panels. However, this has not occurred very often and often an independent commissioner has been appointed to provide this expertise. The Hearings Committee undertook to clarify what constitutes a conflict-of-interest process last year, this was to help with the appointment of Māori Committee and RPC appointees on the Hearings Committee to be appointed to consent hearings. Councillor Ormsby has been appointed in this capacity and sat as a commissioner on two hearing panels recently.

33. The consideration of and appointment of Māori Committee and RPC members who have Making Good Decisions qualifications as a commissioner or commissioners to provide tikanga Māori, Matauranga Māori and perspectives of local iwi or hapu will not change if the Hearings Committee is disestablished. This can be supported with the development of protocols guiding how and when tangata whenua will be involved or appointed as Commissioners.

Financial and Resource implications

34. The costs of hearings are borne by the applicants. There are time limits and if these are exceeded without agreement or justification, Council can be required to discount the costs up to 50%. There is a risk of Council bearing some costs if they are not efficient and timely in the processing of resource consents. This change of approach is likely to reduce the risk of this and will also remove the cost of remunerating a committee chair and convening and supporting a Hearings Committee. The time taken by the hearings committee would be included in the Council or committee meetings.

Consultation

35. This matter was discussed by Council at its 4 December 2022 meeting with a request for staff to bring this report back to this meeting for a decision. The matter does not require consultation with the external community.

Decision-making process

36. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 36.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 36.2. The use of the special consultative procedure is not prescribed by legislation.
 - 36.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 36.4. The persons affected by this decision are all persons with an interest in the region's management of natural and physical resources under the RMA.
 - 36.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *Hearings Committee* staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its

discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.

3. Agrees not to establish a Hearings Committee for the 2022-2025 triennium.

and

4. Agrees that the Hearing Committee functions and powers will be retained and administered by Hawke's Bay Regional Council

or

5. Agrees to transfer the Hearings Committee functions and powers to another more regular committee, to be determined by the Regional Council and that the committee's Terms of Reference be amended accordingly.

and

6. Agrees that officers will prepare a report for the Council's consideration to delegate more Resource Management Act consent decision functions to staff.

and

7. Agrees that officers will prepare a report to either Council or the relevant committee to identify a pool of commissioners to be appointed as standing commissioners by the Council or the relevant committee.

Authored by:

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Leeanne Hooper
Team Leader Governance

Approved by:

Katrina Brunton
Group Manager Policy & Regulation

Attachment/s

There are no attachments for this report.

Subject: Council submissions on the Spatial Planning Bill and the Natural & Built Environments Bill

Reason for Report

1. The purpose of this report is to outline a process and approval of delegation for a submission to be prepared and lodged on the Council's behalf in relation to:
 - 1.1. the [Natural and Built Environment Bill](#) and
 - 1.2. the [Spatial Planning Bill](#).
2. This report also suggests several key matters that ought to be covered in a focussed submission on the Regional Council's behalf.
3. This report does not provide a summary of the Bill's extensive features nor the Government's rationale for those proposals.

Officers' Recommendations

4. Officers are recommending that a focussed submission be prepared and lodged on behalf of the Regional Council.
5. It is also recommended that given there are no Council meetings scheduled prior to the submission deadline, the Regional Chair is delegated authority to approve that submission after input and feedback from several other councillors (namely the Deputy Chair, the Deputy Co-chair of the Regional Planning Committee and the Chair of the Regional Transport Committee).

Summary

6. Government's comprehensive reform of the resource management system will repeal the Resource Management Act 1991 (RMA) and replace it with three new pieces of legislation:
 - 6.1. the Natural and Built Environment Act (NBA)
 - 6.2. the Spatial Planning Act (SPA)
 - 6.3. Climate Adaptation Act (CAA).
7. The Natural and Built Environment Bill (NBE Bill) and Spatial Planning Bill (SP Bill) were introduced to Parliament on 15 November 2022 and have been referred to the Environment Select Committee. Submissions on both Bills close on 5 February 2023, although the Environment Committee has signalled that it will consider receiving late submissions on a case-by-case basis up to 19 February 2023. A letter has been sent to the Environment Committee Chair requesting an extension up to 19 February 2023, but at time of writing this report, a response had not been received.
8. The NBE Bill will replace the RMA. The SP Bill will work in tandem with the NBE Bill and focuses on requirements for the preparation of a regional spatial strategy for each region. The scale of reform is substantial and will have significant impacts on the Hawke's Bay Regional Council and local government generally.
9. Various other local government representative bodies are already preparing comprehensive submissions on the two Bills. Given that is the case plus the tight submission deadlines, Regional Council's submission should focus on those particular key matters that are unique to the Hawke's Bay Regional Council.
10. A delegated authority to approve the council's submission is required because the deadline for submissions falls between scheduled Council meetings.

Submission preparation

11. Any person or organisation may make a submission on one or both of these Bills. A number of other key organisations with local government and resource management practice interests are already preparing reasonably thorough submissions, such as:
 - 11.1. Te Uru Kahika, (i.e. the collective of regional councils and unitary authorities of New Zealand)
 - 11.2. Local Government New Zealand
 - 11.3. Taituara – Local Government Professionals Aotearoa
 - 11.4. resource management professional bodies (e.g. NZ Planning Institute and Resource Management Law Association) plus
 - 11.5. numerous businesses, lobby groups, non-governmental organisations and research entities.
12. To inform their respective submissions, Te Uru Kahika, LGNZ and Taituara have each commissioned additional analysis and evaluation (and on several matters, legal opinions).
13. There is no requirement for the Council to involve other organisations when preparing its own submission. Realistically, limited time constrains who, how and when the Council might engage with, and involve, other parties when preparing its submission. There are no further ordinary Council meetings scheduled between now and 5th February (or even 19th February if the Environment Select Committee grant an extension).
14. Senior staff consider that a pragmatic approach to these compressed timeframes and vast range of issues arising from these Bills is as follows:
 - 14.1. submission to be on behalf of Hawke's Bay Regional Council – not a joint submission
 - 14.2. submission be authorised by the Regional Council Chair (Councillor Ormsby)
 - 14.3. during preparation of the submission, a small group of councillors are involved and their feedback can help further shape the submission prior to finalising
 - 14.4. HBRC's submission aligns with (to the extent possible) submissions being prepared by Te Uru Kahika, Local Government New Zealand and Taituara
 - 14.5. HBRC's submission focusses on key issues that are relatively unique to Hawke's Bay and HBRC's particular interests (i.e. the submission would not attempt to cover each and every general issue arising, nor repeat what other local government sector body submissions might contain)
 - 14.6. HBRC's draft submission could be circulated to city and district councils in Hawke's Bay, plus members of the Regional Planning Committee so sharing does not create 'surprises' when final submission is lodged.

Key issues/principles for potential submission

15. Te Uru Kahika had commissioned a report by Tregaskis Brown on the impacts of resource management reforms on regional council functions. The report was underpinned by the following principles:
 - 15.1. Clarify and strengthen the role of regional councils' s30 [RMA] functions, with the objective of reinforcing the concept of local democracy
 - 15.2. Ensure that public good interests are not subsumed by private interests, noting that this is currently achieved through the concept of the hierarchy of instruments
 - 15.3. Support the continuation and further development of integration of functions of regional councils to ensure that a full range of tools (not just regulatory tools) are available to support improved natural resource management

- 15.4. Provide a practical approach to introduction of changes to ensure that the changes are appropriately sequenced, are implementable and flexible enough to consider any reform of the local government sector
 - 15.5. Protect the relationships with tāngata whenua that have developed both through Treaty Settlement processes and other formal agreements with Iwi, and not undermine the role of Iwi in local place-based decision making that has been established through these relationships
 - 15.6. Ensure that a focus on community needs that aligns to the democratic role of regional councils is maintained or strengthened.
16. We think those principles remain valid for shaping preparation of HBRC's submission on the Bills, although with the addition of several extra guiding principles.
- 16.1. Hawke's Bay region needs bespoke governance arrangements to uphold existing Treaty settlement arrangements described in the Hawke's Bay Regional Planning Committee Act 2015 (HBRPC Act), particularly:
 - 16.1.1. the purpose of the Hawke's Bay Regional Planning Committee (as per s9 of HBRPC Act) which is to oversee the development and review of the Regional Policy Statement and regional plans prepared in accordance with the RMA for the Hawke's Bay region
 - 16.1.2. strong representation of natural resource and environmental management interests by members of elected regional councillors and tāngata whenua members
 - 16.1.3. HBRC being responsible for providing necessary technical and administrative support of the committee's functions.
 - 16.2. Hawke's Bay Regional Council should retain real influence over the strategic direction and policy direction for management of natural resources in the Hawke's Bay region.
 - 16.3. With the various decision-makers' roles and responsibilities in the new system, there should be commensurate accountabilities.
 - 16.4. Transitional arrangements constructively prime the new system for success. Transition timeframes should not be so pressing that perverse incentives arise to pause or cease existing workstreams, particularly those relating to management of freshwater, climate action and addressing the biodiversity 'crisis' we face.

Options Assessment

17. Options considered include not lodging a submission on the Regional Council's behalf; making a comprehensive submission; preparing a submission that would be approved by the full Council; and preparing a submission to be approved under delegated authority.
18. Time and resourcing constraints, plus other priorities mean preparation of a comprehensive submission on both Bills is not viable.
19. Given there are no Council meetings scheduled between now and the submission deadline, a submission being prepared and requiring approval of the full council before it is lodged is not viable.
20. A submission focussed on a few key matters and authorised by delegation to the Regional Chair is a more viable option.

Strategic Fit

21. The SPA and NBEA will be hugely influential on the way natural and physical resources are managed in Hawke's Bay when the RMA is repealed. Consequently, lodging a focussed submission on these Bills does fit with a number of the Strategic Plan Goals. The SPA and NBEA will set up a new system within which HBRC's resource management activities will need to fit.

Significance and Engagement Policy Assessment

22. Any person may make a submission on one or both of the Bills currently under consideration by the Environment Select Committee. The Government's resource management system reforms will have significant impacts for how natural and physical resources are used, managed and protected across New Zealand.
23. A decision by the Regional Council to lodge a submission on the Bills is not a significant decision under the criteria contained in the Council's adopted Significance and Engagement Policy.

Financial and Resource Implications

24. Making a submission on legislation proposed by the Government falls within under the Council's 'Statutory Advocacy' project. Several years ago, the Government had announced its intentions to repeal the RMA and reform the resource management system. The financial and resource implications of preparing a submission on these Bills is within the Statutory Advocacy project's budgets.
25. This report does not assess the financial and resource implications of the new legislation (if and when passed by Parliament). Those implications will require thorough evaluation and appropriate budget decision-making in future long term plan processes.

Decision Making Process

26. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 26.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 26.2. The use of the special consultative procedure is not prescribed by legislation.
 - 26.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 26.4. The persons affected by this decision are all persons with an interest in the region's management of natural and physical resources.
 - 26.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision. Furthermore, any person may make their own submission on the NBE Bill and/or the SP Bill.

Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *Council submissions on the Spatial Planning Bill and the Natural & Built Environment Bill* staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Delegates authority to the Chair of the Regional Council for authorising a submission on behalf of the Hawke's Bay Regional Council.
4. Agrees that at least the following councillors will be invited to provide input and feedback in preparation of a submission on the Natural and Built Environment Bill and Spatial Planning Bill.

- 4.1. Councillor Will Foley (Deputy chair, Hawke's Bay Regional Council)
- 4.2. Councillor Thompson Hokianga (Deputy Co-chair of the Regional Planning Committee)
- 4.3. Councillor Martin Williams (Chair of the Regional Transport Committee).

Authored by:

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Principal Advisor Strategic Planning

Approved by:

Katrina Brunton
Group Manager Policy & Regulation

Attachment/s

There are no attachments for this report.

Subject: Register of members' pecuniary interests

Reason for Report

1. This agenda item informs councillors of recent changes to the Local Government Act (LGA) as the result of the *Local Government (Pecuniary Interests Register) Amendment Act 2002 (2022 No 24)* which came into force on 20 November 2022, and provides the means for councillors to fulfil their obligations in accordance with those changes, being *Subpart 3 – Register of members' pecuniary interests* (attached).

Officers' Recommendations

2. Because the requirements and obligations for councillors are set in statute, Council staff recommend that the process (for councillors) of making and submitting their *pecuniary interest return* is efficient and uncomplicated.
3. Subpart 3 clause 54G stipulates a new requirement that the Council appoints a Registrar, and staff recommend that Council appoints the Chief Executive to that role.

Executive Summary

4. In November 2022 the LGA was amended to include new requirements for councillors to provide a *pecuniary interest return* to a Registrar to be appointed by the Council for that purpose.
5. The new *Subpart 3* prescribes when the *pecuniary interest return* must be submitted, what period it is to cover, and what it must contain as well as the requirement for the appointment of a Registrar and the duties of that role in relation to the *Register of members' pecuniary interests*.

Discussion

6. To facilitate the process of councillors' providing a *pecuniary interest return*, staff have developed the attached form which includes guidance in a way similar to the *Member's Interests Declaration* form that councillors previously provided to the Governance Team. Because this is the first of its type for this Council we are keen for feedback on how the form might be improved for future use.
7. The reason councillors are being asked to complete an 'additional' return or declaration is because the new legislative requirements specifically require it, stating:
 - 7.1. a member's obligations under this subpart are **in addition** to any obligations under, and do not affect the application of, the Local Authorities (Members' Interests) Act 1968; and
 - 7.2. a pecuniary interest that a member has declared under this subpart is not necessarily an interest for the purposes of the Local Authorities (Members' Interests) Act 1968.
8. Staff have also calculated that the due date for councillors' first return is Monday, 13 February 2023, being the day that is 120 days after the date on which councillors came into office (15 October 2022).

Financial and Resource Implications

9. There are no financial implications arising from this paper as the role of Registrar will not be remunerated in addition to the CE's other duties and responsibilities.

Decision Making Process

10. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 10.1. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 10.2. The only persons affected by this decision are the councillors themselves.
 - 10.3. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *Register of members' pecuniary interests* staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Appoints the Hawke's Bay Regional Council's Chief Executive to the role of Registrar of Members' Interests.
4. Notes the new requirements of *Local Government Act Subpart 3 – Register of members' pecuniary interests* for elected members to declare pecuniary interests and that the co-councillors' first *pecuniary interest return* covering the period 13 January 2022 through 13 January 2023 is due for submission to the Registrar on or before Monday, 13 February 2023.

Authored by:

Leeanne Hooper
Team Leader Governance

Approved by:

James Palmer
Chief Executive

Attachment/s

- 1 [!\[\]\(9bfa69b6b0f097b09744337d04f22d78_img.jpg\)](#) LGA Subpart 3 - Register of members pecuniary interests
- 2 [!\[\]\(7d26c345cabf494d35782f002b741ce9_img.jpg\)](#) Members pecuniary Interests guidance and Return form

Subpart 3—Register of members' pecuniary interests

Subpart 3: inserted, on 20 November 2022, by [section 4](#) of the Local Government (Pecuniary Interests Register) Amendment Act 2022 (2022 No 24).

54A Register of members' pecuniary interests

- (1) A local authority must keep a register of the pecuniary interests of—
 - (a) members of the local authority; and
 - (b) members who have been elected under the [Local Electoral Act 2001](#) to a community board that is part of the local authority; and
 - (c) members who have been elected under the [Local Electoral Act 2001](#) to a local board that is part of the local authority.
- (2) The register must comprise the pecuniary interest returns that—
 - (a) are made by members under [section 54C](#); and
 - (b) contain all information in any pecuniary interest return that is required to be disclosed under [sections 54E](#) and [54F](#), and include any notifications made under [section 54D](#) of errors or omissions in those returns.
- (3) The local authority must—
 - (a) make a summary of the information contained in the register publicly available; and
 - (b) ensure that information contained in the register—
 - (i) is only used or disclosed in accordance with the purpose of the register; and
 - (ii) is retained for 7 years after the date on which a member provides the information, and is then removed from the register.

54B Purpose of register

The purpose of the register of members' pecuniary interests is to record members' interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making.

54C Members to make pecuniary interest returns

- (1) A member described in [section 54A\(1\)\(a\), \(b\), or \(c\)](#) must make a pecuniary interest return containing the information specified in [sections 54E](#) and [54F](#) in respect of the 12-month period that ended on the day that is 1 month before each date specified for the return in subsection (2).
- (2) The member must make the pecuniary interest return by the following dates:
 - (a) the day that is 120 days after the date on which the member comes into office under [section 115](#) of the Local Electoral Act 2001;
 - (b) the last day of February in each subsequent year.
- (3) The member must make the return by providing it to the Registrar.

54D Accuracy of information included in pecuniary interest return

- (1) When making a pecuniary interest return under [section 54C](#), a member must ensure that the information contained in the return is accurate.
- (2) However, if a member becomes aware of an error or omission in any return that the member has made, the member must advise the Registrar of that error or omission as soon as practicable after becoming aware of it.
- (3) When advised of an error or omission in a pecuniary interest return, the Registrar must correct the register of members' pecuniary interests accordingly.

54E Contents of pecuniary interest return relating to member's position

- (1) Every pecuniary interest return must contain the following information:
 - (a) the name of each company of which the member is a director or holds or controls more than 10% of the voting rights and a description of the main business activities of each of those companies;
 - (b) the name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or business entities;
 - (c) if the member is employed, the name of each employer of the member and a description of the main business activities of each of those employers;
 - (d) the name of each trust in which the member has a beneficial interest;
 - (e) the name of any organisation or trust and a description of the main activities of that organisation or trust if—
 - (i) the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust (as applicable); and
 - (ii) the organisation or trust receives funding from, or has applied to receive funding from, the local authority, local board, or community board to which the member has been elected;
 - (f) the title and description of any organisation in which the member holds an appointment by virtue of being an elected member;
 - (g) the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property;
 - (h) the location of real property, and a description of the nature of the real property, held by a trust to which the following apply:
 - (i) the member is a beneficiary of the trust; and
 - (ii) the member knows or ought reasonably to know that the member is a beneficiary of the trust; and
 - (iii) it is not a unit trust whose name is disclosed under subclause (1)(d); and
 - (iv) it is not a retirement scheme whose membership is open to the public.
- (2) For the purposes of subsection (1)(b), a member does not have a pecuniary interest in a company or business entity (entity A) merely because the member has a pecuniary interest in another company or business entity that has a pecuniary interest in entity A.
- (3) For the purposes of subsection (1)(e), a member is not required to disclose the name and a description of the main activities of an organisation that is a council-controlled organisation.

- (4) For the purposes of subsection (1)(g) and (h), a member is not required to disclose the street address of the real property, but must provide the general location (for example, the suburb and city in which it is located).
- (5) For the purposes of this section,—
- business entity means any body or organisation, whether incorporated or unincorporated, that carries on any profession, trade, manufacture, or undertaking for pecuniary profit, and includes a business activity carried on by a sole proprietor, but does not include any blind trust
- company has the same meaning as in [section 2\(1\)](#) of the Companies Act 1993, and includes—
- (a) a body corporate that is incorporated outside of New Zealand:
- (b) a society incorporated under the [Industrial and Provident Societies Act 1908](#) or any former Industrial and Provident Societies Act
- employed—
- (a) means employed under a contract of service; but
- (b) does not include holding—
- (i) the position of an elected member of a local authority, local board, or community board (as applicable); or
- (ii) any other position for which the person in question would not be qualified unless he or she had been elected a member of a local authority, local board, or community board (as applicable)
- managed investment scheme has the same meaning as in [section 9\(1\), \(2\), and \(4\)](#) of the Financial Markets Conduct Act 2013.

54F Contents of pecuniary interest return relating to member's activities

- (1) Every pecuniary interest return must also contain the following information:
- (a) for each country (other than New Zealand) that the member travelled to,—
- (i) the name of the country; and
- (ii) the purpose of travelling to the country; and
- (iii) the name of each person who contributed (in whole or in part) to the costs of the travel to and from the country; and
- (iv) the name of each person who contributed (in whole or in part) to the accommodation costs incurred by the member while in the country:
- (b) a description of each gift (including hospitality and donations in cash or kind but excluding any donation made to cover expenses in an electoral campaign) received by the member and the name of the donor of each of those gifts (if known or reasonably ascertainable by the member) if—
- (i) the gift has an estimated market value in New Zealand of more than \$500; or
- (ii) the combined estimated market value in New Zealand of all gifts from the donor is more than \$500:
- (c) a description of each payment received by the member for activities in which the member is involved other than—
- (i) the salary or allowances paid to that person under the [Remuneration Authority Act 1977](#) or this Act; and

- (ii) any payment the member received from an interest required to be disclosed under [section 54E](#); and
 - (iii) any payment made in respect of any activity the member ceased to be involved in before becoming a member.
- (2) The information referred to in subsection (1)(a) does not have to be included in the pecuniary interest return if the travel costs and accommodation costs were paid in full by the following or any combination of the following:
 - (a) the member;
 - (b) a member of the member's family.
- (3) The information referred to in subsection (1)(b) does not have to be included in the pecuniary interest return if the gift was from a member of the member's family unless the member, taking the purpose of the register into account (see [section 54B](#)), considers the information should be included.
- (4) For the purposes of this section, *member of the member's family* means the member's spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling.

54G Registrar

- (1) A local authority must appoint a Registrar to—
 - (a) compile and maintain the register of members' pecuniary interests; and
 - (b) provide advice and guidance to members in connection with their obligations under this subpart.
- (2) The chief executive of a local authority may be the Registrar under subsection (1).

54H Responsibility of members

- (1) It is the responsibility of each member to ensure that they fulfil the obligations imposed on them under this subpart.
- (2) A Registrar is not required to—
 - (a) notify any member of—
 - (i) that member's failure to make a pecuniary interest return by the due date; or
 - (ii) any error or omission in that member's pecuniary interest return; or
 - (b) obtain any pecuniary interest return for a member.
- (3) To avoid doubt,—
 - (a) a member's obligations under this subpart are in addition to any obligations under, and do not affect the application of, the [Local Authorities \(Members' Interests\) Act 1968](#); and
 - (b) a pecuniary interest that a member has declared under this subpart is not necessarily an interest for the purposes of the [Local Authorities \(Members' Interests\) Act 1968](#).

54I Definition of Registrar

In this subpart, Registrar means the Registrar appointed under [section 54G](#).



Guidance Notes

All elected members of Hawke's Bay Regional Council are expected to keep a clear separation between their personal interests and their duties as a member of Council.

Declarations must be made under two separate pieces of legislation

There are two particular pieces of legislation that outline requirements that must be met in relation to interests. All members have obligations under the Local Authorities (Members' Interests) Act 1968 – referred to as "LAMIA" from here on. Elected members have further obligations under the Local Government (Pecuniary Interest Register) Amendment Act 2022 - referred to as the "Pecuniary Interests Act" from here on.

Each Act's requirements are similar but not the same

For clarity, while some declaration requirements appear similar under both Acts, the obligations under the Pecuniary Interests Act are in addition to any obligations under, and do not affect the application of, LAMIA; a pecuniary interest that a member has declared under the Pecuniary Interests Act is not necessarily an interest for the purposes of LAMIA.

To support you in meeting your obligations under each of the two Acts, the declaration forms are separate documents. As you will recall, you have already completed and submitted a *Member's Interests Declaration* form to meet the requirements of LAMIA.

Members are responsible for their own interest management

Members must declare, monitor and manage their own interests. It is important to be as thorough as possible in completing the declaration forms to protect yourself and the decision-making of Council. Failure to manage interests appropriately can expose a member and Council decision-making to unnecessary risk. The specific consequences of not declaring or managing interests well are different under each Act but can include a fine of up to \$5,000 or loss of position.

Updates to the declared interests must be made at least annually, and as soon as anything changes, or an omission or mistake is identified, to keep the information current.

Non-financial interests must be managed as well as financial ones, as they can also impact (or can be perceived as impacting) on decision-making, such as through predetermination or bias in relation to the position taken during debate and voting on a matter.

Interests Register

Council is required to prepare and maintain an Interests Register.

The purpose of the Register "is to record members' interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making".

The information declared under the Pecuniary Interests Act must be retained for seven years after the date on which the member provides the information, following which it is removed from the Register.

A summary of the Register must be made publicly available and is accessible through Council's website; the whole register is not required to be published, to balance the purpose of the Register against members' privacy. 'Summary' is not defined in the applicable statute but is as full as possible while maintaining the balance of transparency and privacy.

Registrar

Under the Pecuniary Interests Act, a Registrar must be appointed to

- compile and maintain the register of members' pecuniary interests; and
- provide advice and guidance to members in connection with their obligations.

A Registrar is not required to

- notify a member that they have failed to provide a return by the due date,
- advise a member that their return has an error or omission, or
- obtain any pecuniary interest declaration for a member.

Hawke's Bay Regional Council's Registrar is the Chief Executive.



Pecuniary Interests Return

Each year, members elected to Hawke's Bay Regional Council must make a *pecuniary interest return*, for the 12 month period ending on the day that is 1 month before each due date specified for the return. Members must make their pecuniary interest return to the Registrar, HBRC's Chief Executive, by the following dates.

- the day that is 120 days after the date on which the member comes into office under section 115 of the Local Electoral Act 2001 (13 February 2023) and
- the last day of February in each subsequent year.

Defined Terms

Company has the same meaning as in section 2(1) of the Companies Act 1993, and includes

- a body corporate that is incorporated outside of New Zealand
- a society incorporated under the Industrial and Provident Societies Act 1908 or any former Industrial and Provident Societies Act

Business entity any body or organisation, whether incorporated or unincorporated, that carries on any profession, trade, manufacture, or undertaking for pecuniary profit, and includes a business activity carried on by a sole proprietor, but does not include any blind trust

Managed investment scheme has the same meaning as in section 9(1), (2), and (4) of the Financial Markets Conduct Act 2013

COMPANIES - Where elected member is a Director or holds more than 10% voting rights

Name of company	Description of main business activities

Companies/ Business Entities – Other pecuniary interest

Include any interests which are pecuniary but not as an investor in a managed investment scheme / covered above

For the purposes of clarity, a member does not have a pecuniary interest in a company or business entity (entity A) merely because the member has a pecuniary interest in another company or business entity that has a pecuniary interest in entity A.

Name of company/ entity	Description of main business activities

Trusts/ Organisations – Other

Required if:

- the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust (as applicable), and
- the organisation or trust receives funding from, or has applied to receive funding from Hawke's Bay Regional Council, to which the member has been elected

For the purpose of clarity, a member is not required to disclose the name and a description of the main activities of an organisation that is a council-controlled organisation

Name of trust/ organisation	Description of main activities of trust/ organisation	Give details of funding received or applied for from Hawke's Bay Regional Council

Council Organisations - Where appointment to that organisation is held as an elected member

Council is affiliated with many local organisations, including the ones it has a controlling interest in (referred to as council-controlled organisations)

Members are often appointed as Council representatives to these organisations - these appointments should be listed here

Name of organisation	Description of organisation

Overseas Travel

Note – does **not** include any travel or accommodation costs paid in full by the elected member, a member of the elected member's family, or a combination of these two

For clarity, "member of the member's family" means the member's spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling

Name of country travelled to	Purpose of travel	Name of each person who contributed (in whole or in part) to the costs of travel to and from the country	Name of each person who contributed (in whole or in part) to the accommodation costs incurred by the member while in the country

Gifts

Includes hospitality and donations in cash or kind, but **excludes** any electoral campaign donations which must be declared through a separate process

Required where the gift has an estimated market value in New Zealand of more than \$500 **or** the combined estimated market value in New Zealand of all gifts from the donor is more than \$500

Not required if the gift was from a member of the member's family (see definition above) unless the member, taking the purpose of the register into account, considers the information should be included

Name of donor – if known or reasonably ascertainable	Description of gift

Activities – Other

Does not include:

- remuneration paid under the Remuneration Authority Act 1977 or Local Government Act 2002
- remuneration from employment that must be declared as above
- Any payment made relating to an activity the member ceased to be involved in before becoming an elected member

Description of each payment received by member for activities in which member is involved

Statement of Declaration

I hereby declare that I am aware of my obligations under the Local Government (Pecuniary Interests Register) Amendment Act 2022, and to the best of my knowledge the information I have provided on this form is true and correct. I acknowledge that I am required to update my *pecuniary interests return* as soon as possible following any changes or identifying any omissions or inaccuracies.

Signed _____ Date _____

Subject: Affixing of Common Seal**Reason for Report**

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

		Seal No.	Date
1.1	Staff Warrants		
	1.1.1 L. Scrimgeour <i>(Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1); Maritime Transport Act 1994 (Section 33G(a); Building Act 2004 (Section 317B); Biosecurity Act 1993 (Sections 103 and 105); Civil Defence Emergency Management Act 2002 (s.86-92) and Local Government Act 2002 (Section 177))</i>	4531	16 January 2023
	1.1.2 A. Tolua <i>(Delegations under the Civil Defence Emergency Management Act 2002 (s.86-92 inclusive) and Local Government Act 2002 (section 177))</i>	4532	16 January 2023

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. 1 cross lease property was sold, with 63 remaining on Council's books
 - 3.2. No single leasehold properties were sold, with 75 remaining on Council's books.

Decision Making Process

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 actions to affix the Common Seal.

Authored by:

Diane Wisely
Executive Assistant

Vanessa Fauth
Finance Manager

Approved by:

James Palmer
Chief Executive

Attachment/s

There are no attachments for this report.

Subject: Strategic projects report for the period 1 - 31 December 2022**Purpose of agenda item**




1. This agenda item presents the Project Management Office's (PMO) *Strategic projects report for December 2022* for councillors' information.
2. HBRC's key strategic projects are tracked by the Project Management Office (PMO) and reported monthly throughout their lifecycle. These projects were selected because of their significance in terms of investment, risks, benefits, and interdependencies.







Key







*Risk status is inherent (eg. prior to mitigations and controls implemented) vs residual.




Performance Indicators (RAG): **Red** = Off Track, **Amber** = At Risk, **Green** = On Track, (Grey = Not started/ On hold)













Status Change Keys: **↑** improved since last report, **→** unchanged since last report, **↓** worsened since last report












	Project/Programme Title	Schedule	Risk*	Budget	Comment	Status Change
1	Land for Life (formerly Right Tree Right Place Pilot)				<p>1.1 Farm plans for 12 farms are being finalised. Follow-up for feedback with farmers is planned in Jan-Feb 2023. Delays due to illness in the project team are impacting several of the farm plans and will likely delay the financial modelling process. Consulting with HBRC Catchment Team and other partners about the Extension Programme.</p> <p>1.2 Steering Group agreed to proceed to Request for Information to progress the monitoring framework that has been developed. Project brand and messaging change to 'Land for Life' was also signed off after farmer sounding validated name.</p> <p>1.3 Impact caused by delays to finalising the last of the project plans is being assessed. Supply chain risks for seedlings and labour, and the supply of poles. Risks will be reassessed once feedback from farmers about the farm plans is collated and actual demand is understood.</p>	Updated since 8 Dec 2022




	Project/Programme Title	Schedule	Risk*	Budget	Comment	Status Change
2	Regional Water Security Programme: (Heretaunga Water Storage, Managed Aquifer Recharge, and Regional Water Assessment)				<p>2.1 CHB MAR: Heretaunga Tamatea Settlement Trust provided written support for resource consent application. Consent decision expected mid-Jan 2023.</p> <p>2.2 Heretaunga Water Storage: Final round of advanced pre-feasibility Geotech investigations on preferred dam completed. Landslide and seismic assessments received, and peer review process commenced.</p> <p>2.3 RWA: Final report completed and presented to All Governors and Regional Leaders Forum in Dec 2022. Hardcopies provided to key stakeholders for feedback.</p> <p>2.4 Timelines have slipped due to a number of factors, but all projects continue to progress with the Regional Water Assessment and CHB MAR both achieving important milestones, and the conclusion of a significant body of technical work for Heretaunga Water Security.</p>	Updated since 8 Dec 2022
3	Ahuriri Regional Park (Quarterly reporting)				<p>3.1 On 9 Dec 2022 the first Ahuriri Regional Park Joint Committee meeting of the triennium was held. The Joint Committee is hosted by Napier City Council. Annette Brosnan was elected Chair with Tania Eden elected as deputy chair. Procurement of a project manager was discussed. TAG will shortlist and recommend a project manager to the next Joint Committee meeting for approval.</p> <p>3.2 The project is behind schedule in appointing a suitable project manager. This is a key role in developing the project schedule, resources and risk assessment. The next Joint Committee meeting is scheduled 24 Feb 2023.</p> <p>3.3 Budget expenditure for the FY is at risk as it is dependent on the project manager being appointed to set the project in motion. Financial performance is within budget; however, project launch and recruitment of resources may lead to under expenditure for FY22/23.</p> <p>3.4 Risks are being managed by the host organisation Napier City Council. The appointment of the project manager will see the development of project risk assessment as one of the foundation project management artifacts.</p>	Updated since 8 Dec 2022

	Project/Programme Title	Schedule	Risk*	Budget	Comment	Status Change
4	Clifton to Tangoio Coastal Hazards Strategy Implementation				4.1 The Westshore drop in session held on 6 Dec 2022 was very well attended. The focus was on northern units within the Strategy area. A southern-focused drop in session at Haumoana has been called on 7 Feb, following a deferral late last year due to COVID impacts. These sessions are an important opportunity to re-engage with the community in the lead-up to the Strategy being notified for public consultation later in the year. The Joint Committee will hold its first meeting of the new triennium on 17 Feb. A full complement of Tangata Whenua and Council members have been appointed. An invitation will be extended to all Partner Council councillors to attend a Strategy orientation briefing session immediately preceding this first Joint Committee meeting. The key focus for the Strategy over the coming months is funding model development. This is a challenging and complex piece of work that Hawke's Bay is at the forefront of nationally.	Updated since 8 Dec 2022
5	Kotahi Plan				<p>5.1 An All Governors Kotahi Forum was held on 7 Dec 2022 followed by the first Technical Advisory Group (TAG) workshop on 15 Dec 2022. Subsequent meetings between the Chair/Co-Chair & executive also highlighted a mindset to have more place-based meetings. The practicalities of how this might look are still being worked through.</p> <p>5.2 The TAG meeting was successful with 19 organisations (from a total of 28 invitees) represented. The Terms of Reference and principles by which the group operates was also adopted at this meeting.</p> <p>5.3 Risk highlighted at the All Governors Kotahi Forum was the lack of tangata whenua contracts in many of the catchments. This issue will be put on the agenda again at the next forum scheduled 1 Feb 2023.</p>	Updated since 8 Dec 2022

	Project/Programme Title	Schedule	Risk*	Budget	Comment	Status Change
6	TANK Plan Change (Quarterly reporting)				<p>6.1 17 Appeals have been submitted to the Environment Court on the TANK decision. The Court required the Council to consult with the parties to the appeals in preparing the response to its directions. The Council circulated a draft of this memorandum to the parties on 23 Dec 2022 and invited parties to comment by 18 Jan 2023 on its proposed approach to managing the appeals.</p> <p>6.2 Mediation with Appellants remains a known and likely risk. Successful mediation could result in the Plan not being heard by the Environment Court, however given the complexity of the Plan and number of polarising submissions received this is unlikely. However, the process of seeking to mediate is required to satisfy the Court.</p> <p>6.3 Delays throughout the process have extrapolated the timeframe and programme for the TANK plan change, meaning that it has cost more in terms of time and staff effort, as well as consultancy fees.</p> <p>6.4 Mediation could take a considerable amount of time prior to the appeals being heard by Court. Change in Government could potentially lead to further delays such as RM reform, timeframe changes, policy direction changes. Team staffing changes resulting in intellectual knowledge loss. We have to accept that these risks are largely outside of our control. Staff retention is within our scope to address.</p>	Updated since 28 Sep 2022

	Project/Programme Title	Schedule	Risk*	Budget	Comment	Status Change
7	Farm Environmental Management Plans (FEMP) Programme Update	 	 	 	<p>7.1 FEMP project manager is on medical leave. This has delayed the finalisation of the project plan with actions and team structures. Survey and interview findings are being adopted into the project plan and key findings have been shared with relevant Council teams. The Comms Plan due end of Dec has been delayed because of new staff joining that team. 20 desktop audits carried out and field assessments of FEMPs with landowners completed. All FEMP Providers contacted with project update and asked to attend mandatory face to face workshop early 2023.</p> <p>7.2 Properties without a FEMP but on Compliance radar is main risk. Lesser is properties no longer meeting Low Intensity classification and needing a FEMP. The national rollout of new Freshwater Farm Plans requirements due early this year may create challenges around resourcing needed to clearly communicate the new requirements to landowners.</p>	Updated since 8 Dec 2022
8	IRG Flood Control & Drainage Programme -Heretaunga Flood Control & Drainage - Upper Tukituki Flood Control Scheme - Wairoa River, River Parade Erosion (completed)	 	 	 	<p>8.1 Ngatarawa paused while land related matters with Iwi are resolved. Additional costs are being incurred while paused.</p> <p>8.2 Moteo preferred contractor confirmed. Consulting with Iwi on Earthworks resource consent will delay award of contract. Tenders represent higher than previous stopbank tenders because sizeable component of vehicle access related work.</p> <p>8.3 Omarunui detailed design underway. Delays due to design resource availability, and potentially further delayed while offsite source of appropriate fill is identified. Resource consent application for fill import being developed. Attempts to progress consultation in a timely fashion are being made.</p> <p>8.4 UTT Gravel Extraction Tranche 2 extraction commencing. Schedule impacted by regular rainfall and resource availability. Risk of contractor non-compliance with extraction consent conditions resulting in target extraction volumes not being achieved. Higher level of attendance on site being planned for extraction sites to counter this. Additional Gravel Assurance Officer appointed to assist with this.</p>	Updated since 8 Dec 2022

	Project/Programme Title	Schedule	Risk*	Budget	Comment	Status Change
9	Revenue & Financing Policy/ Rates Review (incl. Scheme Rating Reviews)				9.1 Work has continued on developing an Excel model to model the changes across all ratepayers. The size of the model is causing some issues, but we are looking at an alternative subset of data and improved IT to support modelling.	Updated since 8 Dec 2022
10	Enterprise Asset Management				10.1 Development of asset registers continued through Dec 2022. A pilot register of an example small flood and drainage scheme was created in SEAM. This was demonstrated to the business reference group and was well received, especially when referencing HBRC infrastructure assets for the first time within SEAM system. System design workshops have commenced, and business processes and reporting requirement workshops continue into Jan 2023. Hiring of earmarked Project Manager was unsuccessful. Re-advertising underway. This escalates the risk level as project heads towards a complex configuration and delivery cycle. The lack of a suitable PM and Senior BA is problematic.	Updated since 8 Dec 2022
11	Urban Catchment Plans (Te Karamū Catchment Plan/ Ahuriri Catchment Plan) (Quarterly reporting)			N/A	11.1 Project placed on hold due to the departure of the Urban Catchment Advisor (Karamu). The Urban Catchment Advisor (Ahuriri) role remains unfilled. Reporting will cease until further notice.	Updated since 28 Sep 2022.
12	Emissions Reduction Plan (formerly Climate Action Plan)				12.1 Successful practitioner meeting held for waste on 6 December. Methodology trialled at this meeting will be used for remaining themed meetings. Draft chapter on waste in progress. Key task for January is to confirm the TOR prior to the first meeting of the Climate Action Joint Committee. Schedule on track but an ambitious timeframe risk remains hence yellow traffic light for risks. Workload spread amongst NCC, HDC and HBRC climate staff to mitigate risk. Complimentary community engagement in design phase.	Updated since 8 Dec 2022

	Project/Programme Title	Schedule	Risk*	Budget	Comment	Status Change
13	Synergy				<p>13.1 Work has progressed on the Fixed Assets, Budgeting and Payroll workstreams. All of which are expected to be completed over Jan and Feb 2023. Planning has started on the next workstreams – Accounts Payable, Legacy Solution Retirement and Accounts Receivable, which will also be kicking off over the next two months.</p> <p>13.2 The schedule is evolving. As we start each new workstream we are better able to clarify what needs to be completed and the timeline can be refined.</p> <p>13.3 A number of risks actively being managed. Project resourcing is a key issue with lack of dedicated project team members, high demand for resource support to complete project tasks, and BAU priorities making availability of Finance and ICT staff to support the project low. This is impacting the Project Schedule. TechOne consultant support is poor with low availability, which is why Attura consultants have been brought in for additional technical support.</p>	Updated since 8 Dec 2022

Project Summaries

1	<p>Land for Life</p> <p>A pilot on up to five farms with loans offered to landowners to plant trees on marginal land that can earn a return and enhance regenerative farming practices. Run in collaboration with The Nature Conservancy and the Ministry for Primary Industries to accelerate erosion control work and extend the programme to more farms.</p>
2	<p>Regional Water Security Programme</p> <p>Investigating water supply options aiming to ensure Hawke's Bay has long-term, climate-resilient, and secure supplies of freshwater for all. This supports the Kotahi Plan and includes:</p> <ul style="list-style-type: none"> 2.1 exploring above ground, medium-scale water storage options in the Ngaruroro catchment for and on behalf of the community 2.2 setting up a Managed Aquifer Recharge (MAR) trial in Central Hawke's Bay to determine whether MAR is a viable water storage option and can contribute to water security in the area <p>We will also work with water users to drive more efficient and effective use to complement water storage following the completion of a comprehensive 40-year Regional Water Assessment.</p>
3	<p>Ahuriri Regional Park</p> <p>Working alongside Napier City Council and Mana Ahuriri Trust to redevelop the Lagoon Farm site into a Regional Park to address water quality issues in the Ahuriri Estuary, as well as enhance biodiversity, and cultural and recreational benefits for the community.</p>

Project Summaries	
4	<p>Clifton to Tangoio Coastal Hazards Strategy</p> <p>Working in collaboration with coastal communities and local entities for more than eight years to develop the Clifton to Tangoio Coastal Hazards Strategy 2120. We now need to confirm which council or councils will take charge and lead this work, and are undertaking consultation, proposing that HBRC should take charge of coastal hazard adaptation between Clifton and Tangoio, as recommended by an independent Funding Review. This would give the Regional Council the mandate to finalise the Strategy. This includes consulting the community on the full implications of implementation, such as the timing and detailed costs of physical works, and who pays for what through the Long Term Plan 2024-2034 process.</p>
5	<p>Kotahi Plan</p> <p>Developing a combined resource management plan for the Hawke's Bay region. It will refresh how we manage the use and protection our natural and physical resources looking at all aspects of the environment. This includes land and freshwater, air, the coastal and marine area, climate change, biodiversity, urban form and development, natural hazards and risks, energy, transport, and infrastructure. Kotahi will combine and update the existing Regional Policy Statement, the Regional Resource Management Plan, and the Regional Coastal Environment Plan into one, while also giving effect to the new policies, planning and technical standards from central government.</p>
6	<p>TANK Plan Change (Policy)</p> <p>Proposed TANK Plan Change (PPC9) will add new rules to the Regional Resource Management Plan to manage water quality and quantity for the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments.</p> <p>TANK Plan Change (Implementation): TANK Subcatchments Community Engagement</p> <p>An external communications project, intended to inform rural landowners about the Proposed Plan Change 9 (PPC9) framework and to promote catchment group formation. It is a precursor to the overall PPC9 Implementation, the latter contingent on a decision awaited from Hearings Commissioners and any subsequent appeals.</p>
7	<p>Farm Environmental Management Plans (FEMPs)</p> <p>These aim to address environmental outcomes and actions to improve environmental performance on properties over 4 hectares initially within the Tukituki region in three-yearly submission cycles.</p>
8	<p>IRG Flood Control and Drainage Programme</p> <p>Project 1: Heretaunga Flood Control & Drainage Scheme</p> <p>We are reviewing and upgrading flood protection assets across the Tūtaekurī, Ngaruroro, Lower Tukituki and Clive rivers, to increase flood protection across the scheme from a 1 in 100 to a 1 in 500-year event.</p> <p>Project 2: Upper Tukituki Flood Control Scheme: Gravel Extraction</p> <p>We are removing gravel from the Upper Tukituki River to improve flood protection in Central Hawke's Bay. Decreased demand for gravel has seen a build-up of gravel (aggradation). Extracting gravel from the riverbeds helps increase river capacity and reduces the risk of water inundation of neighbouring properties during a flood.</p> <p>Project 3: Wairoa River, River Parade Erosion (completed)</p> <p>We installed sheet piles to protect Wairoa District Council roading and Wairoa River Bridge from further erosion. In winter 2022 we will be planting trees for further protection and to enhance the area and increase biodiversity.</p>
9	<p>Revenue & Financing Policy/ Rates Review (incl. Scheme Rating Reviews)</p> <p>First principles review of our Revenue and Financing Policy, and full review of our rating system. The aim is to improve transparency for who pays what, ensure legal compliance, simplify the Policy and provide more flexibility in applying the Policy. Consultation is planned to take place towards the end of 2023 prior to the next Long Term Plan when the amounts rated for many Council services will likely change.</p>
10	<p>Enterprise Asset Management</p> <p>Aims to embed an Asset Management Information System that integrates into and expands on the Enterprise Resource System (ERP) that was introduced during the Finance Upgrade Systems & Efficiency (FUSE) project. The goal is to improve efficiency, allowing us to confidently identify assets (both spatially and uniquely within a register), manage and maintain our current infrastructure through whole-of-life, and assess risk to determine when changes or additions are required.</p>

Project Summaries	
11	Urban Catchment Plans (Te Karamū Catchment Plan/ Ahuriri Catchment Plan) Plans will be developed with stakeholders to provide coordination of activities within the Ahuriri and Te Karamū catchments, and identify options to help improve water quality, particularly in relation to land drainage and stormwater management, and to improve biodiversity.
12	Emissions Reduction Plan (formerly Climate Action Plan) Development of an inaugural Regional Emissions Reduction Plan by July 2023 with broad community involvement, support, and engagement, which will integrate with the next long term plans of the region's councils. The Emissions Reduction Plan will be informed by a greenhouse gas emissions inventory to establish the carbon footprint at the city, district, and regional level, a first for Hawke's Bay.
13	Synergy The enhancement of already implemented TechnologyOne modules to ensure a stable foundation for the future stages of the TechnologyOne ERP deployment at HBRC.

Key Strategic Projects Pipeline		
Title	Group	Estimated Start Date
Regional Water Efficiency Programme ('Future Water Use')	Asset Management (Water Security)	TBC
Biosecurity Information System	Integrated Catchment Management	TBC
Clive River Dredging 2030	Asset Management (Regional Assets)	TBC
On Demand Public Transport (Napier trial)	Policy & Regulation (Transport)	TBC

Decision Making Process

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

Recommendation

That the Hawke's Bay Regional Council receives and notes the *Strategic projects report for the period 1 - 31 December 2022* staff report.

Authored by:

Julie-Anne McPhee
Senior Project Manager

Approved by:

Desiree Cull
Strategy & Governance Manager

Attachment/s

There are no attachments for this report.

Subject: Significant organisational activities looking forward through February 2023**Purpose of agenda item**

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

Significant activities by group

Asset Management Group		
Project /Activity description	Significant upcoming milestone(s)	Team or Section
Ahuriri Regional Park	1. Refer to <i>Strategic projects report for December 2022</i> agenda item	Regional Projects
Waitangi Regional Park	2. Funding agreement with MBIE executed for toilet block and associated facilities 3. Funding agreement for Pou for the Waitangi wetland being developed with the Eastern and Central Community Trust 4. Public access upgrades to river deferred until the end of summer due to recent flooding and wet ground conditions	Regional Projects
Hawea Historic Park	5. Earthworks and revetment works complete at the confluence of Karamu and Raupare Stream 6. Planting program for left and right banks under development for autumn planting 7. Geotechnical investigation for Pou foundations complete	Regional Projects
Clive River dredging	8. Paper being prepared for March EICC meeting to outline options and funding requirements for land based discharge	Regional Projects
Global gravel extraction consent	9. Extraction for flood control scheme areas transitioned to the new global consent on 15 Dec 2022, and authorisations are in place until 30 June 23. 10. There have been no compliance issues to date, and Industry remains communicative with regards to change in consenting regime 11. As at 19 Jan 2023, there are 10 sites with active extraction activities. 12. Due to wet conditions and high river levels over the last month minimal extraction has been undertaken. 13. We are working with priority through consent conditions pertaining to the formation of Tangata Whenua Management Advisory groups. 14. Allocations for sustainable gravel extraction for the 2023-2024 FY will be finalised in May 2023.	Regional Assets / Operations

Asset Management Group		
Project /Activity description	Significant upcoming milestone(s)	Team or Section
IRG Flood Control -Heretaunga Flood Control & Drainage - Upper Tukituki (UTT) Flood Control Scheme	15. Refer to <i>Strategic projects report for December 2022</i> agenda item	Regional Projects
Urban Catchment Plans (Te Karamū / Ahuriri)	16. Refer to <i>Strategic projects report for December 2022</i> agenda item	Regional Assets
Cycle Networks	17. Damage caused by Cyclone Hale is being assessed and repairs being undertaken. 18. HB Trails Ngaruroro Explorer – finishing detailed feasibility and costings.	Regional Assets
Clifton to Tangoio Coastal Hazards Strategy	19. Refer to <i>Strategic projects report for December 2022</i> agenda item	Regional Assets

Corporate Services Group		
Project /Activity description	Significant upcoming milestone(s)	Team or Section
Revenue & Financing Policy (Rates) review (incl. Scheme Rating Reviews)	20. Step one analysis due to be presented on 22 February to a Council workshop. 21. Step two will commence with full day workshops, the first of which is scheduled on 22 March. 22. Refer to <i>Strategic projects report for December 2022</i> agenda item for further detail.	Finance
Synergy	23. Refer to <i>Strategic projects report for December 2022</i> agenda item	Information & Communications Technology
IRIS	24. The design and build of the regional sector software solution has started (this is an 80 week phase). 25. Implementation planning and sequencing will be refined during February and March. There is a 3 year window (2024-2026), to implement IRIS at the participating Councils. HBRC are attempting to be at the front end of the implementation schedule. 26. During February and March, the 'implementation readiness' of each participating Council will be assessed to determine the sequencing. The assessment factors are: technical readiness, project management capabilities, organisational change management, risk factors and council commitment. 27. Process excellence groups are being formed to establish the regional sector reference model. This model defines and establishes the 'consistent good practice processes' that underpin the IRIS programme.	Information & Communications Technology

Integrated Catchment Management Group		
Project /Activity description	Significant upcoming milestone(s)	Team or Section
Erosion Control Scheme	28. Completion and implementation of the ECS – Monitoring and Review programme 29. 20 & 21 January, Wairoa A&P Show stand and presence 30. 22 & 23 February, East Coast Farming Expo stand and presence. We will showcase our 3D 31. Wetland planting, team day, Whatuma. 32. Hosting the national annual pole nursery managers workshop	Catchment Management
Hill Country Erosion	33. Complete and sign off the 2023-27 contract between MPI and HBRC 34. Extend all HCE staff contracts for the following 4 years 35. Transport the newly built 3D table from MPI in Wellington to Wairoa East Coast Farming Expo and then into HBRC Dalton Street.	Catchment Management
Farmer Workshops – Hill country Erosion	36. Developing a series of farmer/landowner workshops – Hill Country Erosion, five farmer/Landowner workshops across Hawke's Bay (two in Northern, one in Central, two in Southern) and one staff workshop. Being delivered by Simon Stokes and Tom Fraser supported and hosted by Catchment Advisors. Dates are 21st, 22nd, 23rd March and then 3rd, 4th, 5th April. Working with Catchment Groups and Catchment Operations networks for engagement & attendance.	Catchment Management / Catchments Policy Implementation
Possum Control Area programme	37. On 14 December 2022, the Biosecurity Working Party presented their findings on the PCA review hearings and deliberations to Council. Council resolved to adopt the amended Regional Pest Management Plan (RPMP) and this was publicly notified on 15 December 2022. 38. Submitters have until 31 January 2023 to lodge an appeal with the Environment Court. If no appeals are lodged, the amended RPMP comes into effect on 2 February 2023. 39. Rating splits for the delivery of possum control will be decided through Step 2 of the Revenue & Finance Policy (Rates) review scheduled to begin in March 2023.	Biosecurity
Predator Free Mahia	40. Continue with the mop-up of the remaining possums in Phase 2. 41. Proof of absence camera network will be activated. 42. Result of funding decision from PF2050 Ltd expected. (To fund the project extension from 1 January to 30 June 2023).	Biosecurity
Plant Pests	43. Chilean needle grass control work has drawn to a close for the season, with saffron thistle control work not far behind. 44. Managing Old mans beard north of the Napier-Taupo Road and in the Ruahine Forest Park buffer zone began in January and will continue into February and March. 45. The team is halfway through the allotted land areas to survey and control in the Rangitaiki and Kaimanawa areas for the MPI funded <i>pinus contorta</i> work. 46. A fishing vessel in the Inner Harbour was encapsulated in December as it was found to have the marine pest <i>Clavelina lepadiformis</i> . This encapsulation was in place for one month and was removed from the vessel mid-January	Biosecurity

Integrated Catchment Management Group		
Project /Activity description	Significant upcoming milestone(s)	Team or Section
Whakakī Freshwater Improvement Fund Project	<p>47. Completing the final stage of construction of the weir will begin 30 January. A seven-week construction period has been estimated, with completion 17 March.</p> <p>48. Due to the ongoing Covid-19 situation impacting staff availability, these dates may be subject to change.</p> <p>49. An external project manager has been contracted to deliver the project's re-scoped fencing and planting component over the next two years, and on-ground works are now underway.</p>	Biodiversity
Priority Ecosystems	<p>50. Deer fencing of priority ecosystem sites continues across the region, including one coastal gully remnant forest site where fencing is due to begin mid-February.</p> <p>51. The SOE Wetland Monitoring project this summer is focussed on remeasuring wetlands in the Tukituki catchment, with fieldwork intended to be completed by the end of February.</p> <p>52. The Biodiversity team are planning for the impending gazettal of the NPS-IB.</p>	Biodiversity
TANK (Tūtaekurī, Ahuriri, Ngaruroro, Karamū) Dashboard	<p>53. Water quality dashboards have been developed for the Heretaunga / Ahuriri (TANK) subcatchments to make catchment information accessible at the subcatchment scale for catchment communities and landowners. TANK Water Quality Hawke's Bay Regional Council (hbrc.govt.nz)</p> <p>54. Next month, work will look at how to make this more visible on the website.</p>	Catchments Policy Implementation
Tukituki Farm Environmental Management Plans (FEMPs)	<p>55. A workshop with FEMP providers on the 20th of February will begin work to prepare them for FEMP revisions and submissions which are due for Tukituki farms by May 31 2024. This meeting will cover improvements to the FEMP process ahead of the portal opening for resubmissions in June.</p>	Catchments Policy Implementation
Massey University Catchment Solutions Project	<p>56. Project launch in late January with Advisory Group workshop to identify proposed trial design and potential trial sites in Porangahau and Maharakeke sub-catchments (Tukituki Sub-catchments). Also including Iwi engagement, (through Roger Maaka) and the work around Lake Whatuma, which will be aligned to this project.</p>	Catchments Policy Implementation
Kotahi Plan	<p>57. Refer to <i>Strategic projects report for December 2022</i> agenda item</p>	

Policy and Regulation Group		
Project /Activity description	Significant upcoming milestone(s)	Team or Section
Large, high profile and/or complex resource consent applications	<p>58. HB Water Holdings – Makaroro water storage scheme. Lapse date extension was withdrawn 29 November. The lapse date remains as June 2025.</p> <p>59. Decision on the applications for Ruataniwha Tranche 2 groundwater are expected by the end of January.</p> <p>60. Ravensdown resource consents for discharges to air, land and water and wetland enhancement were granted 19 December 2022.</p> <p>61. Wastewater discharge resource consents for 41 lots at Tangoio were granted 15 December 2022.</p>	Consents

Policy and Regulation Group		
Project /Activity description	Significant upcoming milestone(s)	Team or Section
Plan Change 9 (TANK plan) appeals	<p>62. 17 Appeals have been submitted to the Environment Court on the TANK decision.</p> <p>63. The Court required the Council to consult with those party to the appeal in preparing the response to its directions.</p> <p>64. The Council circulated a draft of this memorandum to the parties on 23 December 2022, and invited parties to comment by 18 January on its proposed approach to managing the appeals.</p> <p>65. Mediation is expected to commence in the first half of 2023.</p>	Policy
Plan Change 7 (Outstanding waterbodies) appeals	<p>66. Four appeals were lodged with the Environment Court. During 2022, a number of meetings occurred striving to reach agreement on various appeal points.</p> <p>67. Late 2022, parties asked the Environment Court to set a hearing date in mid 2023 for those matters where agreements could not be achieved.</p>	Policy
Kotahi Plan	68. Refer to <i>Strategic projects report for December 2022</i> agenda item	Policy
Napier-Hastings Future Development Strategy (FDS)	<p>69. HBRC, HDC and NCC adopted the Terms of Reference as proposed and agreed to appoint the Napier-Hastings Future Development Strategy Joint Committee and appointed their respective members.</p> <p>70. Invitations have been sent to Mana Ahuriri Trust, Maungaharuru Tangitū Trust and Heretaunga Tamatea Settlement Trust to participate in FDS Joint Committee and appoint respective members.</p> <p>71. Joint Committee meeting dates tentatively scheduled during 2023 are 27 April, 3 August, 26 October and 12 December, with further meetings to conduct hearings in April/May 2024. These will function alongside council workshops as relevant.</p>	Policy
Resource Management System Reforms	<p>72. Environment Select Committee has invited submissions on the Natural and Built Environments Bill and the Spatial Planning Bill. Submissions close 5 February 2023.</p> <p>73. An outlined approach to preparing HBRC's submission is the subject of a separate item on today's Agenda..</p>	Policy
Transport Choices Package	74. Subject to a final project plan, central government has indicated that it will grant \$1.39 M to implement a Transport Choices Package (TCP) to achieve an improved bus stop network with real time information. The TCP project will be 100% funded by Waka Kotahi and is the result of a partnership between Waikato, Horizons and Hawke's Bay regional councils. Expected delivery of the TCP is between the end of 2023 and mid-2024.	Transport

Executive Advisory Group		
Project /Activity description	Significant upcoming milestone(s)	Team or Section
Corporate Planning and reporting	<p>75. Opal3 reporting open for Q2. Work underway to integrate financial and non-financial reporting from Q3 onwards</p> <p>76. Project planning for Strategic Plan refresh and Long Term Plan</p>	Strategy & Performance

Executive Advisory Group		
Project /Activity description	Significant upcoming milestone(s)	Team or Section
2023 meetings	77. Scheduling and extending invites to Council and Committee meetings, workshops and briefings 78. Creating draft, proposed agendas and Committee work programmes 79. Working with subgroup of RPC to agree scope of independent review of TWR remuneration and process steps	Governance
Climate Action	80. TOR for Joint Committee to be socialised with TAs with the aim to have all 5 partner councils and Tangata Whenua representation secured by early March prior to the first meeting in early April. 81. Preparing for upcoming Practitioner Group meetings on the following themes for the Regional Emission Reduction Plan - Working with Nature (31/1); Planning and Infrastructure (14/2), Agriculture (2/3), Building and Construction (20/3) and Transport (3/4). 82. Spatial Regional Risk Assessment underway by consultant. Stage one delivery date March 2023 83. Speech to Ahuriri Group	Climate Action Ambassador
Statutory	84. Implementing updated legislative requirements for pecuniary interests 85. Coordinating implementation of the Remuneration Authority Determination of councillors' remuneration and allowances with Finance and Payroll 86. 2022-25 Triennial Agreement adopted by 1 March 87. Update HBRC local governance statement for publication by 1 April	Governance
LGOIMA	88. Received and coordinating responses to 12 LGOIMA requests.	Governance

Decision Making Process

89. 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 February 2023* staff report.

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Attachment/s

There are no attachments for this report.

Hawke's Bay Regional Council

25 January 2023

Subject: Discussion of minor items not on the Agenda

Item 12

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 4.

Topic	Raised by

Hawke's Bay Regional Council

25 January 2023

Item 13

Subject: Confirmation of Public Excluded Minutes of the meeting held on 14 December 2022

That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 13 Confirmation of Public Excluded Minutes of the meeting held on 14 December 2022 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 are:

General subject of the item to be considered	Reason for passing this resolution	Grounds under section 48(1) for the passing of the resolution
Confirmation of Public Excluded Meeting held on 14 December 2022	s7(2)(h) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

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