

Meeting of the Hawke's Bay Regional Council

Late Item

Date: 31 May 2023
Time: 1.30pm
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

Item	Title	Page
Decision Items		
16.	Committee membership changes	3

Subject: Committee membership changes

Reason for Report

1. This item seeks Council resolutions to:
 - 1.1. Appoint Councillor Martin Williams as a member of the Napier-Hastings Future Development Strategy Joint Committee in place of Councillor Sophie Siers, who would become the Alternate
 - 1.2. Appoint Councillor Sophie Siers to the Māori Committee, to replace Councillor Martin Williams
 - 1.3. Confirm Regional Planning Committee appointees' membership on the Cyclone Recovery Committee and consequential amendments to the Terms of Reference if required.

Officers' Recommendations

2. Staff recommend that the Council agrees to the change of appointments proposed by councillors Williams and Siers as agreed between themselves.
3. In relation to the membership of the Cyclone Recovery Committee staff recommend that Council first decides whether or not there is a desire to revisit the Terms of Reference, given the process undertaken to develop the ToR through discussions at workshops and meetings where representatives of both the Māori and Regional Planning committees were present and actively participated.
4. If there is a desire to revisit the CRC Terms of Reference then the question for Council to resolve is the number of representatives of the RPC.

Change of councillor appointments

5. Councillors Martin Williams and Sophie Siers wish to *switch* their appointments as follows, which give rise to the need for Council resolutions to formally give effect to those.
6. On 16 November 2022 the Regional Council appointed councillors Hinewai Ormsby, Will Foley, Charles Lambert and Martin Williams as members of the Māori Committee. Councillor Williams wishes to relinquish his membership in favour of councillor Siers' appointment.
 - 6.1. The proposed appointment of councillor Sophie Siers to the Māori Committee, as Chair of the Cyclone Recovery Committee (CRC) aims to provide more opportunities for mana whenua input into HBRC recovery initiatives where the mana, hauora, and kaitiaki of mana whenua is acknowledged and given priority without drawing even further on limited capacity for engagement.
7. On 14 December 2022 the Regional Council appointed councillors Jock Mackintosh and Sophie Siers as its representatives, with councillor Martin Williams as alternate, to the Napier-Hastings Future Development Strategy Joint Committee. The proposal is to amend those arrangements by appointing Martin Williams as a member of the Napier-Hastings Future Development Strategy Joint Committee, and councillor Sophie Siers as the alternate.

Regional Planning Committee PSGE appointee representation

8. As part of the Council's Governance Structure, committee membership that provides opportunities for Māori participation in Council decision-making processes is sought through the appointment of Taiwhenua appointees on the Māori Committee and Post Settlement

Governance Entity (PSGE) appointees on the Regional Planning Committee (RPC). Committee members representing Māori Committee and RPC tangata whenua also aim to provide opportunities to establish links for sharing information and raising awareness of current issues of importance to Māori.

9. The process by which tangata whenua appointments are made by the Māori Committee and RPC is:
 - 9.1. Council invites the committee to nominate, from amongst their Taiwhenua or PSGE appointed members, members to specific HBRC committees by resolution
 - 9.2. The Committee resolutions then form recommendations to the Council for resolution formally confirming and appointing those nominated as members of the committees specified.
10. In developing the Terms of Reference for the Cyclone Recovery Committee, considerations in relation to tangata whenua representation included:
 - 10.1. The nature of the participation and input expected of its members that best enables the CRC to achieve its purpose to:
 - 10.1.1. coordinate and direct the Hawke's Bay Regional Council's (HBRC) recovery initiatives in support of environmental and community recovery from Cyclone Gabrielle and related matters.

Acknowledging that:

 - 10.1.2. Recovery actions will necessarily happen at pace requiring agile and joined-up decision-making.
 - 10.1.3. The HBRC's Cyclone Recovery Committee will focus on recovery tasks related to the environment resilience, primary sector, and resilient infrastructure pou within the broader recovery context which includes the Hawke's Bay Regional Recovery Agency.
 - 10.2. The work of the CRC directly relates to the work of the Māori Committee and RPC.
 - 10.3. The work of the CRC is significant to mana whenua on a level that warrants more than one representative of each committee.
 - 10.4. The combination of 2 Māori Committee and 2 RPC PSGE representatives deliberately provides the opportunity for the worst impacted communities to have 1 Māori representative at the CRC table in addition to the Māori Constituency councillors.
 - 10.5. The model of the Māori Committee co-chairs may contribute a solution – with one representing Wairoa and the other Heretaunga – and a suggestion was made that discussion between the Co-chairs of both committees would clarify how that representation could best be achieved.
11. The RPC PSGE appointees have proposed, for Council's consideration, an amendment to the Terms of Reference for the CRC to allow the appointment of four members to represent the PSGEs whose takiwā and whānau, hapū and marae are most affected by the Cyclone, those being:
 - 11.1. Tātau Tātau o te Wairoa
 - 11.2. Maungaharuru-Tangitū Trust
 - 11.3. Mana Ahuriri Trust
 - 11.4. Heretaunga Tamatea Settlement Trust.
12. These four appointments would be instead of two appointments by the RPC as currently provided for in the CRC ToR.

13. If Council agrees to the increased membership, the invitation to nominate those representatives would be re-extended to the Regional Planning Committee, directed through the PSGE appointed members, for the next scheduled RPC meeting.

Financial and Resource Implications

14. Māori Committee and RPC representatives on Council committees receive a meeting fee of \$452 per meeting plus reimbursement of associated travel expenses, as provided for within the Māori Partnerships budgets.

Decision Making Process

15. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 15.1. Council is required to (LGA sch.7 cl.19(1)) hold the meetings that are necessary for the good government of its region
 - 15.2. Council may appoint (LGA sch.7 cl. 30(1)(a)) the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate
 - 15.3. 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 *Committee membership changes* 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 councillor Martin Williams as a member of the Napier-Hastings Future Development Strategy Joint Committee, and councillor Sophie Siers as an alternate member; joining councillor Jock Macintosh as appointed by resolution on 14 December 2022.
4. Appoints councillor Sophie Siers as a member of the Māori Committee, replacing councillor Martin Williams.

and

5. Confirms the Terms of Reference for the Cyclone Recovery Committee as previously adopted on 29 March 2023.

or

6. Adopts the Terms of Reference for the Cyclone Recovery Committee (attached) as amended to provide for membership including up to four Post Settlement Governance Entity (PSGE) appointed members of the Regional Planning Committee representing:
 - 6.1. Tātau Tātau o te Wairoa
 - 6.2. Maungaharuru-Tangitū Trust
 - 6.3. Mana Ahuriri Trust
 - 6.4. Heretaunga Tamatea Settlement Trust.

Authored by:

Leeanne Hooper
Team Leader Governance

Approved by:

Desiree Cull
Executive Officer to CE

Attachment/s

1 [↓](#) Cyclone Recovery Committee amended Terms of Reference if required



Cyclone Recovery Committee

Terms of Reference

Adopted by resolution of Hawke's Bay Regional Council on 29 March 2023

1. The purpose of the Cyclone Recovery Committee is to coordinate and direct the Hawke's Bay Regional Council's (HBRC) recovery initiatives in support of environmental and community recovery from Cyclone Gabrielle, which resulted in a national state of emergency declared on 14 February 2023, and related matters.
2. Recovery actions will necessarily happen at pace requiring agile and joined-up decision-making. This Committee fits within a broader recovery context which includes the Hawke's Bay Regional Recovery Agency. The HBRC's Cyclone Recovery Committee will focus on recovery tasks related to the environment resilience, primary sector, and resilient infrastructure pou (proposed HB Cyclone Gabrielle Recovery wiring diagram to be attached once finalised).
3. The Civil Defence Emergency Management Act 2002 (the CDEM Act) defines recovery as: *"the coordinated efforts and processes used to bring about the immediate, medium and long-term holistic regeneration and enhancement of a community following an emergency."* Recovery is more than simply building back infrastructure; it is a managed, comprehensive and participatory process inclusive of all people and organisations, that also supports restoring the social, economic, natural and cultural fabric of affected communities.
4. The Cyclone Recovery Committee will also cover the business-as-usual functions, previously considered by the Environment and Integrated Catchments Committee.

Cyclone Gabrielle Recovery responsibilities

5. The primary role of the Cyclone Recovery Committee is to develop and oversee implementation of a Regional Resilience Plan, including providing opportunities to determine and express community voice. This Plan will focus on land-use planning, hazard management, risk, and flood protection and will inform locality plans of other entities.
6. The Cyclone Recovery Committee will also be responsible for considering and making recommendations to HBRC on work programmes such as, but not limited to, the rapid rebuild of stop banks, scheme reviews and protection levels, land use planning, nature-based solutions for water management and biodiversity, rural recovery including an enhanced Erosion Control Scheme and changes to the Land for Life programme, and improvements to the hydrometric network.

Business as usual responsibilities

The Cyclone Recovery Committee will consider and make recommendations to Council on:

7. Policy

- 7.1. Policies with regard to Council responsibilities and involvement in flood protection and drainage
- 7.2. Policies with regard to Council's responsibilities for biosecurity, biodiversity and pest management
- 7.3. Policies, strategies, and by-laws and compliance and enforcement programmes relating to maritime and navigational safety under the Maritime Transport Act.

8. Environmental Monitoring and Research

- 8.1. Environmental monitoring strategies and research and investigation programmes, including the State of the Environment Reports
- 8.2. Technical reports on the findings of research and investigations into the impact of activities on the receiving environments and recommend to Council the development of new policy frameworks based around such information.

9. Implementation

- 9.1. Management plans or any similar such documents for the effective implementation of environmental enhancement and improvement programmes of Council.
- 9.2. All other policy implementation issues of Council.
- 9.3. Periodically review the effectiveness of Council's non-regulatory resource management operational work programmes within the ambit of the Committee and make recommendations to Council for any changes
- 9.4. Assist staff, where appropriate, in identifying a preferred option and/or funding mechanism for Council consideration of biosecurity/ biodiversity initiatives, proposals for new or expansion of existing open spaces and regional parks, and infrastructure asset construction or improvement work; and in promoting the preferred option to the beneficiaries/ community.

10. Financial Authority

- 10.1. Consideration of possible financial implications of specific initiatives.

11. Use of Delegated Powers for the Environment & Integrated Catchments Committee

- 11.1. This Committee may, without confirmation by the local authority that made the delegations, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them, provided that the decision deserves urgency and the decision to make the resolution a decision of Council is carried unanimously.

Members:

- All Councillors being: Hinewai Ormsby, Will Foley, Neil Kirton, Charles Lambert, Jerf van Beek, Martin Williams, Sophie Siers, Di Roadley, Thompson Hokianga, Jock Mackintosh, Xan Harding.
- Up to two appointed members of the Māori Committee, being Katarina Kawana and Peter Eden
- Up to two appointed members of the Regional Planning Committee, to be confirmed

OR

Up to four appointed members of the Regional Planning Committee, representing:

- Tātau Tātau o te Wairoa (Michelle McIlroy)
- Maungaharuru-Tangitū Trust (Tania Hopmans)
- Mana Ahuriri Trust (Tania Eden)
- Heretaunga Tamatea Settlement Trust (to be confirmed)

Chair:

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

Deputy Chair:

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

Meeting Frequency:

6-weekly (or as required)

Staff Executive:

HBRC Recovery Manager
Group Manager Integrated Catchment Management
Group Manager Asset Management
Group Manager Policy & Regulation