



# HAWKE'S BAY REGIONAL COUNCIL

TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

## Minutes of a meeting of the Regional Council

**Date:** 26 July 2023

**Time:** 1.30pm

**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

**Present:** Cr H Ormsby, Chair  
Cr W Foley, Deputy Chair  
Cr X Harding  
T Hopmans, RPC Co-chair (*online*)  
K Kawana, Māori Committee Co-chair (*online*)  
Cr N Kirton  
Cr C Lambert  
Cr J Mackintosh  
M Paku, Māori Committee Co-chair  
Cr D Roadley  
Cr S Siers  
Cr J van Beek  
Cr M Williams

**In Attendance:** P Munro – Interim Chief Executive  
A Siddles – Acting Group Manager Corporate Services  
K Brunton – Group Manager Policy and Regulation  
C Dolley – Group Manager Asset Management  
I Maxwell – Group Manager Integrated Catchment Management  
S Young – Executive Officer Recovery  
A Allan – Senior Business Partner  
L Hooper – Team Leader Governance  
S Bell – Strategy and Performance Team Leader  
P Martin – Senior Governance Advisor  
M Johanssen – Director Communications & Engagement

## 1. Welcome/Karakia/Apologies/Notices

The Chair welcomed everyone to the meeting and Mike Paku opened with a karakia.

### Resolution

- RC42/23 That the apologies for absence from Councillor Thompson Hokianga, from Tania Hopmans for lateness and from Mike Paku and councillors Hinewai Ormsby and Di Roadley for early departure be accepted.

Ormsby/Siers  
CARRIED

## 2. Conflict of interest declarations

There were no conflicts of interest declared.

## 3. Confirmation of Minutes of the Extraordinary Regional Council meeting held on 19 July 2023

### Resolution

Minutes of the Extraordinary Regional Council meeting held on Wednesday, 19 July 2023, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

Harding/van Beek  
CARRIED

## 4. Call for minor items not on the Agenda

There were no items raised.

## 5. Annual Plan 2023-2024 for adoption

Nic Peet introduced the item and Andrew Siddles, Amy Allen and Sarah Bell, who spoke to the item. Discussions noted:

- Following legal review of the agenda item, a new set of recommendations is proposed for resolutions – including to adopt an unbalanced budget inconsistent with the Council's Revenue and Financing Policy
- Statements will be corrected to reflect that \$1M will be drawn down from each of the Disaster Damage Reserves.

*Katarina Kawana joined the meeting online at 1.45pm*

### Resolutions

That Hawke's Bay Regional Council:

1. Receives and considers the *Annual Plan 2023-2024 for adoption* 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.
3. Agrees that it is financially prudent to adopt an unbalanced budget for 2023-24 having regard to the LGA 2002 sections 101 (1) and (2) and 100 (2) (a) to (d), and records that the decision to adopt an unbalanced budget has been made acknowledging:
  - 3.1. the need to progress flood protection repair work to restore the flood protection network following the damage caused by Cyclone Gabrielle, and
  - 3.2. that Council has the financial capacity to borrow to fund additional expenditure for flood protection recovery work, and
  - 3.3. that the unbalanced budget will have future financial implications that will need to

- be managed in future years, and
- 3.4. Council's funding and financial policies adopted under section 102.
  4. Agrees, in accordance with section 80 of the LGA that:
    - 4.1. a decision to borrow to fund operating expenses is inconsistent with Council's Revenue and Financing Policy as this policy does not include borrowing as a source of funding for operating expenditure,
    - 4.2. this inconsistency is due to the accounting standards change for the treatment of ICT developments and data models (from capex to opex), and Council's decision to borrow to fund the shortfall in the cost of repairs to flood protection assets damaged during Cyclone Gabrielle, given the long-term benefits which will result from this expenditure, and
    - 4.3. the Council does not intend to amend the Revenue and Financing Policy given that the next financial year is a LTP year as part of which the Council will consider whether future revenue and financing policies should provide some flexibility about use of borrowing for operating expenditure.
  5. Adopts the *Annual Plan 2023-2024* in accordance with Section 95 of the Local Government Act 2002.
  6. Delegates to the Acting Group Manager Corporate Services authority to make any required minor amendments or edits to the *Annual Plan 2023-2024* prior to publishing.
  7. Approves the borrowing of funds necessary to fund the proposed operating expenditure in the *Annual Plan 2023-2024*, including \$13.5m for cyclone recovery activities that was not provided for in the 2021-31 Long Term Plan.
  8. Delegates to the Chief Executive and Group Manager Corporate Services, authority to negotiate and agree on the terms and conditions of all loans required to fund the expenditure requirements set out in the Annual Plan.
  9. Sets the fees and charges for the 2023-2024 financial year as set out following.

**Kirton/Harding**  
**CARRIED**

## Hawkes Bay Regional Council

### Fees and Charges Schedule 2023-2024



HBRC may fix charges relating to its functions and responsibilities under legislation such as the Local Government Act 2002, the Maritime Transport Act 1994 and the Resource Management Act 1991 (RMA). An outline of the charges applicable from 1 July 2023 to 30 June 2024 is provided below. Refer to the Fees and Charges section of the Long Term Plan 2021-2031, for further detail and policy related to these charges.

## A. Charges relating to Resource Consent applications

**Table 1.1: Charges payable for processing resource consent applications**

Item	Initial fixed fee - payable upon lodgment (excl GST)	Additional charge - payable subsequent to processing
– Land use application for bore permit	\$ 500	Based on actual and reasonable costs <sup>1</sup>
– Land use for bore field where 3 or more bores are to be drilled for the same purpose on the same site (or in close proximity)	\$ 1,000	
– Land use consent for gravel extraction	\$ 1,000	
– Other consent applications	\$ 2,000	
Other changes or cancellations of consent conditions	\$ 750	Based on actual and reasonable costs <sup>1</sup>
Review of conditions as per RMA s128 1a, 1c or 2.	\$ 1,500	Based on actual and reasonable costs <sup>1</sup>
Transfer a consent to another site	\$ 1,000	Based on actual and reasonable costs <sup>1</sup>
Extensions to lapse dates	\$ 1,000	Based on actual and reasonable costs <sup>1</sup>
Transfer of resource consent (1 only, with transfer form completed and signed) to a new owner/occupier	\$ 200	Based on actual and reasonable costs <sup>1</sup> for non-standard process
Transfer of resource consent (2 or more, with transfer form completed and signed) to a new owner/occupier, or change of name	\$ 250	Based on actual and reasonable costs <sup>1</sup> for non-standard process
Certificate of compliance/ Deemed Permitted Activity:		
– Bore sealing	no charge	– N/A
– Confirmation of domestic on-site wastewater Permitted Activity status	\$ 750	
– Issuing a notice under s87BA or BB of the RMA stating whether an activity is a permitted activity	\$ 1,500	
Other	\$ 1,500	

**Table 1.2: Charges for Resource Consent applications requiring notification or a hearing**

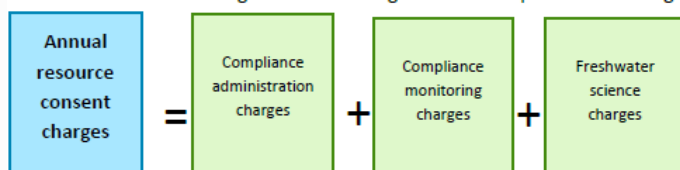
Application type	Type of fixed fee (excl GST)			Additional charge – payable subsequent to processing
	Initial fixed fee: payable upon application	Fixed fee: payable upon notification	Fixed fee: payable 5 days before hearing	
Individual resource consent application (including applications for ancillary activities)	(per Table 1.1)	\$ 5,000	\$ 7,500	Based on actual and reasonable costs <sup>1</sup>
Application processed as part of a catchment wide replacement process	(per Table 1.1)	\$ 1,500	\$ 2,000	Based on actual and reasonable costs <sup>1</sup>
<b>Request for independent commissioner under s 100A RMA</b>	<b>Fixed fee payable on requesting a commissioner (excl GST)</b>			<b>Additional charge - payable subsequent to processing</b>
Fixed fee payable on requesting an independent commissioner	\$ 3,000 per commissioner			Based on actual and reasonable costs <sup>1</sup> of additional cost incurred as a result of using an independent commissioner

**Note 1:** Actual and Reasonable Costs include time spent by staff in receiving, processing, and deciding on the applications, hearing costs and any external disbursements (which shall include any external expert advice from consultants at cost). Staff costs shall be calculated by multiplying the actual hours involved in receiving, processing and granting a consent by the hourly rates for the staff involved and adding any actual disbursements (as in Table 9); and adding any hearing costs, and costs of consultants and commissioned reports; and then subtracting the fixed charge that was paid in advance. The total calculated amount shall then, if necessary, be adjusted to reflect HBRC's actual and reasonable costs having regard to the factors referred to in section 36(4) of the RMA and any relevant discounts. (This does not apply to applications which are not subject to additional charges or refunds).

Where an activity requires multiple ancillary consents, and the application will be processed in a bundle, HBRC may require payment of only one initial fixed fee (deposit). The deposit shall be equal to the highest deposit required for any of the applications required, as per Table 1.1.

## B. Charges to holders of resource consents for administration, compliance and impact monitoring

Annual consent monitoring and admin charges are made up of the following:



Not all the charges in the diagram above are applicable to all resource consents.

### Compliance administration

*Table 2.1: Charges for compliance administration*

	Annual charge 2023/24 (excl GST)
Annual consent administration fee <sup>2</sup>	\$ 80
Annual water measuring device admin charge (for first meter)	\$ 230
PLUS - each additional water measuring device	\$ 55
Annual water measuring device admin - Non-exercised consent	\$ 45

**Note 2:** The annual consent administration fee is charged to holders of consents that require ongoing maintenance, and covers routine administration costs such as consent computer database and file system maintenance, compiling and monitoring accounts, correspondence to consent holders (e.g. around expiring consents) and general administration and enquiries.

Exemptions to the annual compliance administration charge include the following consent types; water takes, residential domestic effluent systems (permitted activity and accredited/non-accredited systems), bore permits, forestry permitted activities, land use permitted activities, and consents that no longer require monitoring.

### Compliance monitoring

*Table 2.2: Charges for compliance monitoring*

	Charge 2023/24 (excl GST)
On-site wastewater treatment - non-accredited - annual monitoring fee	\$ 400
Low flows annual monitoring fee	\$ 250
Issuing of abatement notice	\$ 187
Late submission of data and information returns	\$ 187
Monitoring of consents which require annual inspection, and/or information return, and/or sampling undertaken	Actual and reasonable costs <sup>3</sup> to undertake monitoring
Monitoring of National Environmental Standards for Plantation Forestry permitted activities	Actual and reasonable costs <sup>3</sup> to undertake monitoring
Additional monitoring as a result of non-compliance with consent conditions	Actual and reasonable costs <sup>3</sup> to undertake monitoring

**Note 3:** Actual and reasonable costs shall be calculated by multiplying the actual staff hours of undertaking monitoring of the consent, by the hourly rate for the staff involved, and adding any actual disbursements (as per rates in table 9). The total calculated shall then, if necessary, be adjusted to reflect HBRC's actual and reasonable costs having regard to the factors referred to in section 36 (4) of the RMA.

### Freshwater science charges

Discharges to water or land, and water take consent holders are charged for the costs of performing science investigations and monitoring to manage and inform on effects, or potential effects, on the Region's freshwater resources. These charges are authorised by Section 36 of the Resource Management Act 1991.

#### Water Takes:

Freshwater quantity science charges are levied against consents to take ground water, surface water and stream depleter takes. The charge is based on maximum consented weekly volume of take, not actual use. Where a maximum weekly take condition is not specified in the consent, a **deemed weekly volume** will be calculated by conversion of the consented maximum daily/28 day/monthly or annual take. Refer to the Long Term Plan 2021-2031 for exemptions and adjustments to the annual freshwater science charges schedule.

**Table 3.1: Charges to consent holders for freshwater science: WATER TAKES**

	Annual variable charge rate 2023/24 (excl GST)	
	\$	Units
Minimum charge	\$ 240	per consent
Volume up to 100,000 m <sup>3</sup>	\$ 0.075	per m <sup>3</sup> deemed weekly volume
Volume from 100,000 to 1,000,000 m <sup>3</sup>	\$ 0.054	per m <sup>3</sup> deemed weekly volume
Volume from 1 million to 2 million m <sup>3</sup>	\$ 0.027	per m <sup>3</sup> deemed weekly volume
Volume above 2 million m <sup>3</sup>	\$ 0.007	per m <sup>3</sup> deemed weekly volume

**Discharges to land or fresh water:**

Freshwater quality science charges are levied against consents to discharge to land or water. The charges are levied against each consent based on the receiving body of the discharge (land or water), and the scale of activity as defined in Table 3.3. Refer to the Long Term Plan 2021-2031 for exemptions and adjustments to the annual freshwater charges schedule.

**Table 3.2: Charges to consent holders for freshwater science: DISCHARGE CONSENTS**

Annual fixed charge 2023/24 (excl GST)			
Primary purpose: drainage, sewage, stormwater & wastewater			
Discharge to:		Water	Land
Small	1	\$ 897	\$ 449
	2	\$ 1,795	\$ 897
	3	\$ 2,692	\$ 1,346
Medium	4	\$ 3,589	\$ 1,795
	5	\$ 4,486	\$ 2,243
	6	\$ 5,384	\$ 2,692
Large	7	\$ 6,281	\$ 3,141
	8	\$ 7,178	\$ 3,589
	9	\$ 8,076	\$ 4,038
Activities not scaled:			
Discharge to:		Water	Land
Solid Waste		\$ 3,589	\$ 1,795
Other		\$ 1,795	\$ 897

**Table 3.3: Definition of discharge consent scale of activity**

Primary purpose of discharge	Small			Medium			Large		
	1	2	3	4	5	6	7	8	9
Drainage	Max discharge rate: < 10 l/s	Max discharge rate: 10 - 25 l/s	Max discharge rate: 26 - 75 l/s	Max discharge rate: 76 - 200 l/s	Max discharge rate: 201 - 1,000 l/s	Max discharge rate: 1,001 - 5,000 l/s	Max discharge rate: 5,001 - 10,000 l/s	Max discharge rate: 10,001-20,000 l/s	Max discharge rate: > 20,000 l/s
Sewage	Max discharge: 2-5 m3/day	Max discharge: 6-10 m3/day	Max discharge: 11-50 m3/day	Max discharge: 51-100 m3/day	Max discharge: 101-200 m3/day	Max discharge: 201-500 m3/day	Max discharge: 501-1,000m3/day	Max discharge: 1,001-2,000 m3/day	Max discharge: > 2,000 m3/day
Stormwater	Catchment area: < 1 ha	Catchment area: 1 to 5 ha	Catchment area: 6 to 10 ha	Catchment area: 11 to 20 ha	Catchment area: 21 to 40 ha	Catchment area: 41 to 60 ha	Catchment area: 61 to 80 ha	Catchment area: 81 to 100 ha	Catchment area: > 100 ha
Wastewater	Dairy & Piggy operations: Herd size < 100 cow equiv. All other operations: Max discharge < 15 m3/day	Dairy & Piggy operations: Herd size 100-400 cow equiv. All other operations: Max discharge 16-50 m3/day	Dairy & Piggy operations: Herd size 401-700 cow equiv. All other operations: Max discharge 51-250 m3/day	Dairy & Piggy operations: Herd size 701-1,000 cow equiv. All other operations: Max discharge 251-1,000 m3/day	Dairy & Piggy operations: Herd size 1,001-1,300 cow equiv. All other operations: Max discharge 1,001-2,000 m3/day	Dairy & Piggy operations: Herd size 1,301-1,600 cow equiv. All other operations: Max discharge 2,001-5,000 m3/day	Dairy & Piggy operations: Herd size 1,601-2,000 cow equiv. All other operations: Max discharge 5,001-10,001 m3/day	Dairy & Piggy operations: Herd size 2,001 to 3,000 cow equiv. All other operations: Max discharge 10,001-20,000 m3/day	Dairy & Piggy operations: Herd size >3,000 cow equiv. All other operations: Max discharge > 20,000 m3/day
Solid waste and other	No scale applied. HBRC may apply scale factor to "non-scaled" discharge consents if outliers become apparent.								

Cow equiv.

Sheep, goats and pigs are converted to "cow equivalents" using the following conversions (6.5 sheep = 1 cow equiv, 8.13 goats = 1 cow equiv, 3.75 pigs = 1 cow equiv.)

## C. Charges relating to contaminated site management

**Table 4: Charges relating to contaminated site management**

	Charge (excl GST)
Where a party requests information about the 'contaminated site' status of a property	Actual and reasonable costs <sup>4</sup> of staff time incurred
Where a party requests HBRC review and comment on contaminated site investigation and remediation reports	Actual and reasonable costs <sup>4</sup> of staff time incurred
Where a party requests more extensive involvement of HBRC staff	Actual and reasonable costs <sup>4</sup> of staff time incurred

Note 4: Actual and reasonable costs shall be calculated by multiplying the actual staff hours of undertaking monitoring of the consent, by the hourly rate for the staff involved (as per rates in table 9) and adding any actual disbursements.

#### D. Charges for gravel extraction

Gravel extraction may be undertaken with permissions issued under the HBRC resource consents, or via individual resource consents. The charge for receiving and processing an individual consent application for extraction of gravel from rivers are as set out in Table 14.1. Each party taking gravel will be required to pay compliance monitoring and administration charges based on the volume of gravel extracted, the source of the gravel, and its quality, as set out in table 5.1 or 5.2.

**Table 5.1: Charges for gravel extraction under HBRC resource consent<sup>5</sup>**

Fee for issuing permissions to extract gravel under HBRC resource consents:	Charge (excl GST)
0-50 cubic metres	\$ 80
Greater than 50 cubic metres	\$ 120
Extraction charge for compliance monitoring, environmental mitigation and administrations:	Charge per cubic metre extracted (excl GST)
Upper Tukituki	\$ 0.80
HPFCS rivers including lower & middle Tukituki	\$ 1.20
Inferior grade	\$ 0.40

Note 5: HBRC resource consents: AUTH-123467-01, AUTH-123469-01 (Ngaruroro River), AUTH-123447-01, AUTH-123453-01 (Tukituki River) and AUTH-123452-01, AUTH-123458-01 (Tūtaekurī River).

**Table 5.2: Charges for gravel extraction via individual resource consents based on \$ per cubic metre extracted per annum**

	State of Environment monitoring charge (\$35 of RMA)	Compliance / allocation charge (\$36 of RMA)	Financial contribution (\$108 of RMA)	Total (excl GST)
All rivers (other than Tukituki, Ngaruroro, Tūtaekurī Rivers, and their tributaries)	\$ 0.20	\$ 0.60	\$ 0.08	\$ 0.80
Inferior grade	\$ 0.20	NA	\$ 0.08	\$ 0.20

#### E. Building Act charges for dams

**Table 6: Charges for Building Act applications**

Activity	Deposit (excl GST)	Additional charge – payable subsequent to processing
Building consent for dams – Project Information Memorandum (PIM)	\$ 500	Based on actual and reasonable costs <sup>6</sup>
Certificate of acceptance – Dam valued up to \$20,000 – Dam valued between \$20,000 and \$100,000 – Dam valued over \$100,000	\$ 500 \$ 2,000 \$ 4,000	Based on actual and reasonable costs <sup>6</sup>
Amendment to compliance schedule	\$ 1,000	Based on actual and reasonable costs <sup>6</sup>
Levies <sup>7</sup> for building consent & certificate of acceptance applications	Charge (excl GST)	
MBIE levy for building work value greater than \$20,444	\$ 1.75 incl GST for every \$1000 (or part of \$1000) of the estimated value of the building work.	
BRANZ levy for building work value greater than \$20,444	0.1% of the contract value (above \$20,000) of the estimated value of the building work.	

Note 6: The function for consenting dams under the Building Act (2004) has been transferred to Waikato Regional Council. The transfer agreement specifies that Building Consent will be recovered on an actual and reasonable basis, with hourly rates and fixed charges as set and recovered directly by Waikato Regional Council.

Note 7: These levies may change in accordance with amendments made to regulations.

#### F. Maritime transport & navigation charges

**Table 7.1: Tier 1 Marine Oil Response Plan charges**

	Charge (excl GST)
Review or approval of a Tier 1 marine oil spill response plan, including an initial audit.	Actual and reasonable costs <sup>8</sup>
Attendance at Tier 1 plan site visit, exercise, or audit	Actual and reasonable costs <sup>8</sup>

Note 8: Actual and reasonable costs shall be calculated by multiplying the actual staff hours of undertaking monitoring of the consent, by the hourly rate for the staff involved (as per rates in table 9) and adding any actual disbursements.



**Table 7.2: Navigation and Safety Charges**

	Charge (excl GST)
Responding to breaches of Navigation and Safety By-laws, securing of vessels, responding to unseaworthy vessels or sinking vessels, and other tasks required to be undertaken to ensure safe navigation can be maintained.	Actual and reasonable costs <sup>9</sup>
<b>Passenger Vessel Licence (annual)</b>	
– Passenger Vessel Owner's Licence	\$ 70
– Passenger Vessel Licence (per vessel)	\$ 40
<b>Hire boat Licence (annual)</b>	
– Hire boat Owner's licence	\$ 70
<b>Hire boat Licence (annual per craft)</b>	
– Kayak	\$ 6
– Windsurfer	\$ 7
– Rowing boat	\$ 10
– Sailboat	\$ 20
– Jet ski	\$ 20
– Powerboat	\$ 40
<b>Pilot-exemption Recommendations/Revalidation</b>	\$ 300
<b>Pilotage assessment fee</b>	\$ 250
<b>Fee for issuing permits</b>	
– Hot work permit	\$ 145
<b>Applications for Suspension or Exemptions under Bylaw 5.1</b>	
– Public Notification	\$ 100 plus Actual Advertising Costs
<b>Jet Ski licensing and registration (per craft)</b>	
– Individual licensing (includes registration sticker)	\$ 60.86

Note 9: Actual and reasonable costs shall be charged to the master, owner or person who caused the cost to be incurred.

#### Charges for Napier Port:

An annual fixed charge will be levied to Napier Port Holdings Limited, based on 60% of the budgeted annual costs for navigational safety activities.

#### G. Charges for the preparation of, or change to a regional plan

**Table 8: Charges for preparation or changes to a regional plan**

	Deposit (excl GST)	Additional charge – payable subsequent to processing
Application for the preparation of, or change to, a regional plan	\$ 40,000	Based on actual and reasonable costs <sup>10</sup>

Note 10: If the actual costs incurred by HBRC in preparing, varying, or changing the regional plan exceed the deposit payable in advance, then these costs may be recovered by way of an additional charge (based on actual costs at hourly rates for staff involved and any actual disbursements (see Table 9) and subtracting the deposit already paid.)

#### H. Charges for the provision of information

The first hour of time spent actioning a request for information on each or any occasion relating to the same general matter or issue arising from the Regional Policy Statement, regional plans or resource consents shall be provided free of charge. HBRC reserves its rights under section 13 of the Local Government Official Information and Meetings Act 1987 (LGOIMA) to charge for the provision of information above one hour. Staff time spent actioning any request over and above the time provided free of charge shall be charged at the rates set out in Table 9. HBRC may also choose to require payment in advance.



**Table 9: Charge rates for the purpose of calculating actual costs per hour**

Item	Per hour (excl GST)
Executive	\$ 208
Corporate Services	\$ 99
Emergency Management	\$ 99
Transport	\$ 99
Governance & Partnerships	\$ 99
Policy & Planning	\$ 146
<b>Asset Management</b>	
- Engineers & Project Management	\$ 146
- Parks/Open Spaces	\$ 99
<b>Integrated Catchment Management</b>	
- Environmental Science	\$ 146
- Environmental Information	\$ 99
- Water Information Services	\$ 99
- Catchment Management	\$ 99
- Biodiversity & biosecurity	\$ 99
<b>Consents and Compliance</b>	
- Resource consent processing	\$ 163
- Resource consent administration	\$ 113
- Compliance/impact monitoring of consents	\$ 140
- Pollution response	\$ 99
- Harbourmaster	\$ 146
<b>Disbursement costs shall be charged at the rates set out below:</b>	
- Accommodation	- Actual cost but not exceeding \$200 per night
- Public notification	- Actual advertising costs
- Photocopying	- 25c per A4 page B&W
	- 50c per A4 page colour
	- 50c per A3 page B&W
	- \$1 per A2 page B&W
- External laboratory testing	- Actual cost
- Consultant fees	- Actual cost

#### I. Other charges related information

##### Leasehold consent to transfer

Fee for processing consent \$57.50 incl GST

##### Charges by the Crown

HBRC is responsible for collecting the following Crown fees, rents, and royalties in addition to its charges:

##### In the Coastal Marine Area:

- restricted coastal activity application fees as specified
- extraction of sand and gravel - \$1.51 excluding GST per cubic metre royalty
- rent for the occupation of land from the Crown
- geothermal royalties.

##### Due Dates for Payment

- Charges payable in advance for consent applications are due on the filing of an application.
- Charges for receiving, processing, and issuing permissions to extract gravel under the HBRC Resource Consents, are payable to HBRC in advance. Charges for gravel extraction under individual consents are due and payable to HBRC monthly, on the same day as extraction declarations.
- Charges payable for photocopying of less than \$20 are due on collection of the copies.
- All other charges will be due and payable on the 20th of the month following date of the invoice.

##### Cost of Debt Recovery

All debt collection costs incurred by HBRC in relation to the activities covered in this section shall be borne as a debt by the party whose actions caused the initial charge.

## 6. Setting of the Rates for 2023-2024 Financial Year

Nic Peet introduced the item, which was taken as read, and Andrew Siddles who noted five points raised by the legal review.

*Tania Hopmans joined the meeting online at 1.50pm*

- All of the tables will be double-checked to ensure they are correct.

RC45/23

## Resolutions

That Hawke's Bay Regional Council:

1. Confirms that the decisions to be made on the setting and assessing of rates cover information in the Funding Impact Statement for the 2023-2024 year as included in the 2023-2024 Annual Plan as required by Section 95 of the Local Government Act 2002.
2. Sets the following rates for the 2023-2024 financial year under the Local Government (Rating) Act 2002, on rating units in the region for the financial year commencing on 1 July 2023 and ending on 30 June 2024. These rates are set in accordance with the relevant provisions of the 2023-2024 Annual Plan's Funding Impact Statement and are inclusive of GST.
  - 2.1. A **general rate** is set under sections 13, and 131 of the Local Government (Rating) Act 2002 on an estimate of projected land value as per the following table.

Rate Type	Districts	Rates set on	Differentials or units of charge	Calculation factor	Estimated rates revenue 2023-2024
<b>GENERAL RATE</b>				<b>Cents in \$</b>	
	Napier City	Land Value		0.02845	\$2,662,911
	Hastings District	Land Value		0.02091	\$5,216,085
	Central HB District	Land Value		0.02323	\$1,375,376
	Wairoa District	Land Value		0.02152	\$625,316
	Taupo District	Land Value		0.02320	\$19,678
	Rangitikei District	Land Value		0.02231	\$3,670
					<b>\$9,903,037</b>

- 2.2. A **uniform annual general charge** is set at \$65.89 per separately used or inhabited part of a rating unit (SUIP) under section 15(1)(b) of the Local Government (Rating) Act 2002 as per the following table.

Rate Type	Districts	Rates set on	Differentials or units of charge	Calculation factor	Estimated rates revenue 2023-2024
<b>UNIFORM ANNUAL GENERAL CHARGE</b>			<b>No of SUIPs</b>	<b>Per SUIP</b>	
	Napier City	Fixed Amount	29,009	65.89	\$1,911,403
	Hastings District	Fixed Amount	35,121	65.89	\$2,314,090
	Central HB District	Fixed Amount	7,260	65.89	\$478,361
	Wairoa District	Fixed Amount	5,243	65.89	\$345,461
	Taupo District	Fixed Amount	54	65.89	\$3,558
	Rangitikei District	Fixed Amount	1	65.89	\$66
			<b>76,688</b>		<b>\$5,052,939</b>

- 2.3. The following **differential targeted rates**, as described in the Funding Impact Statement, are set under sections 16,17 & 18 of the Local Government (Rating) Act 2002 as per the tables following.
  - 2.3.1. Subsidised Public Transport – Based on estimate of projected land value and location (urban areas of Napier, Hastings, Havelock North and Clive but excluding Bay View)

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Subsidised Public Transport Rate</b>				<b>Cents in \$</b>	
	Napier City	Land Value		0.02198	\$1,815,787
	Hastings District	Land Value		0.01615	\$1,719,048
	Clive	Land value		0.01615	\$19,839
					<b>\$3,342,629</b>

- 2.3.2. Heretaunga Plains Flood Control Scheme - Rates set on an estimate of projected capital value based on the location of each property.

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Heretaunga Plains Flood Control Scheme</b>			<b>Benefit</b>	<b>Cents in \$</b>	
	Napier City	Capital Value	Direct	0.01062	\$1,444,819
	Napier City	Capital Value	Indirect	0.00261	\$519,448
	Hastings District	Capital Value	Direct	0.00837	\$1,809,010
	Hastings District	Capital Value	Indirect	0.00205	\$874,137
					<b>\$4,647,414</b>

- 2.3.3. Upper Tukituki Flood Control Scheme - Rates set on land value based on the location of each property.

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Upper Tukituki Catchment Control Scheme</b>				<b>Cents in \$</b>	
	Central HB District	Land Value A	F1 100	0.3924	\$170,109
	Central HB District	Land Value B	F2 75	0.2943	\$281,891
	Central HB District	Land Value C	F3 50	0.1962	\$156,204
	Central HB District	Land Value D	F4 25	0.0981	\$175,858
	Central HB District	Land Value E	F5 10	0.03924	\$112,939
	Central HB District	Land Value F	F6 1	0.00393	\$122,337
	Central HB District	Land Value	U1 25	0.0981	\$88,648
	Central HB District	Land Value	U2 15	0.05886	\$13,061
	Central HB District	Land Value	U3 10	0.03924	\$20,529
	Central HB District	Land Value	U4 1	0.00393	\$20,889
	Hastings District	Land Value	F5 10	0.03533	\$2,190
	Hastings District	Land Value	F6 1	0.00353	\$4,601
					<b>\$1,169,256</b>

- 2.3.4. Central & Southern Area Rivers & Streams – based on location and capital value

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Central &amp; Southern Area Rivers &amp; Streams</b>				<b>Cents in \$</b>	
	Napier City	Capital Value		0.00014	\$27,856
	Hastings District	Capital Value		0.00011	\$44,324
	Central HB District	Capital Value		0.00012	\$11,758
	Taupo District	Capital Value		0.00012	\$142
					<b>\$84,080</b>

2.3.5. Wairoa River and Streams Scheme – based on capital value

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Wairoa River &amp; Streams Scheme</b>				<b>Cents in \$</b>	
	Wairoa District	Capital Value		0.00669	\$271,327

2.3.6. Various Streams and Drainage Schemes

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

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Napier Meeanee Puketapu</b>				<b>Cents in \$</b>	
	Napier City	Land Value	Urban	0.02038	\$1,135,453
	Napier City	Land Value	Industrial	0.08152	\$318,819
	Hastings District	Land Value	Rural	0.01498	\$36,189
					<b>\$1,490,461</b>

2.3.6.2. Karamu & Tributaries – land value based on land use

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Karamū &amp; Tributaries</b>				<b>Cents in \$</b>	
	Hastings District	Land Value	Urban	0.01541	\$1,246,869
	Hastings District	Land Value	Industrial	0.06165	\$368,663
					<b>\$1,615,532</b>

2.3.6.3. Raupare Twyford – based on location and land value

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Raupare Twyford</b>				<b>Cents in \$</b>	
	Hastings District	Land Value	Rural	0.0172	\$180,994

2.3.6.4. Raupare Enhancement – based on location and land area

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Raupare Enhancement</b>				<b>Cents per Hectare</b>	
	Hastings District	Area	1,178	1,320.66	\$14,855

2.3.6.5. Haumoana Te Awanga – based on location and land value

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Haumoana / Te Awanga</b>				<b>Cents in \$</b>	
	Hastings District	Land Value	Rural	0.04536	\$171,793

2.3.6.6. Tūtaekurī-Waimate & Moteo – based on location and land value

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Tūtaekurī-Waimate &amp; Moteo</b>				<b>Cents in \$</b>	
	Hastings District	Land Value	Rural	0.07607	\$296,311

2.3.6.7. Pakowhai Brookfields – based on location and land value

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Pākōwhai Brookfields</b>				Cents in \$	
	Hastings District	Land Value	Rural	0.08059	\$187,193

2.3.6.8. Brookfields & Awatoto – land value based on land use

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Brookfields Awatoto</b>				Cents in \$	
	Napier City	Land Value	Urban	0.08398	\$109,308
	Napier City	Land Value	Industrial	0.3359	\$80,650
					<b>\$189,958</b>

2.3.6.9. Clive & Muddy Creek – land value based on land use

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Clive &amp; Muddy Creek</b>				Cents in \$	
	Hastings District	Land Value	Urban	0.03189	\$220,876
	Hastings District	Land Value	Industrial	0.12755	\$77,155
					<b>\$298,031</b>

2.3.6.10. Puninga – based on location and land value

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Puninga</b>				Cents in \$	
	Hastings District	Land Value	Rural	0.14124	\$150,145

2.3.6.11. Upper Makara – Area based on location

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Upper Makara Stream Catchment Special Rating Scheme</b>				Cents per Hectare	
	Central HB District	Area Basis	A	22,836.44	\$12,379
	Central HB District	Area Basis	B	18,269.15	\$34,485
	Central HB District	Area Basis	C	14,843.69	\$52,293
	Central HB District	Area Basis	D	7,992.75	\$14,057
	Central HB District	Area Basis	E	1,141.82	\$26,325
	Central HB District	Area Basis	F	456.73	\$20,912
					<b>\$160,451</b>

2.3.6.12. Poukawa Drainage – land value based on location

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Poukawa Drainage Special Rating Scheme</b>				Cents in \$	
	Hastings District	Land Value	PO1	0.20959	\$39,944
	Hastings District	Land Value	PO2	0.03493	\$1,779
	Hastings District	Land Value	PO3	0.00699	\$712
					<b>\$42,435</b>

### 2.3.6.13. Paeroa Drainage – Area based on location

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Paeroa Drainage Scheme Special Rating Area</b>				<b>Cents per Hectare</b>	
	Wairoa District	Area basis	A	8,060.78	\$15,177
	Wairoa District	Area basis	B	5,239.51	\$6,571
	Wairoa District	Area basis	C	3,627.35	\$1,746
	Wairoa District	Area basis	D	2,821.27	\$1,256
	Wairoa District	Area basis	E	403.04	\$757
					<b>\$25,507</b>

### 2.3.6.14. Ohuia, Whakaki – Area based on location

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Ohuia Whakaki Drainage Rating Scheme</b>				<b>Cents per Hectare</b>	
	Wairoa District	Area basis	A	18,242.03	\$54,634
	Wairoa District	Area basis	B	14,593.62	\$13,212
	Wairoa District	Area basis	C	10,945.22	\$8,147
	Wairoa District	Area basis	D	5,472.61	\$19,346
	Wairoa District	Area basis	E	1,824.20	\$3,300
					<b>\$98,639</b>

### 2.3.6.15. Opoho Drainage – Fixed amount based on location

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Opoho Drainage/Stream</b>				<b>Per Rating Unit</b>	
	Wairoa District	Fixed Amount	A	\$36,336.00	\$36,336
	Wairoa District	Fixed Amount	B	\$13,550.00	\$13,550
	Wairoa District	Fixed Amount	C	\$5,420.00	\$5,420
					<b>\$55,306</b>

### 2.3.6.16. Kopuawhara Stream – Area based on location

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Kopuawhara Stream Flood Control Maintenance Scheme</b>				<b>Cents per Hectare</b>	
	Wairoa District	Area Basis	A	33,775.76	\$4,126
	Wairoa District	Area Basis	B	13,510.30	\$8,370
	Wairoa District	Area Basis	C	6,755.15	\$4,007
	Wairoa District	Area Basis	D	1,688.79	\$1,034
					<b>\$17,538</b>

### 2.3.6.17. Te Ngarue Stream – Area based on location

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Te Ngarue Stream Flood Protection Scheme</b>				<b>Cents per Hectare</b>	
	Hastings District	Area Basis	TN	11,883.05	\$10,338
	Hastings District	Area Basis	TN1	50,391.68	\$567
					<b>\$10,905</b>



### 2.3.6.18. Esk River – Area based on location

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Esk River Maintenance</b>				<b>Cents per Hectare</b>	
	Hastings District	Area Basis	E1	4,436.70	\$12,080
	Hastings District	Area Basis	E2	1,774.68	\$3,979
	Hastings District	Area Basis	R11	4,906.92	\$1,567
	Hastings District	Area Basis	R12	21,032.28	\$979
	Hastings District	Area Basis	R13	71,250.80	\$979
					<b>\$19,584</b>

### 2.3.6.19. Whirinaki Stream – Area based on location

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Whirinaki Stream Maintenance</b>				<b>Cents per Hectare</b>	
	Hastings District	Area Basis	W1	43,372.48	\$13,801
	Hastings District	Area Basis	W2	37,728.09	\$1,757
	Hastings District	Area Basis	W3	127,811.02	\$1,757
	Hastings District	Area Basis	W4	22,789.98	\$6,273
	Hastings District	Area Basis	W5	8,197.63	\$502
	Hastings District	Area Basis	W6	15,207.85	\$502
	Hastings District	Area Basis	W7	5,396.33	\$502
					<b>\$25,093</b>

### 2.3.6.20. Pōrangahau Flood Control – based on location and land value

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Pōrangahau Flood Control</b>				<b>Cents in \$</b>	
	Central HB District	Land Value		0.00598	\$46,322

### 2.3.6.21. Maraetotara Flood Control – based on location and Capital value

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Maraetotara Flood Mtce</b>				<b>Cents in \$</b>	
	Hastings District	Capital Value		0.00464	\$18,371

### 2.3.7. Animal Pest Strategy – based on area (greater than 4.0469 hectares), productivity and land use

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Regional Animal Pest Management Strategy</b>			<b>Hectares</b>	<b>Cents per Hectare</b>	
	Napier City	Area Basis	4,685	281.08217	\$13,030
	Hastings District	Area Basis	299,419	281.08217	\$834,164
	Wairoa District	Area Basis	220,780	281.08217	\$620,446
	Central HB District	Area Basis	294,900	281.08217	\$828,293
	Taupō District	Area Basis	8,125	281.08217	\$22,838
	Rangitikei District	Area Basis	10,192	281.08217	\$28,647
			<b>838,100</b>		<b>\$2,347,418</b>

2.3.8. Forest Pest Strategy – based on area (greater than 4.0469 hectares), productivity and land use

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Regional Animal Pest Forestry</b>			<b>Hectares</b>	<b>Cents per Hectare</b>	
	Napier City	Area Basis	79	98.65222	\$78
	Hastings District	Area Basis	63,790	98.65222	\$62,930
	Wairoa District	Area Basis	53,902	98.65222	\$53,174
	Central HB District	Area Basis	7,306	98.65222	\$7,208
	Taupō District	Area Basis	13,903	98.65222	\$13,716
	Rangitikei District	Area Basis	-	-	-
			<b>138,980</b>		<b>\$137,105</b>

2.3.9. Sustainable Land Management – based on land area (greater than 4.0469 hectares), productivity and location

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Sustainable Land Management Strategy</b>			<b>Hectares</b>	<b>Cents per Hectare</b>	
	Napier City	Area Basis	4,688	132.917	\$6,200
	Hastings District	Area Basis	375,066	132.917	\$498,232
	Wairoa District	Area Basis	275,514	132.917	\$366,174
	Central HB District	Area Basis	302,170	132.917	\$401,444
	Taupō District	Area Basis	38,288	132.917	\$50,891
	Rangitikei District	Area Basis	10,192	132.917	\$13,546
			<b>1,005,917</b>		<b>\$1,336,488</b>

2.3.10. Plant Pest Strategy – based on area (greater than 4.0469 hectares) and productivity

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Plant Pest Strategy</b>			<b>Hectares</b>	<b>Cents per Hectare</b>	
	Napier City	Area Basis	4,685	62.1029	\$2,917
	Hastings District	Area Basis	361,326	62.1029	\$223,936
	Wairoa District	Area Basis	276,607	62.1029	\$170,230
	Central HB District	Area Basis	303,430	62.1029	\$187,047
	Taupō District	Area Basis	22,028	62.1029	\$13,680
	Rangitikei District	Area Basis	10,192	62.1029	\$6,329
			<b>978,268</b>		<b>\$605,449</b>

2.3.11. Healthy Homes/Clean Heat – based on location (Napier and Hastings air sheds) and equalized land value

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Healthy Homes – Clean Heat</b>				<b>Cents in \$</b>	
	Napier City	Land Value		0.00401	\$339,519
	Hastings District	Land Value		0.00295	\$378,165
					<b>\$717,684</b>

2.3.12. Sustainable Homes – Financial Assistance (includes Clean Heat Assistance)  
Based on value of service provided to specific properties as requested

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Sustainable Homes Financial Assistance</b>					
Voluntary targeted rate to repay financial assistance to insulate homes and provide clean heat, solar heating, PhotoVoltaic cells, HRV, domestic water storage and septic tank replacement			\$10 per \$100 financial assistance	\$10	\$10 per \$100 financial assistance

2.3.13. Economic Development - Commercial and industrial properties based on capital value

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Commercial and Industrial</b>				Cents in \$	
	Napier City	Capital Value		0.02857	\$800,408
	Hastings District	Capital Value		0.0225	\$1,002,944
	Wairoa District	Capital Value		0.02302	\$20,331
	Central HB District	Capital Value		0.02504	\$54,912
					<b>\$1,878,594</b>

2.3.14. Regional Cyclone Recovery (Variable) - All properties based on land value

Rate type	Districts	Rates set on	Differentials or units of charge	Calculation factor	Estimated rates revenue 2023-2024
				Cents in \$	
	Napier City	Land Value		0.00384	\$360,356
	Hastings District	Land Value		0.00384	\$960,118
	Central HB District	Land Value		0.00384	\$227,756
	Wairoa District	Land Value		0.00384	\$111,562
	Taupō District	Land Value		0.00384	\$3,257
	Rangitikei District	Land Value		0.00384	\$632
					<b>\$1,663,681</b>

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

2.4.1. Various Streams and Drainage Schemes

2.4.1.1. Karamu Drainage – Fixed amount per separately used or inhabited part based on location

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Karamū Drainage Mtce</b>			Rating Units	Per Rating Unit	
	Hastings District	Fixed amount	6,416	12.88738	\$82,700

2.4.1.2. Karamu Enhancement – Fixed amount per separately used or inhabited part based on location

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Karamū Enhancement</b>			Rating Units	Per Rating Unit	
	Hastings District	Fixed amount	6,416	12.02067	\$77,121

2.4.1.3. Kairakau Community – Fixed amount per separately used or inhabited part of a property based on location

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Kairakau Community Scheme</b>			<b>SUIPs</b>	<b>Per SUIP</b>	
	Central HB District	Uniform Charge	84	136.28	\$11,448

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


2.4.3. Economic Development: Residential and rural properties as a fixed amount per separately used or inhabited part of a rating unit

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Residential and Rural</b>			<b>SUIPs</b>	<b>Per SUIP</b>	
	Napier City	Fixed amount	25,877	\$11.58	\$299,656
	Hastings District	Fixed amount	31,923	\$11.58	\$369,663
	Wairoa District	Fixed amount	4,941	\$11.58	\$57,214
	Central HB District	Fixed amount	6,717	\$11.58	\$77,783
	Taupō District	Fixed amount	54	\$11.58	\$625
	Rangitikei District	Fixed amount	1	\$11.58	\$12
			<b>69,513</b>		<b>\$804,953</b>

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

Group of Activities	Districts	Rates Set On	Differentials or Units of Charge	Calculation Factor	Estimated Rates Revenue 2023-2024
<b>Emergency Management</b>			<b>SUIPs</b>	<b>Per SUIP</b>	
	Napier City	Fixed Amount	28,644	\$43.96	\$1,259,191
	Hastings District	Fixed Amount	34,783	\$43.96	\$1,529,062
	Wairoa District	Fixed Amount	5,185	\$43.96	\$227,922
	Central HB District	Fixed Amount	7,037	\$43.96	\$309,347
			<b>75,649</b>		<b>\$3,325,522</b>

2.4.5. Regional Cyclone Recovery Rate - All properties as a fixed amount per separately used or inhabited part of a rating unit

Rate type	Districts	Rates set on	Differentials or units of charge	Calculation factor	Estimated rates revenue 2023-2024
<b>CYCLONE RECOVERY RATE</b>		<b>No. of SUIPs</b>	<b>Per SUIP</b>	<b>Per SUIP</b>	
	Napier City	Fixed Amount	29,009	55.00	\$1,595,495
	Hastings District	Fixed Amount	35,121	55.00	\$1,931,628
	Central HB District	Fixed Amount	7,260	55.00	\$399,300
	Wairoa District	Fixed Amount	5,243	55.00	\$288,365
	Taupō District	Fixed Amount	54	55.00	\$2,970
	Rangitikei District	Fixed Amount	1	55.00	\$55
			<b>76,688</b>		<b>\$4,217,813</b>

3. Sets the due date for payment of rates set for the financial year commencing 1 July 2023 and ending on 30 June 2024 as 20 September 2023.
4. Resolves, in accordance with sections 57 and 58(1)(a) of the Local Government (Rating) Act 2002, that a penalty of 10% be added to the amount of rates for the 2023-2024 financial year that remain unpaid after the due date stated above. The penalty will be added on 21 September 2023.
5. Resolves, in accordance with sections 57 and 58(1)(b) of the Local Government (Rating) Act 2002, that a penalty of 10% be added to the amount of rates from previous financial years remaining unpaid on 2 August 2023. The penalty will be added at 5pm on 2 August 2023.

**Williams/Harding**  
**CARRIED**

## **7. Regional Planning and Māori Committee appointees' Remuneration Review**

Pieri Munro introduced the item, which was taken as read, and it was noted:

- Last review of Māori Committee remuneration was 2018 and Regional Planning Committee in 2019
- Changes recommended will have minor financial impacts on Māori Partnerships budgets
- Previous review of per meeting fee was recommended at \$436 in 2018 and the review recommends that is kept at the \$452 as previously set by Council.
- Draft reports and recommendations were provided to tangata whenua on 8 June seeking feedback by 17 July and only one person responded with feedback to Strategic Pay within that time.
- One difference between Māori Committee and RPC is RPC a statutory decision-making body whereas Māori Committee is advisory.
- All RPC and Māori Committee appointed tangata whenua members have not discussed the Strategic Pay report and will be given the opportunity to do so before the 30 August Council meeting to enable Council to consider their feedback prior to making its decisions.

### **RC46/23 Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the *Regional Planning and Māori Committee appointees' remuneration review* report.
2. Defers decisions on the Regional Planning Committee and Māori Committee appointees' remuneration to the 30 August 2023 Regional Council meeting.

**Ormsby/Foley**  
**CARRIED**

## **8. Report and recommendations from the Climate Action Joint Committee**

Nic Peet and Pippa McKelvie-Sebileau introduced the item, which was taken as read. Hinewai Ormsby, as Chair of the Joint Committee, highlighted the *Spatial climate vulnerability assessment tool* presentation made by Tom Logan of Urban Intelligence and the *World Weather Attribution Study on Cyclone Gabrielle* presentation made by Dr Sam Dean.

### **RC47/23 Resolutions**

That Hawke's Bay Regional Council:

1. Receives and notes the *Report and recommendations from the Climate Action Joint Committee*.
2. Adopts the amended Terms of Reference (following) for the Climate Action Joint Committee.

**Harding/Roadley**  
**CARRIED**

## Terms of Reference for the Climate Action Joint Committee

*Adopted by resolution of:*

Hawke's Bay Regional Council, 26 July 2023

Hastings District Council, 20 July 2023

Napier City Council, 20 July 2023

Central Hawke's Bay District Council, \_\_\_\_\_ 2023

Wairoa District Council, 18 July 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 Local Government Act (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 coordinated and collaborative response to address the complex challenge of Climate-Resilient Development<sup>1</sup> 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 the changing regional climate.
- 2.3. The Joint Committee aims to support communities and industries to become resilient to the effects of climate change and to thrive within the means of our natural environment in a manner that aligns with central government policy on climate change<sup>2</sup>.

### 3. **Objectives**

- 3.1. Oversee and guide the development and implementation of a Regional Emissions Reduction Plan including recommending actions for partner councils to consider for inclusion 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
- 3.3. Strengthen resilience
- 3.4. 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<sup>3</sup>.
- 3.5. 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.
- 3.6. Collaborate on the delivery of key services for infrastructure impacted by climate change on respective councils.

### 4. **Membership<sup>4</sup>**

- 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. Each Post [Treaty] Settlement Governance Entity (PSGE) within the Hawke's Bay region is invited to appoint one member, and one alternate.
- 4.4. Up to two members and one alternate appointed to represent the Ngāti Kahungunu Taiwhenua and Board representatives on the HBRC Māori Committee<sup>5</sup>.

<sup>1</sup> Climate Resilient Development is a framework developed in the Intergovernmental Panel on Climate Change 6<sup>th</sup> report – Impacts, Adaptation and Vulnerability. It combines strategies to adapt to climate change with actions to reduce greenhouse gas emissions to support sustainable development for everyone ([FAQ 6: What is Climate Resilient Development? ipcc.ch](#))

<sup>2</sup> Including UNFCCC Paris Agreement on Climate Change.

<sup>3</sup> From 30 November 2022 it is a legal requirement for local government to 'have regard to' the national adaptation plan and the emissions reduction plan when preparing or changing regional policy statements, regional plans and district plans. (Guidance note [environment.govt.nz](#))

<sup>4</sup> Membership will be reviewed at the end of the three-yearly cycle.

<sup>5</sup> 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.



- 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 monitoring climate mitigation and adaptation across the region with current and relevant technical inputs.
  - 6.2. Leading regional emissions reduction plans including recommending actions for consideration 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
    - 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 a possible to all Joint Committee members, and in accordance with the provisions of the Local Government Official Information and Meetings Act 1987.
  - 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.

## **Voting**

- 8.7. 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.
- 8.8. Where voting is required, each member has one vote.
- 8.9. Best endeavours will be made to achieve decisions on a consensus basis.
- 8.10. The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, may use a casting vote.
- 9. **Good faith**
- 9.1. 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.
- 10. **Remuneration**
- 10.1. 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.
- 10.2. Hawke's Bay Regional Council as the Administering Authority shall be responsible for remunerating the HBRC Māori Committee representatives and the PSGE representatives on the Joint Committee for travel and attendance as per its agreed meeting fees policy.
- 11. **Technical Advisory Group and Reporting**
- 11.1. A technical advisory group (TAG) will service the Climate Action Joint Committee.
- 11.2. 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 led by the Hawke's Bay Regional Council Climate Action Ambassador along with the dedicated climate roles at Napier City Council and Hastings District Council.
- 11.3. 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.

## **Variations to the Terms of Reference**

- 11.4. 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.
- 11.5. Amendments to the Terms of Reference must be agreed by all partner councils before taking effect.

## **12. Recommended for Adoption**

- 12.1. The Climate Action Joint Committee, made up of the following members, confirms this Terms of Reference as adopted by the five partner councils.

### **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 25 January 2023.

### **Hastings District Council** represented by:

Mayor Sandra Hazlehurst and Councillor Ann Redstone, and Councillor Tania Kerr as alternate.

Appointed by HDC resolution on 2 March 2023.

### **Napier City Council** represented by:

Councillors Annette Brosnan and Hayley Browne, and Chad Tareha as alternate.

Appointed by NCC resolution on 16 March 2023.

### **Central Hawke's Bay District Council** represented by:

Mayor Alex Walker and Councillor Tim Aitken, and Councillor Jerry Greer as alternate.

Appointed by CHBDC resolution on 23 March 2023.

**Wairoa District Council** represented by:

Mayor Craig Little and Councillor Roslyn Thomas, and Councillor Denise Eaglesome-Karekare as alternate.

Appointed by WDC resolution on 18 July 2023

**HBRC Māori Committee representatives** Paul Kelly and Roger Maaka, and Marei Apatu as alternate; appointed by HBRC Māori Committee resolution on 3 May 2023.

**Post [Treaty] Settlement Entity appointees:**

Heretaunga Tamatea Settlement Trust represented by Keri Ropiha

Mana Ahuriri Trust

Maungaharuru-Tangitu Trust represented by Tania Hopmans

Ngati Pahauwera Development & Tiaki Trusts represented by Theresa Thornton

Ngati Tuwharetoa Hapu Forum

Tātau Tātau o Te Wairoa represented by Michelle McIlroy

Te Kopere o te Iwi Hineuru

Te Toi Kura o Waikaremoana

**Appendix A – Project Background**

1. The Regional Council declared a climate emergency for the Hawke's Bay region on 26 June 2019. The declaration recognises that the climate crisis is an urgent and pervasive threat to human and ecological wellbeing and that we have a small window of time to act to avoid the most damaging effects of the climate crisis in the longer term. This climate crisis declaration was one of many declarations by councils across the country, with the Government declaring a climate emergency on 2 December 2020.
2. 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.
3. 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.
4. In 2022 the Ministry for Environment released Aotearoa's first Emissions Reduction Plan. National legislation introduced in November 2022 states that local government must have regard to the National Emissions Reduction Plan and the National Adaptation Plan when developing RMA-related plans.
5. 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:
  - 5.1. Agriculture 67%
  - 5.2. Transportation 20%
  - 5.3. Stationary Energy 10%
  - 5.4. Waste 2%
  - 5.5. IPPU 1% (Industrial Processes and Product Use)
6. 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.

**9. Terms of Reference for the Hawke's Bay Civil Defence Emergency Management Group Joint Committee**

Nic Peet introduced the item, which was taken as read. Questions and discussions covered:

- Emergency Management Bill, only recently introduced in Parliament, provides for tāngata whenua membership at both governance and operational levels with full participation including voting – not advisory – so this is an interim step while the legislative process catches up.
- Rationale for tāngata whenua representation was to invite tāngata whenua heavily involved in the Cyclone Gabrielle response and recovery. Ngati Kahungunu represents both mana whenua and tāngata whenua through their constitution.

*Mike Paku left the meeting at 2.30pm*

- It was suggested that clause 7.2 be amended to add “but must provide a report to that TLA

within 30 days of the meeting” to the end of it.

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## **Resolutions**

That Hawke’s Bay Regional Council:

1. Receives and considers the *Terms of Reference for the Hawke's Bay Civil Defence Emergency Management Group Joint 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 with the community or persons likely to have an interest in the decision.
3. Adopts the amended Terms of Reference, following, for the Hawke’s Bay Civil Defence Emergency Management Group Joint Committee as proposed with the addition of “but must provide a report to that TLA within 30 days of the meeting” to the end of clause 7.2.

**Kirton/Foley  
CARRIED**

### **Hawke’s Bay Civil Defence Emergency Management Group Joint Committee**

#### **Terms of Reference**

##### **1. Preamble**

- 1.1 The Hawke’s Bay Civil Defence Emergency Management Group was established pursuant to a Terms of Reference dated August 2003 which was subsequently amended in December 2013, and further amended and adopted in December 2016 and again on 23 March 2020. Pursuant to a resolution passed by the Group 26 June 2023, this Terms of Reference is adopted to replace and supersede all previous versions of the Terms of Reference for the Joint Committee.

##### **2. Parties**

- 2.1 Each of the following local authorities is a Member of the Hawke’s Bay Civil Defence Emergency Management Group and is a party to this Terms of Reference:
  - Central Hawke’s Bay District Council
  - Hastings District Council
  - Hawke’s Bay Regional Council
  - Napier City Council
  - Wairoa District Council

##### **3. Definitions**

- For the purpose of this Terms of Reference:
- 3.1 “Act” means the Civil Defence Emergency Management Act 2002.
  - 3.2 “Administering Authority” means the Hawke’s Bay Regional Council.
  - 3.3 “Coordinating Executive Group” (the CEG) means the Coordinating Executive Group to be established under section 20 of the Civil Defence and Emergency Management Act 2002.
  - 3.4 “Group” means the Hawke’s Bay Civil Defence Emergency Management Group.
  - 3.5 “Group Controller” means a person appointed under section 26 of the Civil Defence and Emergency Management Act 2002 and clause 10.1 of this Terms of Reference as a Group Controller.
  - 3.6 “Group Plan” means the Hawke’s Bay Civil Defence Emergency Group Plan prepared by the Group in accordance with the Act.
  - 3.7 “Hawke’s Bay Region” for the purposes of this document means the Hawke’s Bay region as defined in the Local Government (Hawke’s Bay Region) Reorganisation Order 1989, excluding the parts of Rangitikei and Taupo District Councils falling within the area administered by the Hawke’s Bay Regional Council.
  - 3.8 “local authority member or Partner Council” means a Local Authority that is a member of the Civil Defence Emergency Management Group that is the subject of this document.
  - 3.9 “4Rs” means Reduction, Readiness, Response, and Recovery.

##### **4. The purpose and term of this Terms of Reference**

- 4.1 The purposes of this Terms of Reference are to:
  - 4.1.1 set out the purposes, functions, powers, and duties of the Group and its members in accordance with the requirements of the Act
  - 4.1.2 define the responsibilities of the Group as delegated to the Group by the Members, and

	4.1.3	provide for the administrative arrangements of the Group.
<b>5.</b>		<b>Joint Committee</b>
5.1		Pursuant to section 12 of the Act the Parties were united in August 2003 to establish a Group as a Joint Standing Committee now under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002. This choice is irrevocable under section 14(3) of the Act.
5.2		In accordance with section 12(2) of the Civil Defence Emergency Management Act 2002, neither clause 30(5) nor (7) of Schedule 7 of the Local Government Act 2002 which provides for a committee to be discharged or reconstituted, or be discharged following the triennial general election, shall apply to the Joint Committee.
<b>6.</b>		<b>Membership of the Group</b>
6.1		The members of the Group are the Hawke's Bay Regional Council and all those territorial authorities that lie wholly within the boundaries of the Hawke's Bay region. Each member is to be represented on the Group by one person only, being the Mayor or Chairperson of that local authority, or if they are unavailable an alternate representative who has been given the delegated authority to act for the Mayor or Chairperson.
6.2		Under section 13(4) of the Act, the alternate representative must be an elected person from that local authority.
6.3		Under clause 30(9) of Schedule 7 of the Local Government Act 2002, the powers to discharge any representative of the Group and appoint his or her replacement shall be exercisable only by the local authority member that appointed the representative being discharged.
6.4		Tangata whenua representatives appointed as advisory, non-voting members representing:
	6.4.1	Mana Ahuriri
	6.4.2	Maungaharuru-Tangitu Trust
	6.4.3	Heretaunga Tamatea Settlement Trust
	6.4.4	Tatau Tatau o Te Wairoa
	6.4.5	Ngati Kahungunu Iwi Incorporated.
<b>7.</b>		<b>Representatives to have full Delegated Authority</b>
7.1		Each local authority member agrees to confer full delegated authority on its representative, or in their absence the alternate representative in order for the Group to exercise the functions, powers, and duties of members under the Act within approved Group budgets.
7.2		At meetings of the Group, each local authority member's representative is to have full authority to vote and make decisions on behalf of that local authority without further recourse in respect of the authority granted under 7.1 above, <i>but must provide a report to the local authority within 30 days of the meeting.</i>
7.3		If a local authority member's representative to the Group is not re-elected at the triennial Local Government Elections that representative will cease to be a member of the Group and will be replaced by the elected Mayor or Chairperson of the relevant local authority.
7.4		It is the responsibility of each member of the Group to ensure that they have a representative available to participate in the Group, as soon as practicable after their representative is no longer able to represent that member for whatever reason, with the same delegated functions, duties and powers as their predecessor.
<b>8.</b>		<b>The Group to give effect to the purposes of the Act</b>
8.1		The functions, powers and duties of the Group are specified in sections 16, 17 and 18 the Act. To assist the Group to meet these requirements, the Group adopts the following objectives:
	8.1.1	To ensure that hazards (as defined in the Act) and the consequential risks are identified and assessed.
	8.1.2	Improve and promote the sustainable management of identified hazards in a way that contributes to the long term social, economic, cultural, and environmental well-being and safety of people and communities.
	8.1.3	Encourage and enable communities to achieve acceptable levels of risk (as risk is defined in the Act), including, without limitation
		(i) identifying, assessing, and managing risks, and
		(ii) consulting and communicating about risks, and
		(iii) identifying and implementing cost-effective risk reduction, and
		(iv) monitoring and reviewing the risk management process.
	8.1.4	To require local authorities to co-ordinate, through regional groups, planning, programmes, and activities related to civil defence emergency management across the 4Rs, and encourage co-operation and joint action within those regional groups.
	8.1.5	To encourage through partnership and co-ordination, emergency management planning and civil defence emergency management activities amongst the

- organisations represented on the Co-ordinating Executive Group, other CDEM partners and the Lifeline utility operators that operate within the region.
- 8.1.6 To ensure an effective and efficient region-wide civil defence emergency management capability to respond to and recover from emergencies.
- 9. Obligations of local authority members**
- 9.1 Each local authority member of the Group will:
- 9.1.1 In accordance with section 7 and 8 above, appoint their Mayor or Chairperson to the Joint Committee; and
- 9.1.2 appoint its chief executive officer to the Co-ordinating Executive Group (CEG); and
- 9.1.3 participate in the preparation of and agree to the content of a Group Plan; and
- 9.1.4 contribute technical expertise and resources to maintain an effective Group and local level response capability; and
- 9.1.5 provide to the Group the information or reports that may be required by the Group to discharge its powers, functions and duties under the Act and the Group Plan.
- 9.2 Each local authority member of the Group will be responsible for the risk reduction, readiness, response and recovery arrangements required of it under the Act, and under the Group Plan or as otherwise agreed by the Group, to the standards agreed by the Group.
- 10. Delegated Authority**
- 10.1 Power to appoint Group Controller. The Group will appoint one or more suitably qualified and experienced persons or person to be the Group Controller for the CDEM Group pursuant to by section 26 of the Act and in accordance with the Governance and Management section of the current Group Plan. The powers delegated to the Group Controller(s) are as defined in the Group Plan.
- 10.2 Appointment of Local Controllers. The Group may from time to time appoint, in accordance with section 27 of the Act and following consultation with the relevant members, one or more persons to be a Local Controller in accordance with the Governance and Management section of the current Group Plan.
- 10.3 Appoint persons who may Declare a State of Local Emergency. The Group will appoint at least one person as a person authorised to declare a state of local emergency for its area and in accordance with the Governance and Management section of the current Group Plan.
- 11. Civil Defence Emergency Management Group Plan**
- 11.1 The Group will prepare, approve, adopt and review a Group Plan in accordance with sections 48 to 57 of the Act.
- 11.2 For the avoidance of doubt each and every obligation, agreement, covenant, responsibility and liability under the Group Plan is binding on and will continue to bind each and every Member of the Group and is and will continue to be enforceable as between each of the Members, against each of the other Members, and every Member of the Group agrees and covenants to carry out and perform all of its obligations under the Group Plan.
- 12. Maintain the Coordinating Executive Group**
- 12.1 In accordance with section 20 of the Act, establish and maintain a Co-ordinating Executive Group consisting of:
- 12.1.1 The chief executive officer of each Member or a senior person acting on that person's behalf; and
- 12.1.2 A senior representative of the Police assigned for the purpose by the Commissioner of Police; and
- 12.1.3 A senior representative of Fire and Emergency New Zealand assigned for the purpose by their Chief Executive; and
- 12.1.4 The chief executive of a District Health Board in Hawke's Bay representing the District Health Board in Hawke's Bay, or a person acting on their behalf; and
- 12.1.5 Any other persons that may be co-opted by the CDEM Group to assist the CEG to undertake its responsibilities.
- 13. Remuneration**
- 13.1 Each local authority member of the Group shall be responsible for remunerating its representative on the Group for the cost of that person's participation in the Group.
- 13.2 Each tangata whenua member will be remunerated \$452 per meeting attended, plus reimbursed mileage to travel to/from meetings at the rate of \$0.83/km. These costs will be divided proportionally among the local authority members.
- 14. Meetings**
- 14.1 The Hawke's Bay Regional Council standing orders will be used to conduct Group meetings.
- 14.2 Other standing orders may be used, subject to the agreement of the Group, and in accordance



- with section 19(1) of the Act.
- 14.3 The Group shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under this Terms of Reference. However there will be at least two meetings per year.
- 14.4 In accordance with clause 23 of Schedule 7 of the Local Government Act 2002 the quorum of the Group is all local authority members.
- 14.5 A representative may attend any meeting of the Joint Committee by means of audio or audio-visual link unless lawfully excluded.
- 14.6 A representative may attend a meeting by means of audio or audio-visual link despite –
- 14.6.1 clauses 25A(1) and (4) and 27(5)(a) of the Local Government Act 2002, and
- 14.6.2 any limitation or condition on the use of an audio or audio-visual link, or other contrary provision, that is contained in any standing orders that apply to the meeting.
- 14.7 A representative who attends a meeting by means of audio or audio-visual link in accordance with this Terms of Reference is to be counted as present for the purposes of (the quorum) clauses 23 and 30A of Schedule 7 of the Local Government Act 2002.
- 14.8 In the event that a quorum cannot be achieved, the business at any meeting convened for the Joint Committee may be considered without further notice by a subcommittee of the Joint Committee. The recommendations of this subcommittee will be reported for final decision at the next Joint Committee meeting.
- 15. Voting**
- 15.1 Each local authority member has one vote at a meeting of the Group or when the Group is required at any time to make a decision in respect of an action to be taken by the Group.
- 15.2 All actions (other than the entering into of contracts within the authorised Group budget) to be taken by the Group must first be approved by way of a majority vote of all members that are present and voting.
- 15.3 The National Emergency Management Agency shall have observer status on the Group and also the Coordinating Executives Group.
- 16. Election of Chairperson and Deputy Chairperson**
- 16.1 The Group may elect a Group Chairperson and Deputy Chairperson for the Group at the first meeting following the triennial local government elections, from amongst the local authority representatives, and appoint replacements when any of those offices become vacant between elections.
- 16.2 The Group's Chairperson and Deputy Chairperson shall hold office until the first meeting following the triennial general election.
- 17. Administering Authority**
- 17.1 In accordance with section 23 of the Act, the Administering Authority for the Group will be the Hawke's Bay Regional Council. The Administering Authority is responsible for the provision of administrative and related services that may from time to time be required by the Group.
- 18. Group Emergency Management Office**
- 18.1 The Hawke's Bay Regional Council will establish and manage a Hawke's Bay Emergency Management Group Office on behalf of the Group.
- 18.2 The Group Office shall coordinate technical expertise, planning and operational functions, performance monitoring, coordination of Group wide projects and any other functions as are assigned to it by the Group. The Group Office will also maintain at least one Emergency Management Advisor to be co-located in each TLA to support and where appropriate implement local emergency management outcomes.
- 18.3 The Hawke's Bay Regional Council will employ staff for the Group Office as authorised by the Group and manage the office's expenditure in accordance with the principles of the Local Government Act 2002 and amendments.
- 19. Group Funding and Budget**
- 19.1 The proposed annual Group work programme and budget will be signed off by the Group no later than 30 November of the year preceding the year to which the programme and budget will apply.
- 19.2 The Group work programme, and administrative and related services pursuant to section 24 of the Act, will be funded by way of a Targeted Rate Uniform General Charge (UGC) across the area of the Group and administered by the Hawke's Bay Regional Council. In order to set the Targeted Rate UGC, the Group will communicate its agreed programme and budget to the Hawke's Bay Regional Council no later than 1 February of the year which the programme and budget applies.
- 19.3 The Joint Committee is responsible for deciding the civil defence and emergency management

levels of service and outcomes to be provided to the community. As the Adminstrating Authority the Hawke's Bay Regional Council is responsible for providing the resources to achieve these outcomes.

**20. Good Faith**

20.1 In the event of any circumstances arising that were unforeseen by the parties at the time of adopting this Terms of Reference, the parties hereby record their intention that they will negotiate in good faith to add to or vary this Terms of Reference so to resolve the impact of those circumstances in the best interests of:

20.1.1 the members of the CDEM Group collectively; and

20.1.2 the Hawke's Bay community represented by the members of the Group collectively.

**21. Variations**

21.1 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 Group.

21.2 Amendments to the Terms of Reference may only be made with the unanimous agreement of all local authority members.

**22. Review of the Terms of Reference**

22.1 The Terms of Reference will be reviewed and if appropriate amended by the Group at its first meeting following the following the triennial local government elections.

22.2 The adoption of an amended Terms of Reference revised under clause 22.1 will be undertaken in accordance with section 21 above.

23.3 Amendments to the Terms of Reference will come into effect once agreed, by resolution, by all partner councils in accordance with Schedule 7, clause 30A of the Local Government Act.

**10. Report and recommendations from the Napier-Hastings Future Development Strategy Joint Committee**

Katrina Brunton introduced the item, which was taken as read, and advised changes proposed by Hastings District Council at a workshop held yesterday, including:

- Possible changes to the way greenfields developments are noted on the maps and described in the text.
- Suggest that HBRC representatives (Martin Williams, Jock Mackintosh and Sophie Siers) be delegated to agree changes to the *Issues and Options* report on behalf of HBRC to avoid potential circular process of changes.
- Regional approach will be taken in future – presently the legislation requires Napier and Hastings to develop the future development strategy, building on the previous Heretaunga Plains Urban Development Strategy (HPUDS).
- Key issues include limiting development on productive soils, intensification of residential development and avoiding residential development in hazard zones.
- More work to be done around Māori demographics.

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**Resolutions**

That Hawke's Bay Regional Council:

1. Receives and considers the '*Report and recommendations from the Napier-Hastings Future Development Strategy Joint Committee.*'
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. At the meeting, provides feedback to staff on the draft *Issues and Options* report and the public engagement proposals.
4. Delegates to councillors Jock Mackintosh, Martin Williams and Sophie Siers, agreement to the final form of the *Issues and Options* report and endorsement of it.

**Mackintosh/Williams  
CARRIED**

**11. Terms of Reference for the review into the performance of HBRC's flood scheme assets and river management programmes in response to Cyclone Gabrielle**

Nic Peet introduced the item, which was taken as read. It was noted:

- The Panel is completely independent of Council.
- The panel's skillsets te au Māori through Bernadette Arapere.
- Important to get community engagement correct and that process is the Panel's current (first) priority.

**RC50/23 Resolution**

That Hawke's Bay Regional Council receives and notes the *Terms of Reference for the review into the performance of HBRC's flood scheme assets and river management programmes during Cyclone Gabrielle* staff report.

**Siers/Williams  
CARRIED**

*Councillors Hinewai Ormsby and Di Roadley left the meeting at 3.03pm*

*Councillor Will Foley assumed the Chair at 3.03pm*

**12. Strategic projects report to 30 June 2023**

The Chair introduced the item, and discussions covered:

- Chris Dolley outlined the feedback and closing off of the land categorisation process for the community, which is well documented and has been legally reviewed. All landowner queries are to go to the city or district council whose boundaries the property is in.
- Funding for 'transport choices' is specifically provided for infrastructure and cannot be diverted to other projects.
- Revised IRG programme has been provided to Kanoa along with advice that a review will provide information as to how to best refine and/or reconfigure the scheme to deal with an over-design event.
- Heretaunga Water Storage will come to Council at the end of September for next steps decisions.

**RC51/23 Resolution**

That Hawke's Bay Regional Council receives and notes the *Strategic projects report to 30 June 2023*.

**Williams/Siers  
CARRIED**

**13. Significant organisational activities through August 2023**

Discussions covered:

- Silt and gravel will be removed from river channels if required for flood capacity as determined by river surveys and prioritisation of removal; matching industry up with sources.
- A detailed review of the Chilean Needle Grass control programme will be carried out in August to provide options for ongoing control.
- Tough choices about priorities for temporary interventions or to do things properly to an enduring standard. First priority is for safety – to prevent loss of life which is why stopbanks were repaired so quickly.
- Looking at and putting better solutions in place will take 10 years to complete due to the scale of what needs to be done.
- A lot of areas in Hawke's Bay have been built on flood plains and better risk assessments need to be taken into account when planning decisions are being made and when people

are making decisions about where to live.

RC52/23

**Resolution**

That the Hawke's Bay Regional Council receives and notes the *Significant organisational activities through August 2023* staff report.

**Williams/Mackintosh**  
**CARRIED**

**14. Discussion of minor items not on the Agenda**

There were no items raised.

*Councillor Will Foley led a karakia to close the meeting.*

**Closure:**

There being no further business the Chair declared the meeting closed at 3.36pm on Wednesday, 26 July 2023.

Signed as a true and correct record.

**Date:** by HBRC resolution 30 August 2023

**Chair:** Hinewai Ormsby