

TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Meeting of the Hawke's Bay Regional Council

Date:	Wednesday	/ 27 Se	ptember	2023

Time: 1.30pm

Venue: Council Chamber

Hawke's Bay Regional Council

159 Dalton Street

NAPIER

Agenda

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HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 September 2023

Subject: CALL FOR MINOR ITEMS NOT ON THE AGENDA

Reason for Report

- 1. This item provides the means for councillors to raise minor matters relating to the general business of the meeting they wish to bring to the attention of the meeting.
- 2. Hawke's Bay Regional Council standing order 9.13 states:
 - 2.1. A meeting may discuss an item that is not on the agenda **only** if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

Recommendations

3. That Council accepts the following *Minor items not on the Agenda* for discussion as Item 11.

Topic	Raised by

Leeanne Hooper Governance Team Leader Desiree Cull Strategy & Governance Manager

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 September 2023

Subject: REPORT AND RECOMMENDATIONS FROM THE HB CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE MEETING

Reason for Report

This item provides a summary of discussions at the 28 August 2023 meeting of the HB Civil
Defence Emergency Management Group Joint Committee (Joint Committee) for Council's
information alongside a recommendation for Council's consideration for the upcoming LongTerm Plan 2023-2034 process. The Chair of the Joint Committee may also have additional
commentary to offer.

Agenda items

- 2. The Requests for inclusion in HBRC Long Term Plan 2024-2034 decision item enabled the Joint Committee to consider future operational funding options for the HB CDEM Group, and to endorse a resourcing request to Hawke's Bay Regional Council for inclusion in its Long-Term Plan 2024-2034 (LTP). Key points highlighted included:
 - 2.1. Level of service expectations from the community continue to rise as does the complexity (particularly technology and communications) and expense of managing events.
 - 2.2. The Emergency Management Bill is currently open for consultation. When it comes into force there are likely to be additional requirements and responsibilities for emergency management in regions across the country.
- 3. The *GNS Science 2022 Level 3 Tsunami modelling in HB* item provided an update on the work associated with community engagement to socialise the report.
- 4. The **Community Engagement and resilience work update** item updated the Joint Committee on the community engagement and resilience work currently largely in support of recovery activities being undertaken by councils in conjunction with other agencies across the region.
- 5. The **Group operational capability and preparedness update** item provided an update on the currently operational capability and preparedness of the Group including the readiness of individual councils in the region to respond to another emergency event.

Financial and Resource Implications

- 6. The financial and resource implications of Joint Committee recommendations to the Council for CDEM Group resourcing are detailed in the attached report CDEM Group financial impacts of additional resourcing. This report combines repaying the existing reserve deficit and the increased resourcing for the CDEM Group.
- 7. In summary, what is being recommended would result in a 50% increase in the targeted rate in year one of the HBRC LTP with subsequent increases of 1% in year two and 3.4% in year 3. The large increase in the first year is due to:
 - 7.1. The start of recovering the reserve deficit (close to \$3m) over a five-year period
 - 7.2. The one-off cost to review the CDEM Group Plan, budgeted at \$70k
 - 7.3. The start of the additional operational expenditure of \$145K p.a. to cover increased costs and additional capability.

Decision Making Process

8. 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:

- 8.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
- 8.2. The use of the special consultative procedure is not prescribed by legislation and final decisions on HB CDEM Group resourcing will be subject to a public consultation process for Council's Long-Term Plan 2024-2034,
- 8.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
- 8.4. The persons affected by this decision are all ratepayers of the Hawke's Bay region.

Recommendations

The HB CDEM Group Joint Committee recommends that Hawke's Bay Regional Council:

- 1. Receives and considers the Report and recommendations from the HB Civil Defence Emergency Management Group Joint Committee meeting.
- 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 with an interest in the decision.
- 3. Considers the options endorsed by the Joint Committee (following) as part of the HBRC Long Term Plan 2024-2034 process.

	2024-2025	2025-2026	2026-2027
Staffing	Operational capability at a senior	Local TLA	Long term risk
	level	Readiness and	reduction
	Community resilience (focused on	Response	
	rural communities)	Support	
Other	 Common operating IT tools 		
Operational	Signage		
Costs	Group Plan review (one off)		
	Training (non CDEM staff)		
	 Alternative communications 		
	Storage costs		
	 Community resilience planning 		

- 4. Notes that there are a number of Cyclone Gabrielle reviews presently underway, the outcomes of which may affect the future resourcing of and capability requirements for the HB CDEM Group.
- 5. Notes that the resourcing recommendations made are part of HB CDEM Group's transition to a future operating model, which is an ongoing process, and that further recommendations from the Joint Committee to HBRC may be made in this regard in future.

Authored by:

Peter Martin SENIOR GOVERNANCE ADVISOR

Approved by:

Ian Macdonald
HB CDEM GROUP CONTROLLER / MANAGER

Attachment/s

1

CDEM Group financial impacts of additional resourcing

LTP activity: Hawkes Bay CDEM Group - illustrative analysis of impact of additional expenditure

** Inflation adjustments not yet factored into analysis

inna	ition adjustments not yet factored into	o analysis	C	LTDV	ITD VA	LTP Y3
			Current Year 23/24			26/27
Curren	nt Baseline expenditure		2,987,586	2,987,586	2,987,586	2,987,586
curren	it baselille expellulture		2,387,380	2,387,380	2,367,360	2,987,380
Add ne	ew expenditure post Cyclone Gabr	ielle:				
	New roles (incl overheads)					
	Operational planning	6 months in 23/24	53,039	106,077	106,077	106,077
	Administrator operations	6 months in 23/24	39,478	78,956	78,956	78,956
	SEMA iwi engagement	6 months in 23/24	57,361	114,721	114,721	114,721
	Principle advisor operations			151,855	151,855	151,855
	EMA local readiness				106,077	106,077
	EMA rural resilience			114,577	114,577	114,577
	SEMA Risk Reduction		-	-		119,896
			149,877	566,186	672,263	792,159
	External expenses					
	Gabrielle Review	Amended figure	300,000	_		
	Group plan review		-	70,000		
	Signage			15,000	15,000	15,000
	Common Operating IT Tools		_	50,000	50,000	50,000
	Training (non CDEM staff)		_	20,000	20,000	20,000
	Alternative Comms	Radios/starlink		20,000	20,000	20,000
	Storage Costs	Rapid Response Volunteers equip		25,000	25,000	25,000
	Community Resilience Planning	Napia Nesponse volunteers equip		15,000	15,000	15,000
	Community Resilience Flamming		300,000	215,000	145,000	145,000
	Corporate Overheads	(estimate based on 26%)	116,968	203,108	212,488	243,661
	Subtotal new expenditure		566,845	984,294	1,029,751	1,180,820
Begin	pay back of reserve balance:					
	Assumes 5 year time frame		-	598,042	598,042	598,042
Total f	unding required:		3,554,431	4,569,923	4,615,380	4,766,449
Funde	•		2 002 222	4 353 000	4 207 457	4.540.536
	Targeted rate income		2,892,222	4,352,000	4,397,457	4,548,526
	Reserve funding		444,286			
	Other income		217,923 3,554,431	217,923 4,569,923	217,923 4,615,380	217,923 4,766,449
	Targeted rate increase			1,459,778	45,457	151,069
	Rate increase %			50%	1.0%	3.4%
	Estimated targeted rate per SUIP:	(incl GST)	\$ 43.97	\$ 66.16	\$ 66.85	\$ 69.15
	Of which:	Increase for reserve deficit		\$9.09	\$9.09	\$9.09
		Adjust for new expenditure		\$13.10	(\$8.40)	(\$6.79)

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 September 2023

Subject: AFFIXING OF COMMON SEAL

Reason for Report

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

		Seal No.	Date
1.1	Staff Warrants		
	1.1.1 P. Duncan	4554	7 September 2023
	R. Patil	4559	13 September 2023
	(Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1); Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; Civil Defence Emergency Management Act 2002 (s.86-92) and Local Government Act 2002 (Section 177))		
	1.1.2 P. Campbell (Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1)	4555	7 September 2023
	1.1.3 D. Griffin (Delegations under Soil Conservation and Rivers Control Act 1941; Land Drainage	4556	7 September 2023
	Act 1908	4557	8 September 2023
	1.1.3 S. Courtnell (Delegations under the Biosecurity Act 1993 (Sections 103 and 105)		
		4558	12 September 2023
	1.1.4 J. lese (Delegations under the Civil Defence Emergency Management Act 2002 (s.86- 92 inclusive)		

- 1. The Common Seal is used twice during a Leasehold Land Sale, once on the Sale and Purchase Agreement and once on the Land Transfer document. More often than not, there is a delay between the second issue (Land Transfer document) of the Common Seal per property. This delay could result in the second issue of the Seal not appearing until the following month.
- 2. As a result of sales, the current numbers of Leasehold properties owned by Council are:
 - 2.1. No cross lease properties were sold, with 62 remaining on Council's books
 - 2.2. No single leasehold property was sold, with 77 remaining on Council's books.

Item 6 Affixing of Common Seal Page 9

Decision Making Criteria

- 3. Council is required to make every decision in accordance with the provisions of Sections 77, 78, 80, 81 and 82 of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within these sections of the Act in relation to this item and have concluded the following:
 - 3.1. Sections 97 and 88 of the Act do not apply
 - 3.2. Council can exercise its discretion under Section 79(1)(a) and 82(3) of the Act and make a decision on this issue without conferring directly with the community or others due to the nature and significance of the issue to be considered and decided
 - 4.3 That the decision to apply the Common Seal reflects previous policy or other decisions of Council which (where applicable) will have been subject to the Act's required decision making process.

Recommendations

That Hawke's Bay Regional Council:

- Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
- 2. Confirms the action to affix the Common Seal.

Authored by:

Diane Wisely EXECUTIVE ASSISTANT

Vanessa Fauth FINANCE MANAGER

Approved by:

Nic Peet
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

Item 6 Affixing of Common Seal Page 10

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 September 2023

Subject: REPORT AND RECOMMENDATIONS FROM THE CORPORATE & STRATEGIC COMMITTEE

Reason for Report

The following matters were considered by the Corporate and Strategic Committee (C&S)
meeting on 20 September 2023 and the recommendations agreed to are now presented for
Council's consideration alongside any additional commentary that the Committee Chair,
Councillor Neil Kirton, wishes to offer.

Agenda items

- 2. The 2023 Navigation Safety Bylaw approval for consultation item outlined the process to date to develop a draft bylaw and highlighted changes to the existing bylaw. Attached to the paper was the draft bylaw, the Statement of Proposal (SOP) document and the Consultation Document (CD) for approval ahead of the engagement process. The Committee requested some minor wording changes, (included in the attached document) which were agreed on and recommended that the Council adopt the draft Bylaw, SOP and CD for community engagement and agree to the engagement period 29 September to 29 October 2023.
- 3. The 2022-2023 Carry Forwards decision item listed unspent opex and capex for specific projects/work that are requested to be carried forward to cover the expected costs to completion, noting that any carry forward of general funding will impact the forecast operating deficit for the financial year. This year's carry forwards are significantly impacted by Cyclone Gabrielle response and recovery activities. The Committee received the paper and deferred decision making to Council once further information on general rate-funded carry forwards was provided.
- 4. The **Debt Drawdown** decision item sought a recommendation to Council to delegate borrowing of new debt. The Committee agreed and recommended that the Council delegates borrowing up to the 2023-2024 Annual Plan total debt amount of \$134.6m to the Hawke's Bay Regional Council Chief Executive and Group Manager Corporate Services, as required under the Council's Treasury Policy
- 5. The Annual Report 2022-2023 Interim Non-Financial Results information paper presented the interim level of service measure results for 2022-23 for feedback prior to auditing and publication in the Annual Report. The Committee queried the implications of a lower than usual percentage of "high-risk" consents monitored and the scope of the corporate carbon footprint report.
- 6. The **Organisational Performance Report for the period 1 April 30 June 2023** was presented for information. The Committee Chair noted the "sea of red" (red traffic-light reporting for level of service performance measures, activity and financials) from cyclone disruption. The use of the colour red for reporting underspent budget was queried. Points of interest this quarter were:
 - 6.1. LGOIMA requests jumped to 57 compared with 37 last quarter.
 - 6.2. There are three new graphs from our Customer Experience team around daily feedback sentiment and response time for customer enquiries.
 - 6.3. The quarterly employee turnover has trended downwards, with the rolling 12-month turnover down to 19.8% from 21.5% last quarter.
- 7. The **Hawke's Bay Tourism Annual Report** was presented for information and to meet its obligation to report against KPIs in the 'Funding Agreement for the Operation of a Regional

Tourism Organisation' (the Agreement) between HBRC and HB Tourism. KPIs include (amongst other things) market share of domestic visitor spend and industry contribution (including cash investment, in-kind support and membership). Figures on the value of tourism for the HB economy were also presented. Better line of site of financial statements was requested.

- 8. The **HBRIC Ltd Quarterly update** information item was presented by the Chair of HBRIC, Dan Druzianic with additional commentary from the Chair of Napier Port, Blair O'Keeffe. HBRIC's unaudited financials to 30 June 2023 were attached and key items to note were:
 - 8.1. Statement of Financial Performance
 - 8.1.1. Year-end surplus of \$7.2 million (excluding fair value movements through other comprehensive income)
 - 8.1.2. Year-end \$628k interest income
 - 8.1.3. \$7.04 million of dividend revenue received from Napier Port Holdings Limited (NPHL) in the year, with \$6.87 million paid to HBRC
 - 8.2. Statement of Financial Position
 - 8.2.1. Decrease in net assets of \$25 million to \$344 million for the year to 30 June 2023.
 - 8.2.2. NPHL share price had decreased during the year 9% from \$2.75 to \$2.50 total decrease is \$ 27.5m
 - 8.2.3. Increase in managed fund value \$43.2m to \$45.6m at year-end 30 June 2023.
- The Cyclone Financials Update information item, considered in Public Excluded session, provided an outline of costs incurred to date by HBRC. The paper also included Regional Recovery Agency funding.

Decision Making Process

- 10. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 10.1. Given the items were specifically considered by the Corporate and Strategic Committee on 20 September 2023 the Council can exercise its discretion and make the relevant decisions without consulting directly with the community or others having an interest in those in accordance with the following recommendations.

Recommendations

The Corporate and Strategic Committee recommends that Hawke's Bay Regional Council:

- 1. Receives and considers the *Report and recommendations from the Corporate and Strategic Committee*.
- 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.

2023 Navigation Safety Bylaw approval for consultation

- 3. Delegates authority to the Group Manager Policy and Regulation to make any required minor amendments or edits to the document prior to publication and the start of engagement.
- Adopts the proposed 2023 Navigation Bylaw for public consultation 29 September to 29 October 2023.

Debt Drawdown

5. Delegates borrowing up to the 2023-2024 Annual Plan total debt amount of \$134.6m to the Hawke's Bay Regional Council Chief Executive and Group Manager Corporate Services, noting that further delegation over and above this level, if required, will be a Council decision.

Authored by:

Allison Doak
GOVERNANCE ADVISOR

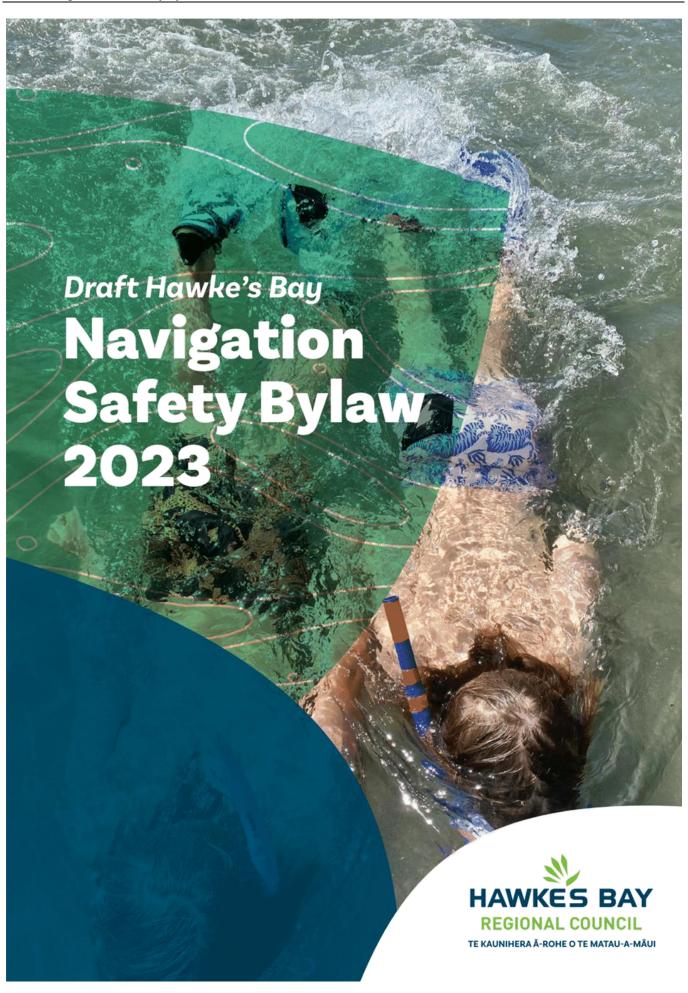
Approved by:

Desiree Cull STRATEGY AND GOVERNANCE MANAGER

Attachment/s



Draft Navigation and Safety Bylaw



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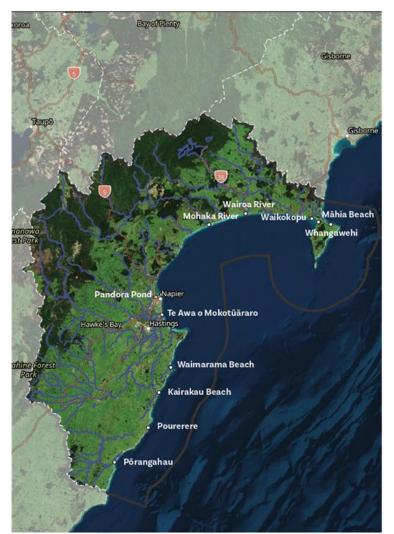


Figure 1: The Hawke's Bay region

1. Title and commencement

- This bylaw may be cited as the Navigation Safety Bylaw for Hawke's Bay 2023.
- 1.2 This bylaw shall come into force on the date of Council resolution (to be specified following public consultation).

2. Purpose

2.1 This bylaw is made for the purpose of regulating navigation safety in the Hawke's Bay region and is to be read in conjunction with Maritime Rules, Part 91 Navigation Safety Rules¹ and Maritime Rules, Part 22 Collision Prevention² prepared by Maritime New Zealand.

3. Application

- 3.1 This bylaw is made pursuant to Maritime Transport Act 1994 (the Act) and applys to all navigable waters³ within the Hawke's Bay Regional Council boundary as shown in Figure 1, except -
 - · Lake Waikaremoana and
 - Lake Waikareiti.

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https://www.maritimenz.govt.nz/rules/part-91/.

² https://www.maritimenz.govt.nz/rules/part-22/.

³ Navigable waters refer to any waters, whether coastal or inland, which are able to be navigated; and includes harbours.

4. Interpretation

4.1 In this bylaw, unless the context otherwise requires:

Access lane means those areas designated as access lanes in schedules 1 and 2 of this bylaw.

Accident has the same meaning as in section 2 of the Maritime Transport Act 1994 - means an occurrence that involves a ship and in which—

- a. a person is seriously harmed as a result of
 - i. being on the ship; or
 - direct contact with any part of the ship, including any part that has become detached from the ship; or
 - iii. direct exposure to the wash of the ship or interaction (other than direct contact) between 2 ships; or
 - iv. being involved in the salvage of any ship— except where the injuries are self-inflicted or inflicted by other persons, or when injuries are to stowaways hiding outside the areas normally available to passengers and crew; or
- the ship sustains damage or structural failure that—
 - adversely affects the structural strength, performance, or seaworthiness of the ship; or
 - ii. would normally require major repair or replacement of the affected component; or
 - iii. poses a threat to the safety of people on board the ship; or
- there is a complete or partial failure of machinery or equipment that affects the seaworthiness of the ship; or
- there is a loss of, or damage to, or movement of, or change in the state of, the cargo of the ship which poses a risk to the ship or other ships; or
- e. there is a significant loss of, or significant damage to, property (not being the cargo carried by the ship) or the property of any person (whether or not on board the ship), whether or not the loss or damage arises from an interaction between 2 ships or
- f. there is a loss or escape of any substance or thing that—

- may result, or has resulted, in serious harm to any person; or
- may pose a risk, or has resulted in damage, to the ship or other ships; or
- may pose a risk, or has resulted in damage, to any property (whether or not on board the ship); or
- g. a person is lost at sea (whether or not subsequently found) or is missing; or (h) the ship is foundering, capsizing, being abandoned, stranding, missing, or has foundered, capsized, been abandoned, stranded, been in a collision, or has had a major fire on board.

Anchorage in relation to vessels, means a place (enclosed or otherwise) normally used or capable of being used for the anchoring of vessels to the bed of the waterway, whether the place is reserved for such purposes by the Council or not.

Anchoring means the temporary securing of a vessel to the bed of the waterway by means of an anchor, cable or other device that is normally removed with the vessel when it leaves the site or anchorage.

Board sports means any board sport, including windsurfing, sailboarding, kiteboarding, stand up paddle boarding, knee boarding, body boarding, surfing and foiling where the means of propulsion is by wind, waves or other natural forces, or where no mechanical or electrical means of propulsion is used.

Beacon means a structure permanently fixed to the seabed used as an aid to navigation.

Buoy means a float secured a weight that lays on the seabed serving as a navigational or location mark, or to indicate reefs, or other hazards or a mooring.

Bylaw means the Navigation Bylaw for Hawke's Bay 2023 (and for the avoidance of doubt, includes the most recent version of the Maritime Rules Part 91 Navigation Safety Rules and Part 22 Collision Prevention, prepared by Maritime New Zealand, with all necessary modifications and exceptions).

Cautionary zone means an area identified as such in schedules 1 (Coastal waters) and 2 (Inland waters) where water users must exercise particular caution.

Commercial vessel has the same meaning as in section 2 of the Maritime Transport Act 1994 -

Means a ship that is not:

- a. a pleasure craft; or
- b. solely powered manually; or
- c. solely powered by sail.

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Council means the Hawke's Bay Regional Council.

Crew has the same meaning as in section 2 of the Maritime Transport Act 1994 - means the persons employed or engaged in any capacity on board a ship (except a master, a pilot, or a person temporarily employed on the ship while it is in port).

Director has the same meaning as in section 2 of the Maritime Transport Act 1994 – means the person who is for the time being the Director of Maritime New Zealand under section 439 of the Maritime Transport Act 1994.

Emergency response craft means any vessel approved by the Harbourmaster for use in, emergency response and includes Police, Customs, Harbourmaster, Naval and Port Company vessels.

Enforcement officer means any person who has been appointed by the Council under section 33G of the Maritime Transport Act 1994 for the purpose of monitoring, controlling and enforcing the operations of vessels, pursuant to these bylaws.

Explosive has the same meaning as in section 2 of the Maritime Rules – Part 91 Navigation Safety Rules – means an explosive or an authorised explosive as defined in section 222 of the Hazardous Substances and New Organisms Act 1996, other than dangerous goods of the first division of the sixth (ammunition) class or the third division of the seventh (firework) class as defined in Schedule 7 of the Hazardous Substances and New Organisms Act 1996.

Flag A has the same meaning as in section 2 of the Maritime Rules – Part 91 Navigation Safety Rules – means flag A of the International Code of Signals (the diver's flag), a burgee (swallow-tailed) flag coloured in white and blue, with white to the mast, of not less than 600mm x 600mm.

Flag B has the same meaning as in section 2 of the Maritime Rules – Part 91 Navigation Safety Rules – means flag B of the international code of signals, a burgee (swallow-tailed) flag coloured in red, or a rigid replica, of not less than 600mm x 600mm.

Gross tonnage means total internal volumetric capacity of all the vessel's enclosed spaces, including non-cargo spaces.

Harbourmaster has the same meaning as in section 2 of the Maritime Transport Act 1994 ⁴ - in relation to a port, a harbour, or other waters in a region, means any person appointed as a harbourmaster of that port or harbour, or those waters, under Part 3A.

Incident has the same meaning as in section 2 of the Maritime Transport Act 1994 - means any occurrence, other than an accident that is associated with the operation of a vessel, that affects or could affect the safety of operation.

Impede the passage means to cause a vessel, whether by action or inaction on the part of another vessel, to alter course, alter speed, or stop, or to prepare to do so when she would have otherwise not done so.

Large vessel means any vessel of 500 gross tonnage or greater, and any vessel of 40 metres length overall or greater. A tug and tow is considered a composite unit.

Length means length overall, which, in relation to a vessel means the distance from the foremost part of the stem, not including any bow sprit or similar fitting to the aftermost part of the transom.

Maritime Rules has the same meaning as in section 2 of the Maritime Transport Act 1994 - means maritime rules made by the Minister under Part 4; and includes emergency maritime rules made by the Director under section 37.

Master has the same meaning as in section 2 of the Maritime Transport Act 1994 – means any person (except a pilot) having command or charge of any ship.

Moor means -

- the securing of any vessel alongside a wharf or jetty; and
- the securing of any vessel to a mooring or anchor.

Mooring means -

- a. any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of permanently securing a vessel, raft, aircraft, or floating structure; and
- includes any wire, rope, chain, buoy, or other device attached or connected to the weight.
- but does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the site or anchorage.

Navigate has the same meaning as in section 2 of the Maritime Transport Act 1994 - means the act or process of managing or directing the course of a vessel on, through, over, or under the water.

Navigation aid has the same meaning as in section 2 of the Maritime Transport Act 1994 – includes:

- any lightship and any floating or other light exhibited for the guidance of ships;
- any description of fog signal not carried on a vessel;

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 $^{^{\}rm 4}$ For the functions and powers of the Harbourmaster refer to sections 33E and 33F of the Act.

- all marks and signs in aid of marine navigation; and
- any electronic, radio, or other aid of marine navigation not carried on board any ship.

Navigation bylaw has the same meaning as in section 2 of the Maritime Transport Act 1994 - means a bylaw made (or deemed to have been made) under Part 3A.

Obstruction an object, equipment, structure, vessel or person positioned, whether in the water or not, so as to restrict or prevent navigation of a vessel or cause a hazard to people on a vessel.

Owner has the same meaning as in section 2 of the Maritime Transport Act 1994) -

- in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship;
- in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship;
- c. in relation to a fishing ship, other than one to which paragraph (a) or paragraph (b) applies, means the person registered as the owner in the Fishing Vessel Register kept under section 98 of the Fisheries Act 1996;
- d. in relation to a ship to which paragraph

 (a) or paragraph (b) or paragraph (c)
 applies, where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being so responsible;
- e. in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship.

Paddle craft has the same meaning as in section 2 of the Maritime Transport Act 1994 – means powered only by a craft's occupant(s) using a single-or double-bladed paddle as a lever without the aid of a fulcrum provided by rowlocks, thole pins, crutches or like arrangements, but does not include a raft manoeuvred solely by paddles.

Personal flotation device has the same meaning as in section 2 of the Maritime Rules - Part 91 Navigation Safety Rules (as set out below) - means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a recognised authority as meeting:

- type 401, 402, 403, 404, 405, or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005; or
- a national or international standard that the Director is satisfied substantially complies with types 401, 402, 403, 404, 405, or 408 of the NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005

Personal watercraft⁵ has the same meaning as in section 33B of the Maritime Transport Act 1994 - means a power-driven ship that—

- a. has a fully enclosed hull; and
- b. does not take on water if capsized; and
- is designed to be operated by a person standing, sitting astride, or kneeling on it, but not seated within it.

Person in charge of a vessel means -

- the master, skipper or kaihautū of the vessel; and
- in the absence of a person in (a), the owner of the vessel that is on board or the person steering the vessel; and
- In the absence of a person in (a) or (b), the owner of the vessel.

Pilot has the same meaning as in section 2 of the Maritime Transport Act 1994 (as set out below)
- in relation to any ship, means any person not being the master or a member of the crew of the ship who has the conduct of the ship.

Pleasure craft has the same meaning as in section 2 of the Maritime Transport Act 1994 -

- a. means a ship that is not offered or used for hire or reward, and is used exclusively for—
 - the owner's pleasure or as the owner's residence; or
 - ii. recreational purposes by -
 - a. the members of a club that owns the ship:
 - b. the beneficiaries of a trust that owns the ship:
 - the members of an incorporated society that owns the ship; but

⁵ For the avoidance of doubt, 'personal watercraft' includes a jetski.

- excludes a ship that is provided for transport, sport, or recreation by, or on behalf of, an institution, hotel, motel, place of entertainment, or other establishment or business:
 - used on a voyage for pleasure if the ship is normally used, or intended to be normally used, as a fishing ship or for the carriage of passengers or cargo for hire or reward:
 - ii. operated or provided by
 - a. a club, incorporated society, or trust for non-recreational purposes; or
 - b. a business.

Proper speed has the same meaning as in section 2 of the Maritime Transport Act 1994 - means the speed through the water.

Public Notice has the same meaning as in section 13 of Legislation Act 2019 – means a notice published –

- in 1 or more newspapers circulating in the area to which the act, matter, or thing relates or in which it arises; or
- b. on an Internet site that is administered by or on behalf of the person who must or may publish the notice, and that is publicly available as far as practicable and free of charge.

Recreational craft has the same meaning as in section 2 of the Maritime Rules - Part 91 Navigation Safety Rules - means a vessel that is:

- a. a pleasure craft; or
- b. solely powered manually; or
- c. solely powered by sail.

Ramp means a structure that is used to launch and/or recover a vessel.

Region means the Hawke's Bay Region by the Local Government (Hawke's Bay) Reorganisation Order 1989.

Reserved area means an area reserved by the Council for a specified navigation safety purpose as set out in these bylaws and identified as such in schedules 1 (Coastal waters) and 2 (Inland waters).

Seaplane has the same meaning as in section 2 of the Maritime Rules - Part 91 Navigation Safety Rules - includes a flying boat and any other aircraft designed to manoeuvre on the water,

Seaworthy, for the purposes of these bylaws, means the state and/or condition of a vessel that would allow for safe navigation, as determined by the Harbourmaster. Unseaworthy has the opposite meaning.

Ship has the same meaning as in section 2 of the Transport Act 1994 - means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:

- a. a barge, lighter, or other like vessel;
- a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;
- c. a submarine or other submersible.

Shore means the land along the edge of a body of water, including lakes and rivers

Speed through the water (STW) means the speed of a vessel in relation to the water and other floating bodies/vessels on the water that are subject to the same external forces.

Structure has the same meaning as in section 2 of the Resource Management Act 1991 – means: any building, equipment, device, or other facility made by people and which is fixed to land, and includes any raft.

Support vessel means any vessel used for coaching, marshalling and rescue attendance for training, regattas and competitions.

Vessel has the same meaning as in section 2 of the Maritime Rules Part 91 Navigation Safety Rules - means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:

- a. a barge, lighter, or other like vessel;
- a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of water over which it operates;
- c. a submarine or other submersible; and
- a seaplane while it is on the surface of the water.



PART 2 General matters

5. Maritime rules to form part of this bylaw

5.1 Subject to bylaw 6 (Officers not affected) to 15 (Speed uplifted areas), the most current version of the Maritime Rules, Part 91 Navigation Safety Rules and Part 22 Collision Prevention shall have effect with all necessary modifications and exceptions, as if those requirements were requirements under these bylaws.

6. Officers not affected

6.1 Sections 8 (Reserved areas for specific activities), 9 (Reserved areas for rocket launching operations), 10 (Reserved areas for temporary events), 11 (Restricted anchorages), 12 (Prohibited anchorages). 13 (Moving prohibited zones), and 14 (Access lanes), do not apply to the Harbourmaster or any enforcement officer while acting in the course of his or her duty.

⁶ Of note, surf lifesaving and the coastguard are also exempt from complying to the extent necessary to carry out their duties pursuant to Maritime Rule 91.6(5) and (6)(e).



PART 3

Reserved areas and restrictions

7. The making of reserved areas

- 7.1 Council or the Harbourmaster may make reserve areas and impose controls for one or more of the following purposes -
 - to identify one or more of those areas described in Table1 and specify conditions of use; or
 - to prescribe the construction and maintenance of any type of mooring (for example the weight, size and length of mooring components); or
 - c. to prohibit or restrict any activity to ensure adequate precautions are taken to achieve the purpose of these bylaws.

7.2 A control in bylaw 7.1 may -

- a. prohibit, restrict, allow, or control any matter or thing generally, for any specific category of case, or in a particular case; or
- apply to all activities or to any specified category of activity; or
- apply to the region or to a specified part of the region; or
- d. apply at all times or at any specified time or period of time.

Table 1: Types of reserved areas

Туре	Description	Bylaw references*	
Reserved areas for specific activities	Refers to areas allocated for a specific activity (e.g. water skiing or swimming) by these bylaws	Refer bylaw 8 Schedules 1.1, 1.4, 1.5, 2.2	
Reserved area for rocket launching operations	Refers to an area allocated for rocket launchings operations & identified as such in a public notice	Refer bylaw 9	
Reserved area for temporary events	Refers to an area allocated for a temporary event and identified as such in a public notice	Refer bylaw 10	
Restricted anchorages	Refers to areas where vessels may anchor provided, they are ready for immediate departure & as marked on maps in schedules 1 (Coastal waters) & 2 (Inland waters)	Refer bylaw 11	
Prohibited anchorages	Refers to areas where vessels must not anchor as marked on map 1.7 in schedules 1 (Coastal waters)	Refer bylaw 12 Schedule 1.6	
Moving prohibited zone	Refers to the area of water that exist around any vessel of 500 gross tonnage or greater that is under pilotage within the Napier Pilotage Area	Refer bylaw 13 Schedule 1.6	
Access lanes	Refers to areas marked on maps in schedules 1 (Coastal waters) that are allocated to persons being towed or to vessels landing or departing from the shore	Refer bylaw 14 Schedules 1.1, 1.2	
Speed uplifted areas	Refers to areas where Council has uplifted speed restrictions set out under bylaw 27 on a permanent or temporary basis	Refer bylaw 15 Schedule 2.1, 2.2, 2.3, 2.4	

^{*} Indicative maps of reserved areas, access lanes and speed uplifted areas are presented in schedules 1 (Coastal waters) and 2 (Inland waters).

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8. Reserved areas for specific activities

- 8.1 'Reserved areas for specific activities' refers to areas in schedules 1 (Coastal waters) and 2 (Inland waters) of this bylaw that are allocated for a specified activity in the interests of navigation safety.
- 8.2 A person must not obstruct any other person while that other person is using a reserved area for the purpose for which it is reserved.
- 8.3 Where a person is using a reserved area for the purpose for which it is reserved, a person must not enter the reserved area other than to use it for the purpose for which it is reserved.

Reserved area for rocket launching operations

- 9.1 'Reserved area for rocket launching operations' refer to waters allocated, from time to time, for the purposes of -
 - launching or recovering a licensed vehicle or object⁸ into outer space; and
 - ensuring public safety during those operations.

9.2 A person must:

- a. not obstruct or interfere with rocket launching operations for which the area is reserved pursuant to bylaws 9.3 to 9.5;
- comply with all applicable controls and restrictions specified in a public notice under bylaw 9.5.
- 9.3 A reservation under bylaw 9.1 is subject to written permission from the Harbourmaster to
 - temporarily prohibit or regulate the use of ships in a specified area; and
 - temporarily regulate, or authorise a person to regulate, the admission of persons to an area specified in accordance with bylaws 9.4 and 9.5.
- 9.4 Where the Harbourmaster is satisfied, on considering an application under bylaw 9.3 that the application may be granted without endangering the public, he or she may grant the application for a period to be specified in a public notice, and on such conditions (if any) as he or she may specify.

9.5 Every grant of an application under bylaw 9.3 is subject to the applicant providing public notice⁸ identifying the reserved area and specifying the controls and restrictions, including the period of the allocation and any other relevant details required by the Harbourmaster.

10. Reserved areas for temporary events

- 10.1 'Reserved areas for temporary events' refer to waters allocated, from time to time, for temporary events, including sporting, ceremonial or customary events, training activities, or other organised water activities.
- 10.2 A person must not obstruct any other person while that other person is using a reserved area for the purpose for which it is reserved.
- 10.3 A reservation under bylaw 10.1 is subject to written permission from the Harbourmaster to
 - temporarily suspend any clause of these bylaws in that area during the conduct of the race, speed trial, competition, or other organised water activity; and/or
 - temporarily reserve the area for the purpose of that activity; and/or
 - temporarily suspend the designation of permanent access lanes or reserved areas for other purposes.
- 10.4 Where the Harbourmaster is satisfied, on considering an application under bylaw 10.3 that the application may be granted without endangering the public, he or she may grant the application for a period to be specified in a public notice, and on such conditions (if any) as he or she may specify.
- 10.5 Every grant of an application under bylaw 10.3 is subject to the applicant providing public notice
 - not less than 7 days or more than 14 days before the commencement of the activity; and
 - identifying the reserved area and specifying the controls and restrictions, including the period of the allocation and any other relevant details required by the Harbourmaster.

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⁷ Pursuant to the 'Outer Space and High-altitude Activities Act 2017' and other relevant New Zealand law.

⁸ Public notice of any areas currently reserved for rocket launching operations may be found on www.rocketlabusa.com.

11. Restricted anchorages

- 11.1 'Restricted anchorages' refer to areas designated as such in schedules 1 (Coastal waters) and 2 (Inland waters).
- 11.2 A person must not anchor or moor any vessel in any restricted anchorage areas unless the vessel is capable and ready for immediate departure.



- 12.1 'Prohibited anchorages' refer to areas designated as such in the schedule 1.
- 12.2 A person must not anchor or moor any vessel within any prohibited anchorage area without written permission from the Harbourmaster.

13. Moving prohibited zone

- 13.1 'Moving prohibited zone' refers to the area of water that exists around any vessel of 500 gross tonnage or greater navigating within the Napier Pilotage Area. The moving prohibited zone -
 - extends 100 meters from each side of a vessel or the width of the marked channel, whichever is the lessor distance: and
 - b. continues at the width in (a) to 500m ahead of the vessel.
- 13.2 A person in charge of a vessel under 500 gross tonnes must not navigate their vessel within the moving prohibited zone of any vessel, without written authority from the Harbourmaster.

14. Access lanes

- 14.1 'Access lanes' refer to areas designated as an access lane in schedules 1 (Coastal) and 2 (Inland waters) and for the purposes of providing safe navigational access to shore.
- 14.2 A person must not propel, navigate, or manoeuvre a vessel in an access lane for the purpose for which it is declared, except by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.



14.3 A person must not -

- a. proceed in a manner that is dangerous in relation to any vessel or other person in the access lane; or
- b. obstruct any other person while that other person is using an access lane for the purpose for which it has been declared.
- 14.4 If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.

15. Speed uplifted areas

- 15.1 'Speed uplifted areas' refer to areas designated as such in schedule 2 (Inland waters), where Council has uplifted the 5 knot speed restrictions set out in bylaw 28 (speed of vessels).
- 15.2 A person who is permitted to propel or navigate a vessel at a proper speed exceeding 5 knots as a result of a speed uplifting must do so in a manner⁹ that does not endanger or unduly interfere with any other person who is
 - a. on, in or using the water; or
 - fishing or undertaking recreational activity in the vicinity of the vessel.

⁹ Regardless of any uplifting in the 5 knots speed limit the person in charge of a vessel is expected to operate in a safe manner, at all times, according to his or her circumstances, including exercising due caution and operating at a safe speed.



PART 4

Operating requirements

16. The person in charge of a vessel must be responsible

- 16.1 A person on board must be nominated as the person in charge of the vessel before undertaking a voyage.
- 16.2 The person in charge is responsible for the safety and wellbeing of every person on board and for the safe operation of the vessel (for example the carriage and wearing of personal floatation devices).
- 16.3 The person in charge must not be under the influence of alcohol or a drug, or both, to such an extent that the person is incapable of having proper control of the vessel.

17. Personal flotation devices

- 17.1 A person on board a vessel that is 6 metres or less in length must wear a properly secured personal flotation device, of an appropriate size for that person, when the vessel is underway.
- 17.2 If instructed to do so by the person in charge, a person on board a vessel greater than 6 metres in length must wear a properly secured personal flotation device, of an appropriate size for that person, when the vessel is underway.
- 17.3 Bylaws 17.1 to 17.2 do not apply to -
 - any surfboard or similar unpowered craft; and
 - any person engaged in board sports, if a wetsuit is worn at all times; and
 - a recreational diver on a boat of 6 metres or less in length within 5 miles of shore, if a full body wetsuit is worn at all times; and
 - a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a sporting organisation approved by the Harbourmaster pursuant to bylaw 17.4; and

- a member of a visiting foreign water sports team, if the person carries or wears a personal flotation device that is approved by the competent authority for use in that person's country of residence; and
- f. a commercial raft; and
- g. any stand-up paddle boarder, while physically involved in riding breaking waves, provided the paddle boarder is attached to the board by means of a leg rope.
- 17.4 The Harbourmaster may approve a national sporting organisation for the purposes of bylaw 17.3(d) if that organisation has in place a safety system that the Harbourmaster is satisfied provides an equivalent level of safety to the carriage or wearing of personal floatation devices.

18. Swimming or diving around wharves

- 18.1 A person must not jump, dive, swim or undertake other related activities within 50 metres of -
 - a. any commercial jetty, wharf, or quay used for the berthing and unberthing of vessels, or
 - any other wharf, boat ramp or designated boat launching area when a vessel is manoeuvring within 50 metres of the wharf, boat ramp or designated launching area.
- 18.2 However, bylaw 18.1 does not apply if -
 - the Harbourmaster has given written permission; and
 - the person given permission under bylaw 18.2(a) displays a Flag A and meet any other conditions deemed appropriate by the Harbourmaster.

19. Use of vessel engine around wharves, ramps and boat trailers

- 19.1 A person must not operate the propulsion system of a vessel while it is made fast alongside any wharf, or while it is loading or unloading at any ramp or boat trailer, in such a way that it may damage any property, scour the bed of the ramp or waterway, or injure any person.
- 19.2 In addition to the requirements of bylaw 19.1, a person in charge of a commercial vessel in the Port of Napier Breakwater Harbour must ensure crew members are stationed forward and aft on any berthed vessel prior to and for the duration of testing a propulsion system.

20. Seaworthiness

- 20.1 A person must not operate an unseaworthy vessel within the region.
- 20.2 However, bylaw 20.1 does not apply if -
 - a. the Harbourmaster has given written permission for the unseaworthy vessel to be anchored or moored in order to carry out repairs or modifications (and subject to meeting any conditions deemed appropriate by the Harbourmaster); or
 - the Harbourmaster has directed that vessel be moved or removed from the region's waters; or
 - in an emergency or following an accident or incident to
 - i. to clear a main navigation channel; or
 - ii. to prevent further damage; or
 - iii. to position the vessel in a safe anchorage or mooring.
- 20.3 An unseaworthy vessel may be deemed to be a navigational hazard by the Harbourmaster.

21. Seaplanes

- 21.1 A person navigating a vessel must not impede a seaplane in the process of landing or taking off or in flight near the water.
- 21.2 A person must not take off, land or operate a seaplane in flight near the water in any area which is not reserved for that purpose, without written permission from the Harbourmaster. An application must be submitted no less than 48 hours before the proposed operation.

22. Anchoring and mooring

- 22.1 A person must not anchor or moor a vessel in a manner that -
 - a. obstructs the passage of other vessels or the approach to any wharf, pier of jetty; or
 - b. creates a hazard to other vessels.
- 22.2 A person must not cut, break, destroy or unlawfully detach
 - a. the mooring or anchor of any vessel; or
 - the fastening securing any vessel lying in, at or near a wharf, dock or other landing place.
- 22.3 A person in charge of a vessel berthed at a wharf, or at anchor, must ensure that the vessel is securely fastened at all times and, if required by the Harbourmaster, maintain a person on board to keep watch.
- 22.4 A person in charge of a moored vessel must ensure there is a safe means of access for authorized persons.

23. Damage to navigation aids

- 23.1 A person must not secure their vessel to any navigation aid without written permission from the Harbourmaster.
- 23.2 A person must not damage, remove, deface, or otherwise interfere with any navigation aid, warning marker or warning sign erected by, or duly authorised by, the Harbourmaster.
- 23.3 A person must not erect, maintain, or display any beacon, buoy or other device, which may be used or mistaken as a recognised aid to navigation without written permission from the Harbourmaster.

24. Flashing light and sound signals

- 24.1 A person must only use a flashing light, siren or other sound prescribed in a Maritime Rule for the purpose prescribed in that rule unless -
 - it is being tested for the purpose prescribed in a Maritime Rule; or
 - it is a blue light or siren operated by police, customs or Harbourmaster; or
 - it is a purple flashing light used for the minimum time possible to actively respond to an accident or incident; or



- d. it is used for a sporting or celebration event in locations where there will be no confusion to any other person about the navigation safety signal; or
- e. the Harbourmaster has given written permission.
- 24.2 A person using a purple flashing light in bylaw 24.2(1)(c) must comply with all applicable laws the same as any other member of the public.

25. Vessels making sound signals

- 25.1 A person must not blow or sound the whistle, siren or horn of a vessel, unless -
 - they are being used as a navigation safety signal or for the testing of equipment; or
 - they are being used for the purposes of a sporting event, or a celebration event and provided they are used in locations where there will be no confusion to any other person about the navigation safety signal being sent; or
 - the Harbourmaster has given written permission.

26. Means of communication

- 26.1 A person in charge of a vessel navigating coastal waters must ensure the vessel carries at least one means of communication that -
 - a. provides the ability to communicate with a land-based person from any area where the vessel is intended to be operated; and
 - has sufficient coverage and power to operate for the actual duration of the voyage; and
 - in the case of vessels 6 metres or less in length, is either waterproof or is carried in a waterproof bag or container.

Minimum age for operating powered vessels

27.1 A vessel capable of exceeding a speed of 10 knots can only be operated by a person who is over 15 years old.

- 27.2 However, bylaw 27.1 does not apply if -
 - the Harbourmaster has upon request provided a written exemption pursuant to bylaw 39; and
 - that person is under the direct supervision of another person who is -
 - . 15 years of age or older; and
 - i. in immediate reach of the controls; and
 - not the person responsible for observing another person being towed.
- 27.3 The Harbourmaster when considering whether to grant an exemption under bylaw 27.2(b) must have regard to -
 - a. the competent of the person to propel or navigate a power-driven vessel at a proper speed exceeding 10 knots; and
 - b. the awareness of the person of relevant navigation safety rules and bylaws; and
 - the adequacy supervision during the proposed activity or activities.

28. Speed of vessels

- 28.1 A person must not, without reasonable excuse, operate a vessel (including allowing themselves to be towed by the vessel) at a proper speed exceeding 5 knots
 - within 50 metres of any other vessel or person in the water; or
 - b. within 200 metres of:
 - i. the shore; or
 - ii. of any structure; or
 - iii. on the inshore side of any row of buoys demarcating that distance from the shore or structure; or
 - within 200 metres of any vessel or structure that is displaying Flag A (diver's flag); or
 - any reserved area made under bylaw 7(1)
 (a) that has a 5-knot speed limit; or
 - e. any mooring zone.
- 28.2 A person must not operate a powered vessel at a proper speed exceeding 5 knots while any person has any portion of their body extending over the fore part, bow, or side of that vessel.
- 28.3 However, the speed limit in bylaw 28(1)(a) does not apply to -

- a. a large vessel that cannot be safely navigated at that speed; or
- a vessel participating in sail training, coaching, or racing administered by:
 - a club affiliated to Yachting New Zealand; or
 - ii. a non-profit organisation involved in sail training or racing; or
- a vessel training for or participating in competitive rowing, paddling or surf lifesaving, including support vehicles; or
- a tug, pilot vessel, Harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed at that speed; or
- a vessel operating in a reserved area made under bylaw 7(1)(a) that allows for a higher speed limit as identified and provided for in:
 - i. bylaws 8, 9, 10, or 14; and
 - ii. schedules 1 (Coastal waters) and 2 (Inland waters) of these bylaws.
- 28.4 However, the speed limit in bylaw 28.1(b) does not apply to -
 - a vessel operating in a speed uplifted zone made under bylaw 7(1)(a) that allows for a higher speed limit; or
 - a vessel operating in accordance with a speed uplifting established under
 - i. bylaws 8, 9, 10, or 14; and
 - ii. schedules 1 (Coastal waters) and 2 (Inland waters) of these bylaws; or
 - any board sport carried out with due regard for the safety of other water or beach users, and in accordance with the accepted safe practices of the relevant sporting association, where one exists, or if one does not exist, the accepted safe practices of the individual sport; or
 - d. a vessel in bylaw 28.3(a), (c), (d), and (e).

29. Visibility of paddle craft

29.1 A person using a paddle craft of 6 meters or less in length overall (for example kayak, stand up paddle board or waka) beyond sheltered waters, must ensure the craft is clearly visible to any other water user more than 200 metres away (for example by using high visibility equipment, flags, or lights).

30. Visibility and collisions

- 30.1 A person operating a vessel must comply with Maritime Rules Part 22 (Collision Prevention), including requirements for when lights must be exhibited and for the exhibition of sidelights and stern lights on sailing vessels of less than 7 metres in length.
- 30.2 In the event of a vessel being involved in an accident or incident on water that results or could result in -
 - damage to another vessel, a navigation aid or any structure; or
 - b. a vessel to be sunk or grounded; or
 - c. a vessel to become unseaworthy; or
 - d. injury to any person; a person in charge of that vessel must report the incident to the Harbourmaster pursuant to bylaw 38.
- 30.3 In the event of an accident or incident on water that involves damage to a vessel that affects or is likely to affect its seaworthiness -
 - a person in charge of the vessel must not move that vessel except:
 - to clear the main navigational channel or to moor or anchor in safety; or
 - ii. in accordance with the directions of the Harbourmaster; and
 - a person in charge of that vessel must report to the Harbourmaster pursuant to bylaw 38.
- 30.4 Except for a collision causing a person to be seriously harmed (as defined in the Act), bylaws 30.1, 30.2 and 30.3 do not apply to:
 - a vessel participating in sail training, coaching or racing administered by:
 - a club affiliated to Yachting New Zealand; or
 - ii. non-profit organisation involved in sail training, coaching or racing; or
 - a craft training for or participating in competitive rowing or paddling.



31. Obstructions and hazards

- 31.1 A person must not obstruct access from the river or seaward to any wharf, landing place, boat ramp, designated launching area, slipway or mooring without written permission from the Harbourmaster.
- 31.2 In the event of an incident where cargo is lost into water and has the potential to be a maritime hazard to other vessels, a person must immediately report the incident to the Harbourmaster pursuant to bylaw 38.10
- 32. Vessels must not impede a large vessel in the Napier Pilotage Area
- 32.1 While within the Napier Pilotage Area (refer schedule 1, map 1.4) a person in charge of a vessel under 500 gross tonnage must not allow that vessel to impede the navigation of any vessel of 500 gross tonnage or more.
- 32.2 A person in charge of a vessel must not anchor, moor or navigate a recreational vessel within 50 metres of a vessel moored at a commercial berth within the Napier Pilotage Area, unless authorised to do so by the Harbourmaster.

¹⁰ The Harbourmaster may direct the recovery of lost cargo, e.g. logs in accordance with 33F of the Act and require notification again once the cargo has been recovered.



PART 5

Dangerous goods and works

33. Vessels carrying dangerous goods

- 33.1 A person in charge of any vessel in any port, harbour, roadstead, or anchorage having on board or intending to load dangerous goods must hoist on the vessel the Flag B by day and a red light by night.
- 33.2 A person in charge of any vessel in any port, harbour, roadstead or anchorage, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel that is carrying or loading dangerous goods, except -
 - for the purpose of loading or unloading that other vessel; or
 - for the purpose of rendering assistance to that other vessel in an emergency; or
 - for the purpose of navigating the vessel in the normal process of berthing or unberthing.
- 33.3 A person in charge of any vessel carrying dangerous goods in any port, harbour, roadstead, or anchorage, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel, except -
 - for the purpose of loading or unloading that other vessel; or
 - b) for the purpose of rendering assistance to that other vessel in an emergency; or
 - for the purpose of navigating the vessel in the normal process of berthing or unberthing.

34. Loading or discharge of cargo

- 34.1 A person must not discharge, drop, cause or allow to be discharged or dropped, into water any cargo or anything from a vessel, wharf or land that would or may constitute a danger to navigational safety.
- 34.2 A person who discharges or drops any cargo or any other material into the region's waters that would or may constitute a danger to navigation safety is liable for the cost of removal.

- 34.3 A person handling logs on shore or loading logs onto a vessel in the Port of Napier Limited Breakwater Harbour (refer Schedule 1, Map 1.7) must monitor the operation and immediately identify any logs lost into the water and track them until they have been removed.
- 34.4 A person handling or loading logs in the Port of Napier Limited Breakwater Harbour must immediately advise Port of Napier Limited Breakwater Harbour Security and the Harbourmaster of any logs lost into the water and again once the logs have been recovered.

35. Hot work operations

- 35.1 A person in charge of a vessel must obtain a permit from the Harbourmaster for all hot work carried out on waterborne vessels in the Napier Pilotage Area.
- 35.2 If in any case the Harbourmaster is not satisfied that adequate precautions have been taken, the Harbourmaster may forbid the hot work operations to be commenced or continued until he or she is satisfied or has caused such precautions to be taken as he or she thinks necessary.

36. Dive operations must display Flag A

- 36.1 A person diving must ensure that Flag A (diver flag) is displayed in such a manner that it can be clearly seen at a distance of 200 metres.
- 36.2 A person in charge of a vessel from which dive operations are in progress must ensure that Flag A is displayed in such a manner that it can be clearly identified by the watch keeper of another vessel at a distance in excess of 200 metres.
- 36.3 Where a person is diving without a vessel, the Flag A must be displayed on a buoy in close proximity to that person and in a manner that the flag can be clearly identified by the watch keeper of another vessel at a distance in excess of 200 metres.



PART 6

Administrative matters

37. Registration of personal water craft

- 37.1 Every personal watercraft must be registered before it is used in the region. Information on the use of personal watercraft and the registration process can be found at Our Services - Hawke's Bay Regional Council (datacomsphere.co.nz).
- 37.2 The Harbourmaster must be notified of any change of ownership within 14 days of the craft being sold or disposed of by completion of a change of ownership form (HBRC Transfer of Jetski Ownership New Owner: Start Hawke's Bay Regional Council (datacomsphere.co.nz))

38. Notification of collisions or accidents

- 38.1 A person in charge of a vessel must provide a report¹¹ if the vessel is involved in an accident or incident that results or could result in -
 - damage to another vessel, a navigation aid or any structure; or
 - b. a vessel to be sunk or grounded; or
 - c. a vessel to become unseaworthy; or
 - d. injury to any person.
- 38.2 A report under bylaw 38.1 must be provided to the Harbourmaster
 - a. verbally as soon as possible; and
 - b. in writing within 48 hours.

- 38.3 A report under bylaw 38.1 must include -
 - a. the name(s), address(es) and contact details of person(s) in charge of every vessel involved; and
 - the name and contact details of any person injured; and
 - a full description of any injury to any person; and
 - a full description of any damage to any vessel, navigation aid or structure; and
 - any other details requested by the Harbourmaster, including time and date of the occurrence, and an outline of the events relating to the occurrence.

39. Exemptions from this bylaw

- 39.1 Council may, of its own accord or on application by any person, suspend any provision of this bylaw or exempt any activity from any provision of theis bylaw¹².
- 39.2 The suspension or exemption may be subject to conditions and have effect for a period of time that the Council considers appropriate. Any suspension or exemption made under this bylaw must be notified to all interested persons as determined by the Council.

In addition to any other reporting requirements to the Director set out in 'Maritime Rules - Part 91 Navigation Safety Rules'.

¹² Forms under the 'Navigation Bylaw for Hawke's Bay' can be found on (Our Services - Hawke's Bay Regional Council (datacomsphere.co.nz))

SCHEDULE 1

Coastal waters

reserved and restricted use areas

Readers' guide for Schedule 1

Table 2 identifies those coastal areas, or parts thereof (from North to South), that the Council has reserved pursuant to bylaws 8, 11, 12 or 14 or where water users are advised to exercise caution when operating in their vicinity.

Schedule 1 contains two distinct area usage types:

- Access lanes and reserved areas relevant schedules include conditions of use, which
 are regulatory provisions pursuant to this bylaw. Breaches of these conditions could
 result in enforcement action.
- Cautionary areas relevant schedules do not contain regulatory provisions but instead includes an advisory note. An advisory note is provided for information purposes only, offering best-practice advice and guidance to the water user.

Note: the maps contained in this schedule are indicative only. Access lanes and reserved areas may be demarcated through the placement of markers. If there is any inconsistency between the markers and maps identifying areas, the location demarcated by markers prevail.

Table 2: Coasta	al areas reserved	for navigation saf	ety purposes
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Type (purpose) of area	Location	Мар	Page
Access lanes for the purpose of allowing power-driven vessels to navigate from a beach or launching area	Māhia Beach	1.1	21
	Waimarama Beach	1.2	22
Reserved area for swimmers & non-power driven vessels	Hardinge Road (Napier Port Beach)	1.3	23
Reserved for passive recreation	Ahururi Estuary (Pandora Pond)	1.4	24
	Pourerere	1.5	25
	Napier Pilotage Area	1.6	26
Cautionary zones*	Whangawehi Beach	1.7	28
	Waikokopu	1.8	29
	Kairakau Beach	1.9	30
	Pourerere Beach	1.10	31

^{*} Refers to areas identified for advisory and educational purposes where water users must exercise particular caution.

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Conditions of use

- a. The areas designated as such in Map 1.1 are reserved for:
 - i. passive recreation pursuant to bylaw 8; and
 - ii. an access lane for the launching and operation of powered vessels pursuant to bylaw 14.
- b. In the reserved area, a person must not, without reasonable excuse, operate a vessel at a proper speed exceeding 5 knots.
- c. The access lane can be identified by:
 - signs in the immediate vicinity of the access lane that clearly identify the area and purpose; and
 - · orange posts with horizontal black bands on shore; and
 - · orange buoys with black bands if the access lane is marked at sea.

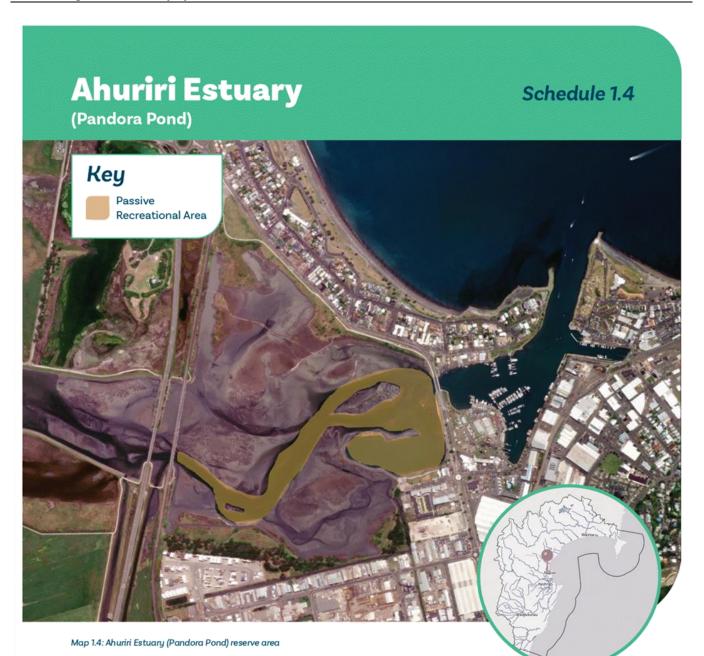


Conditions of use

- a. The area designated as an access lane in Map 1.2 is reserved for the launching and operation of powered vessel pursuant to bylaw 14.
- b. The access lane can be identified by:
 - signs in the immediate vicinity of the access lane that clearly identify the area and purpose; and
 - · orange posts with horizontal black bands on shore; and
 - orange buoys with black bands if the access lane is marked at sea.



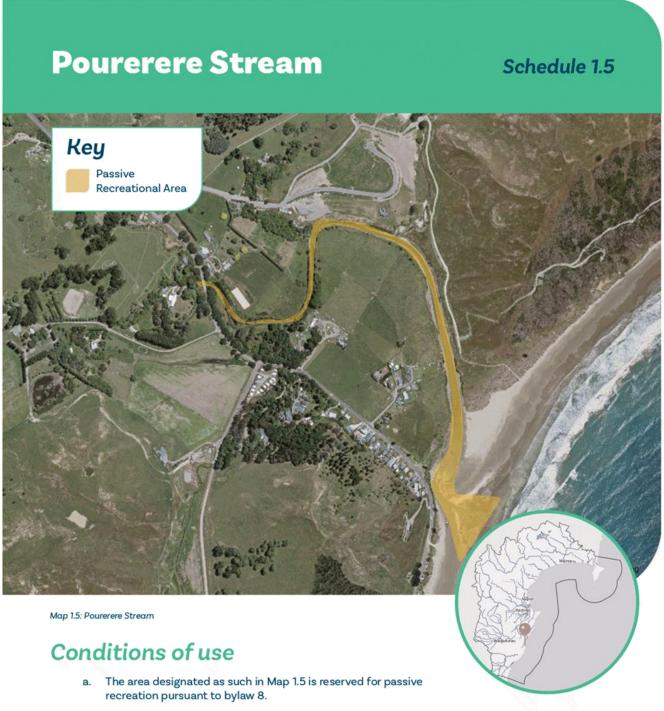
- a. The area designated at Hardinge Road in Map 1.3 is reserved for swimming and board sports only. Motorised vessels are not permitted to enter the area between the buoys and the shore at any time, unless authorised by the Harbourmaster or an enforcement officer.
- b. Board sports must be carried out with due regard for the safety of other water or beach users, and in accordance with the accepted safe practices of the relevant sporting association, where one exists, or if one does not exist, the accepted safe practices of the individual sport.



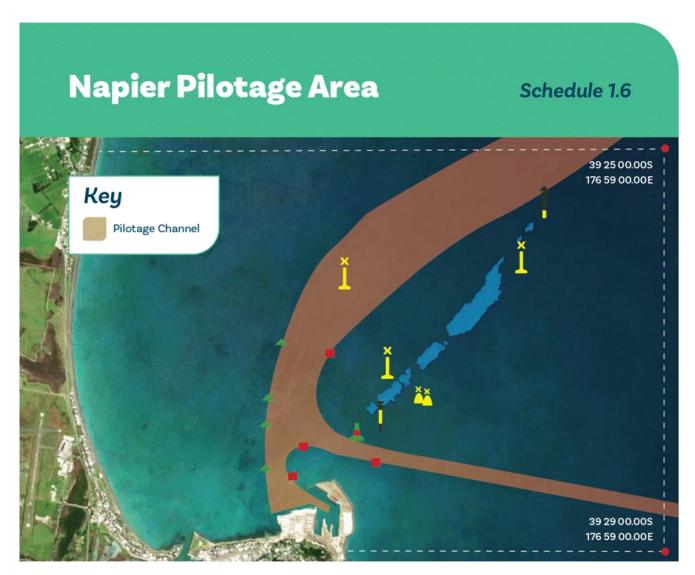
- The area designated as such in Map 1.4 is reserved for passive recreation pursuant to bylaw 8.
- b. No motorised vessels or foiling craft are allowed in the reserved area as shown in Map 1.4, except those being used by, or on behalf of approved organisations for environmental monitoring, scientific research, ¹³ or support vessels for training/competition.
- c. The reserved area can be identified by signs in the immediate vicinity of the reserve that clearly identify the area and purpose.

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^{13 &#}x27;Approved organisations' refer to those organisations specified in rules 16 of the Hawke's Bay Regional Coastal Environment Plan (2018).
These being Department of Conservation, the Council, a territorial authority, a district health board, or a Crown Research Institute.



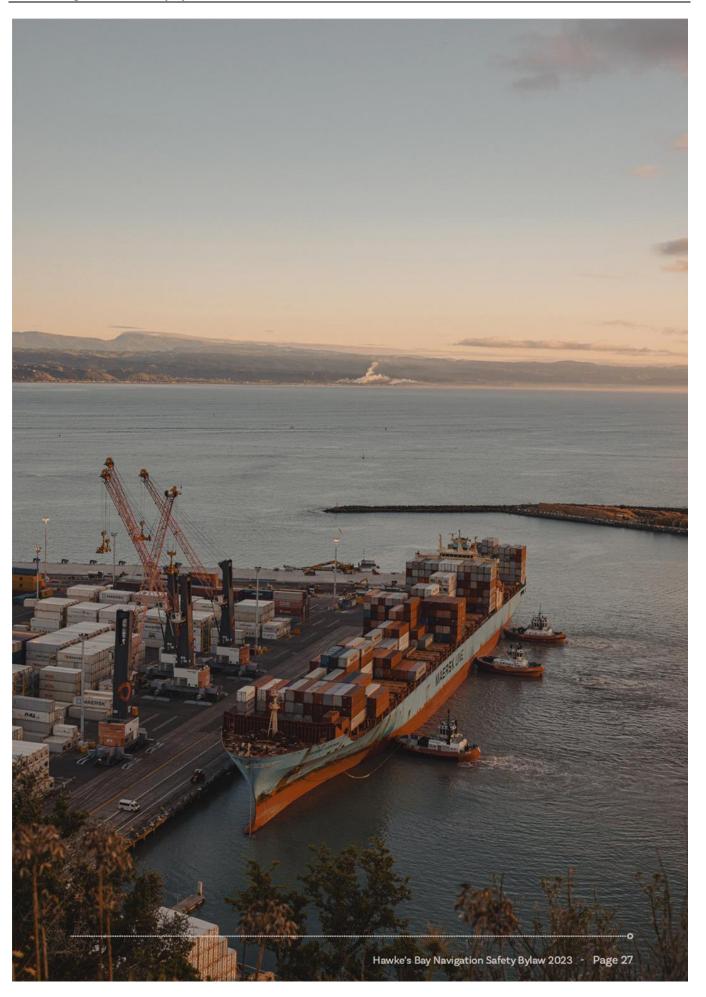
 No powered vessel or high-speed craft, including foiling and sail boards, are allowed in the reserved area as shown in Map 1.5 between the bridge and the coast.

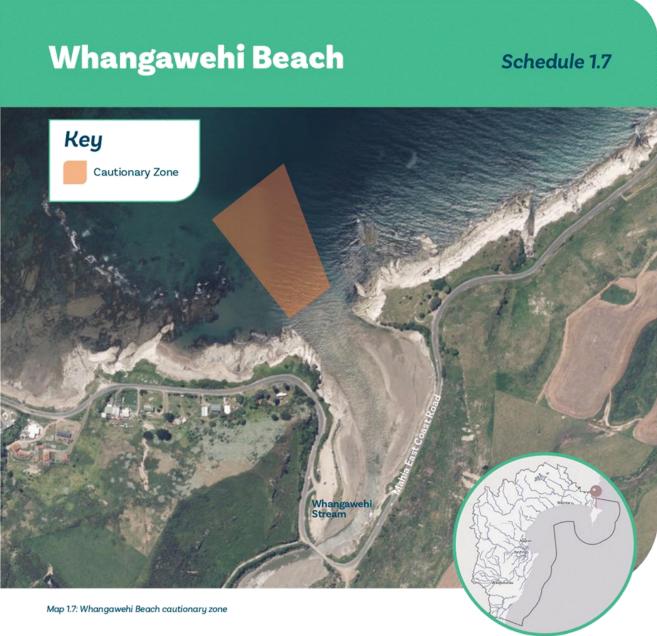


Map 1.6: Napier Pilotage Area

- a. The area designated as the Napier Pilotage Area is shown in Map 1.6 and as defined in the Maritime Rule 90 (Pilotage).
- b. The highlighted area in Map 1.6 is the Napier Breakwater Harbour and Approaches.
- c. While within the Napier Breakwater Harbour and Approaches, a person in charge of a vessel must comply with all relevant requirements set out in this bylaw, including bylaws 12, 13, 19, 32, 33, 34 and 35.
- d. A person in charge of any vessel, other than a piloted vessel, pilot exempt vessel, or contractor must:
 - not enter the Breakwater Harbour without approval from Napier Harbour Control;
 and
 - not linger in the vicinity of the Breakwater Harbour and Approaches, especially during the arrival and departure of vessels.
- d. There must be no anchoring, set nets, set lines or crayfish pots in the Breakwater Harbour and Approaches as shown in Map 1.6.

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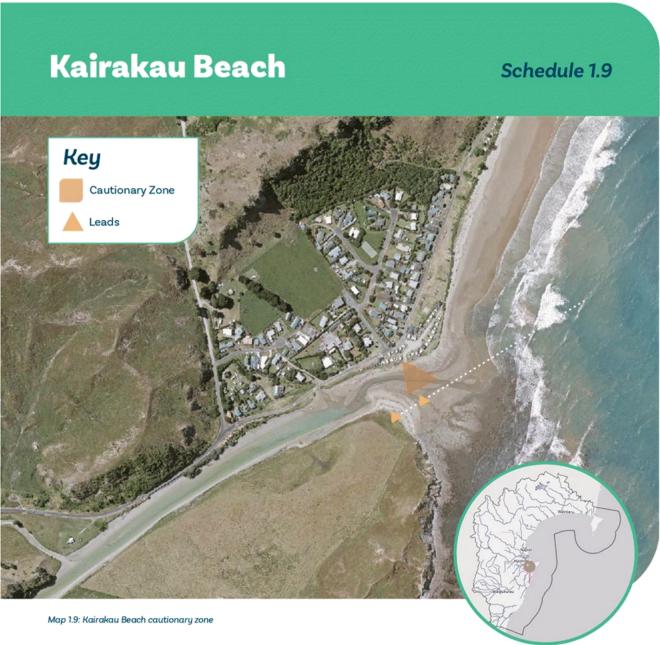


- a. The area identified as such in Map 1.7 is a cautionary zone and is frequently used for the launching and recovery of powered vessels.
- b. Water users are advised to exercise caution when operating in the vicinity of the highlighted area.
- c. There are no demarcations, leads, poles or buoys in the area.

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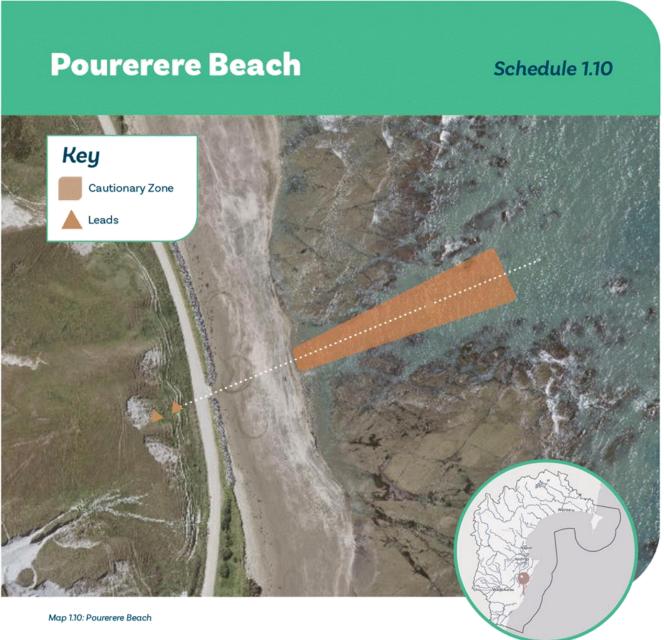


- The area identified as such in Map 1.8 is a cautionary zone and is frequently used for the launching and recovery of powered vessels.
- b. Water users are advised to exercise caution when operating in the vicinity of the highlighted area.
- c. There are no demarcations, leads, poles or buoys in the area

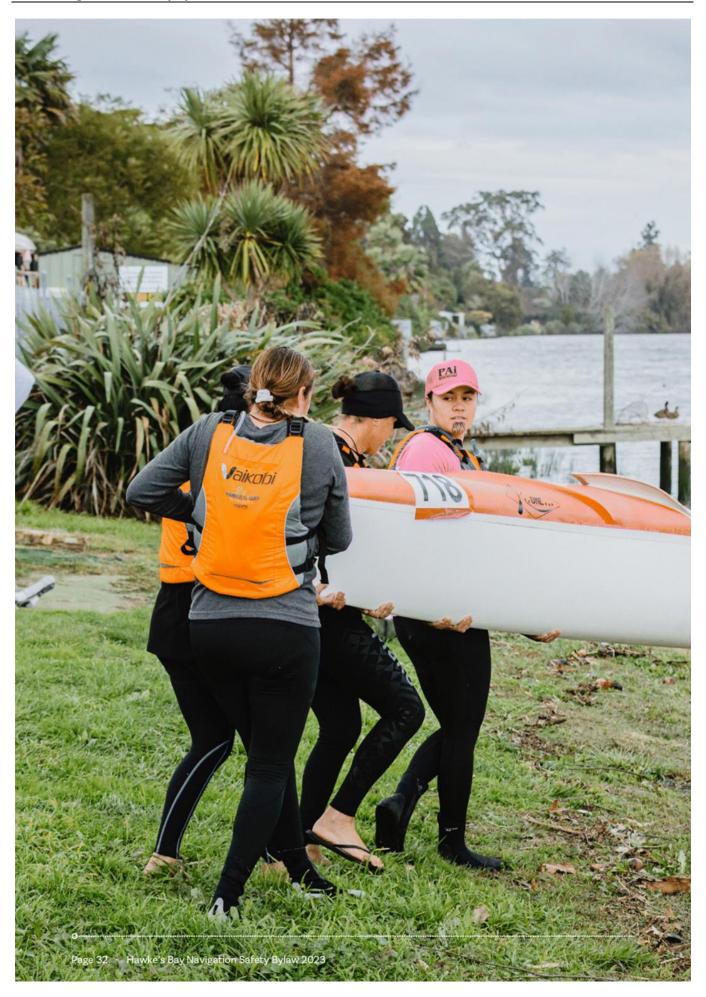


- The area identified as such in Map 1.9 is a cautionary zone and is frequently used for the launching and recovery of powered vessels.
- b. Water users are advised to exercise caution when operating in the vicinity of the highlighted area.
- c. There are two orange posts with horizontal black bands embedded close to the southern headland as aids to navigation.

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- a. The area identified in map 1.10 is a cautionary zone and is frequently used for the launching and recovery of powered vessels.
- b. Water uses are advised to exercise caution when operating in the vicinity of the highlighted area.
- c. There are two leads and a buoy positioned as depicted on the map used as aids to navigation.



SCHEDULE 2

Inland waters

- reserved and restricted use areas

Readers' guide for Schedule 2

Table 3 identifies those rivers and lakes, or parts thereof (from North to South), that the Council has reserved pursuant to bylaws 8 or 14, or for which speed restrictions have been uplifted under bylaw 15.

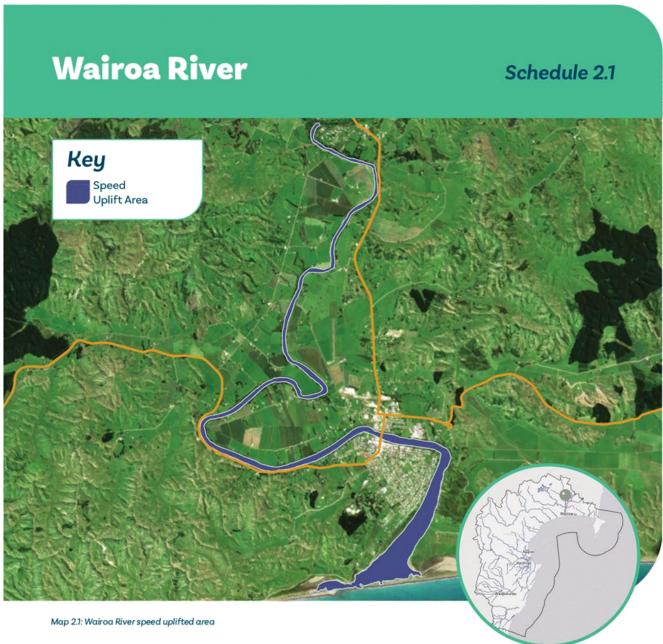
For speed uplifted areas and reserved areas, this Schedule contains locationspecific conditions of use. Any clauses contained in these schedules must be read in conjunction with all other clauses in these bylaws.

Note: the maps contained in this schedule are indicative only. Areas identified in this Schedule may be demarcated through the placement of markers. If there is any inconsistency between the markers and maps identifying areas, the location demarcated by markers prevail.

Table 3. River and			116
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Type (purpose) of area	Location	Мар	Page
Speed uplifted areas	Wairoa River	2.1	34
	Mohaka River	2.2	35
	Ngaruroro River and te awa o Mokotūāraro (Clive)	2.3	36-37
	Kairakau River	2.4	38
	Pōrangahau River	2.5	39
Reserved area for swimmers	Pōrangahau River	2.5	39
Reserved area for rowing	Te Awa o Mokotūāraro River (Clive)	2.3	36-37
Reserved area for passive recreation	Ngaruroro River	2.3	36-37
Reservd area for shared recreation	Ngaruroro River	2.3	36-37

^{*}Refers to areas identified for advisory and educational purposes where water users must exercise particular caution.



- Parts of the Wairoa River (Map 2.1) extending 5 metres from the riverbank are designated as a speed uplifted area pursuant to bylaw 15.
- b. Speed restrictions specified in bylaw 28 do not apply, subject to ensuring the vessel is 5 metres or more from the nearest riverbank.

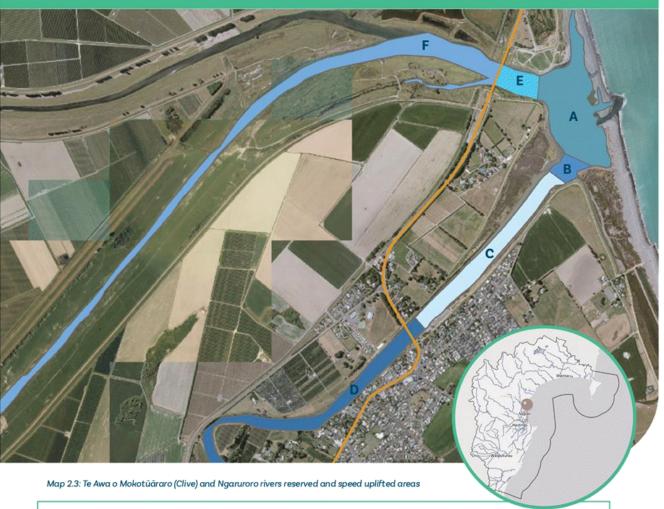


- Excluding those parts designated as reserved areas in clause (b) below, Mohaka River extending from the Pakatutu Bridge to the sea is designated as a speed uplifted area pursuant to bylaw 15.
- b. Parts of the Mohaka River designated as such in Map 2 as:
 - Mohaka River Farm; and
 - · Glenn Falls campsite; and
 - Everett's Park;
 - are reserved for passive recreation pursuant to bylaw 8.
- No person may propel or navigate a vessel in the reserved areas at a proper speed exceeding 5 knots.

Ngaruroro and Te Awa o Mokotūāraro

Schedule 2.3

(formerly known as Clive River)



Key

A -Non Resticted Area

Available to all motorised craft. Have fun but play safe.

B - Safety Buffer Area

'Passing through Area' only & covers the section of the te awa o Mokotūāraro 50m upstream from Muddy Creek.

C - Regulated Area

Motorised craft travel in an anti-clockwise direction, keeping the centre clear for non-motorised craft

D - Rowing Area

5 Knot speed restriction for all motorised craft.

E - Passive Water Activity Area

Swimming, fishing, canoeing etc, 5 knot speed restriction for all motorised craft.

F - Shared Area

5 knot speed restriction for all motorised craft during duckshooting and whitebaiting seasons only. Unrestricted at all other times.

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Parts of the te awa o Mokotūāraro (formerly known as Clive River) and Ngaruroro River (as shown in Map 2.3) have been designated as follows:

Area A - Unrestricted Speed Area

a. Speed restrictions specified in bylaw 28 do not apply from the confluence of the Ngaruroro River with the te awa o Mokotūāraro (formerly known as Clive River), and from the point at which Muddy Creek enters the te awa o Mokotūāraro to the sea.

Area B - Safety Buffer Area

b. Speed restrictions specified in bylaw 28 do not apply to that part of te awa o Mokotūāraro extending from the point at which Muddy Creek enters the te awa o Mokotūāraro to a line 50 metres upstream of that point. This part of the river is reserved for the passage of vessels between Areas A and C.

Area C - Regulated Area

- c. For that part of the te awa o Mokotūāraro extending from a line 50 metres upstream of the point at which Muddy Creek enters the te awa o Mokotūāraro to 75 metres downstream of the SH2 bridge, speed restrictions specified in bylaw 28 do not apply between the hours of:
 - 7.30am and 8.00pm on Tuesdays, Thursdays, Fridays and Saturdays; or
 - · 12 noon and 8.00pm on Sundays; or
 - · 7.30am and 5.00pm on Mondays and Wednesdays.
- Motorised vessels must travel in an anti-clockwise direction, keeping the centre clear for non-motorised vessels.

Area D - Rowing Area

- e. That part of te awa o Mokotūāraro upstream of the SH2 bridge and for a distance of 75 metres downstream of the bridge is reserved for use by non-motorised vessels solely powered manually and associated support vessel (powered or unpowered).
- f. Unless otherwise provided for in (e) above, no person may propel or navigate a powered vessel, at a proper speed exceeding 5 knots.

Area E - Passive Water Activity Area

- g. That part of the Ngaruroro River extending from its confluence with te awa o Mokotūāraro River to the SH2 bridge, is reserved for passive recreation.
- No person may propel or navigate a vessel in the reserved area at a proper speed exceeding 5 knots.

Area F - Shared Area

- That part of the Ngaruroro River from the confluence of te awa o Mokotūāraro to the SH 51 Bridge is reserved as a shared recreational area.
- j. Speed restrictions specified in bylaw 28 do not apply except that no person may propel or navigate a vessel at a proper speed exceeding 5 knots from 1 May to 30 June (duck shooting season) and 15 August to 30 November (white-baiting season) from the SH 2 bridge to the Chesterhope Bridge.



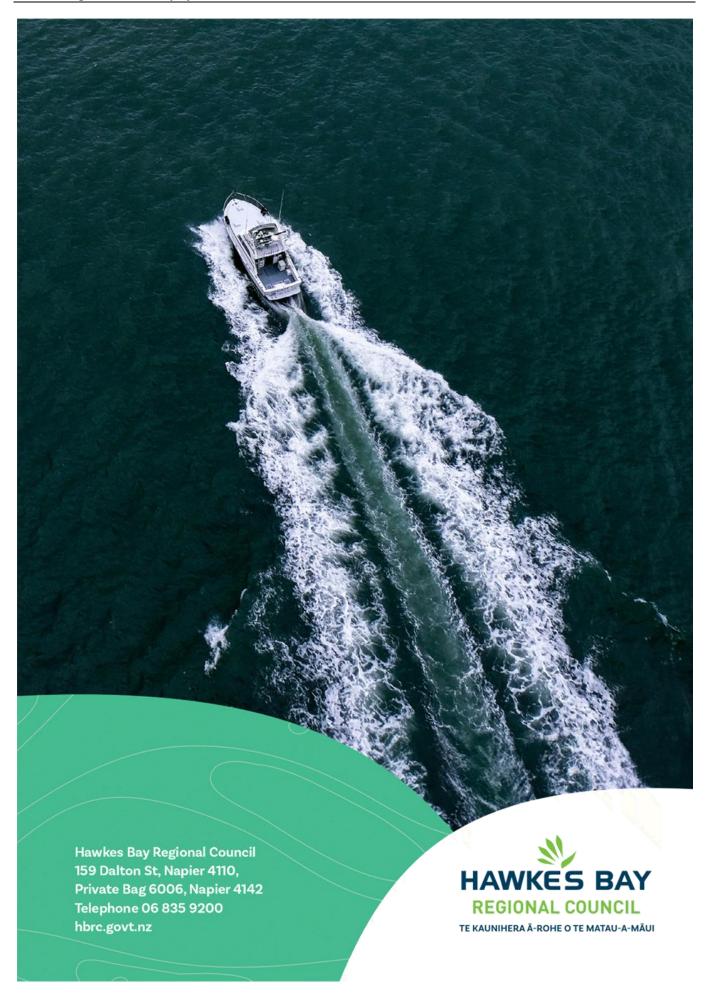
 Kairakau River (Map 2.4), excluding those parts identified in Schedule 1.9, is designated as a speed uplifted area pursuant to bylaw 15.

Porangahau River Schedule 2.5 Key Ski lane only. No swimming. Passive Recreational Area

Map 2.5: Põrangahau River reserved areas and speed uplifted areas

Conditions of use

- a. Pōrangahau River (Map 2.5), excluding those parts designated as reserved areas in clause (b) below, is designated a speed uplifted area.
- b. That part of the Pōrangahau River extending 30 metres downstream of the Beach Road bridge on the northern bank and out to a line parallel with the second bridge pier from the water's edge, and upstream of the bridge from the second bridge pier to the shore 50 metres upstream of the bridge is reserved for swimming as shown on Map 2.5.
- Vessels are prohibited from entering the swimming reserved area unless authorised by the Harbourmaster.
- d. Water skiers towed by boat or personal watercraft must pass the swimming reserved area through the centre bridge span only always having due regard for swimmers. Swimmers are prohibited in this area.
- Jet skiing is only permitted from 30 metres downstream of the Beach Road bridge to the sea as shown in Map 2.5.
- f. Vessels may only be launched from the shore 30 metres downstream of the Beach Road bridge or other areas outside of the swimming reserved area.



Item 8

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 September 2023

Subject: 2022-2023 CARRY FORWARDS

Reason for Report

1. This item seeks approval from the Council to carry forward expenditure budgets from 2022-2023 to 2023-2024.

Executive Summary

- 2. During 2022-2023 a number of work programmes experienced delays and were unable to be completed as originally planned. Where this work cannot be reprioritised from within the 2023-2024 Annual Plan budget, unspent expenditure budgets are requested to be carried forward to cover the expected costs of completion.
- 3. A total of \$8.343m unspent opex and \$3.806m unspent capex is requested to be carried forward into the 2023-2024 Annual Plan budget.
- 4. The source of funds required (\$12.149m) for the total carry forward request is split as following:
 - 4.1 \$3.535m debt funding (already planned lending that hasn't yet been drawn down),
 - 4.2 \$5.048m reserve funds (existing reserves built up from previous rates),
 - 4.3 \$1.626m external funds (revenue from other organisations), and
 - 4.4 \$1.940m general funds (from operating surpluses in prior years).
- 5. The interim financial results presented to Council on 30 August, indicated that Council will have an operating deficit for the 2022-2023 financial year. Even after allocating cyclone expenditure to the Emergency Management and Regional Disaster Damage Reserves this will still result in a deficit to general funds for the year due to the reduced investment income.
- 6. Any carry over of general funds into the 2023-2024 year would therefore require a drawdown from accumulated funds (i.e.: from general fund surpluses accumulated over previous financial years) and should be considered in this context.
- 7. The opening balance of accumulated funds as at 1 July 2022 was \$275 million (excluding \$46m of internal loans). The movements for the 2022-2023 financial year are still being finalised.
- 8. External, debt and reserve funded carry forwards have no immediate impact on Council's financial position as they are just a timing difference of when funding is drawn or recognised.

Background

- 9. Carry forwards is a common practice within councils and allows for unspent funds against projects to be moved forward so that projects can be completed. These include the funding of final costs of projects, contracts that were unable to be completed by the financial year end, and the carry forward of external income received for specific projects.
- 10. The funding types are categorised as:
 - 7.1 General funding is from General Rates which includes investment income.
 - 7.2 Reserve funding is from targeted rates that have flowed through to specific reserves (including asset replacement and disaster damage reserves).
 - 7.3 External is external funding from other organisations received for specific projects.
 - 7.4 Debt is for debt funding not drawn down this year and is covered by interest and principal repayments that are already included in the LTP and/or Annual Plan.

- 11. Officers informed the Corporate & Strategic Committee on 14 June 2023 that, based on the full year forecast at that time, the indicative carry forwards from 2022-2023 would be \$9.5m opex and \$6.1m capex. These were reduced to \$9.0m opex and \$3.8m capex in the updated paper to C&S on 20 September 2023 following detailed reviews with Group Managers. The carry forwards presented in this paper have further been reduced.
- 12. The interim financial results presented to Council on 30 August, indicated that HBRC will have an operating deficit for the 2022-2023 financial year, however the general reserve (represented by accumulated funds in the balance sheet) does have an opening balance of \$275m.
- 13. The carry forward decision this year is significantly impacted by Cyclone Gabrielle response and recovery activities.
 - 13.1. It has been a key driver for delays to originally planned activities, thus causing many of the requests for carry forwards.
 - 13.2. It has also had significant adverse impact on Council's financial situation, limiting our capacity to fund planned activities.
- 14. Unplanned expenditure for the response to Cyclone Gabrielle will be charged to the Emergency Management and Regional Disaster Damage Reserves. A significant proportion of this shortfall is anticipated to be repaid via NEMA, and insurance and other claims over the coming 12 months.
- 15. It should be noted that the deficits in the Emergency Management and Regional Disaster Damage Reserves will need to be addressed as part of the Long-Term Plan 2024-2034.
- 16. The impact of the carry forwards on the 2023-2024 annual plan is that the planned operating deficit would increase from the current \$20.7m deficit by the amount of operating expenditure budget carried forward less any external revenue carried forward. The funding impact statement would remain in balance as all expenditure carried forward is fully funded from the sources identified and as such does not impact on existing forecasts of future rates.
- 17. All of the reserves identified as funding sources will be in surplus at the end of the 2022-2023 financial year.

Operating expenditure carry forward requests

Acti	ivity / Project	Amount	Source of fund	ls				
		Requested	General	Reserve	External	Debt		
Inte	egrated Catchment Management M)							
1	Biodiversity	\$429,000			\$229,000	\$200,000		
2	Predator Free Hawkes Bay	\$423,000			\$423,000			
3	Land for life	\$277,000		\$277,000				
4	Environm'l Science data models	\$502,000				\$502,000		
5	Environm'l Enhancement Prog	\$320,000	\$208,000		\$112,000			
6	Land research & investigations	\$99,500			\$99,500			
Ass	et Management							
7	Central & Southern Rivers – flood protection	\$30,000	\$ 3,750	\$26,250				
8	Regional Water Security	\$3,500,000		\$3,500,000				
Gov	vernance & Partnerships							
9	Tangata Whenua Partnerships	\$450,000	\$450,000					
Poli	icy & Regulation							
10	Kotahi (policy & planning)	\$1,050,000	\$1,050,000					
Tra	nsport							
11	Passenger Transport	\$763,000			\$763,000			

Act	ivity / Project	Amount	Source of funds						
		Requested	General	Reserve	External	Debt	Ē		
Cor	porate Services						ψ		
12	Software-as-a-service dvlpt	\$500,000				\$500,000	Ŧ		
Tot	al	\$8,343,500	\$1,711,750	\$3,803,250	\$1,626,500	\$1,202,000	Ī		

Biodiversity - (opex - 1)

- 18. Integrated Catchment Management (ICM) seeks to carry forward a total of \$429k to cover various biodiversity projects supported by external funding agreements with the Department of Conservation (DOC) and the Ministry for the Environment (MFE).
 - 18.1. \$200k of the Covid Recovery fund approved in 2020/21 (debt funding at \$100k per project) for the Department of Conservation Jobs for nature fencing project, and the Porangahau catchment group Freshwater improvement fund project;
 - 18.2. \$194k is required to complete fencing projects supported by the DoC Jobs for Nature funding.
 - 18.3. \$35k is required to continue the support of the Porangahau catchment group Freshwater Improvement fund project.
- 19. Financial Assessment: The \$200k loan funding was not drawn in 2022-2023, but repayment and interest costs have been accounted for in the 2023-2024 annual plan as if it had been. \$229k of the unspent funds was received from external parties under Deeds of Funding agreements.
- 20. Recommendation: That Council approves the carry forward of \$200k of debt funding, and \$229k of external funding in external funds from the general reserve.

Predator Free Hawkes Bay - (opex - 2)

- 21. ICM seeks to carry forward \$423k to cover the final milestones for the Predator Free Hawkes Bay project in Mahia, as supported by a new funding agreement with Predator Free NZ 2050 Ltd.
- 22. Financial Assessment: \$423k of external funding was not spent in 2022-23.
- 23. Recommendation: That Council approves the carry forward of \$423k in external funding from revenue received in advance.

Land for life - (opex - 3)

- 24. ICM seeks to carry forward \$277k for the Land for Life project for implementation planning and scale up to support primary sector recovery subject to due diligence on the business case.
- 25. Financial Assessment: The \$277k reserve funding was not drawn in 2022-2023, due to the impacts of the Cyclone and the subsequent repositioning of the project.
- 26. Recommendation: That Council approves the carry forward of \$277k from the long-term investment fund reserve.

Environmental Science Data models - (opex - 4)

- 27. ICM seeks to carry forward \$502k for environmental science data model projects that were unable to progress as intended due to science staff turnover, difficulty securing contractors and Cyclone Gabrielle impacts. Each of these multi-year projects provide a critical role in the science decision support for PC6 and Kotahi, and have contractual commitments now delayed into the 2023-2024 financial year.
 - 27.1. \$147k for the LiDAR tools project (data modelling for the completed LiDAR mapping project)
 - 27.2. \$240k for the final milestones of the 3D Aquifer project
 - 27.3. \$115k for the Ruataniwha Groundwater modelling

- 28. Financial Assessment: The \$502k loan funding was not drawn in 2022-2023, but repayment and interest costs have been accounted for in the 2023-2024 annual plan as if it had been.
- 29. Recommendation: That Council approves the carry forward of \$502k in loan funding.

Environmental Enhancement Programme - (opex - 5)

- 30. ICM seeks to carry forward a total of \$320k to cover:
 - 23.1 \$208k for the final year of the Whakaki Environment Enhancement project which is a multiyear project which has suffered accumulated delays in deliverables due to extended community consultation, covid-19 impacts and adverse weather. This project is co-funded by MfE via the Freshwater Improvement fund.
 - 23.2 \$112k for the Fonterra sponsored wetland construction at Tukipo as this was delayed due to restricted access due to adverse weather conditions.
- 31. Financial Assessment: \$208k for Whakaki is general rate funded as part of the wider Enviro Enhancement Programme, which had an underspend of \$811k in 2022-2023. \$112k is external funds received from Fonterra, which were note spent in 2022-2023.
- 32. Recommendation: That Council approves the carry forward of \$112k external funds and \$208k from the general reserve.

Land Research Investigations - (opex - 6)

- 33. ICM seeks to carry forward a total of \$99.5k for the completion of landslide mapping work with delivery of the contractual commitments delayed into 2023-2024.
- 34. Financial Assessment: \$114k external funds were received from Ministry of Primary Industries (MPI) to support this work, and \$99.5k has not been spent.
- 35. Recommendation: That Council approves the carry forward of \$99.5k external funds from the general reserve.

Central & Southern rivers flood protection - (opex – 7)

- 36. Asset Management seeks to carry forward a total of \$30k for flood protection work in the Central & Southern rivers, which was originally programmed to commence in Autumn 2023, but was unable to begin due to the Cyclone.
- 37. Financial Assessment: The Central & Southern rivers flood protection workstream was underspent in 2022-2023 by \$52k.
- 38. Recommendation: That Council approves the carry forward of \$3.750k from the general reserve and \$26.250k from the Central & Southern rivers scheme reserve (representing the unspent targeted rates collected in 2022-2023).

Regional Water Security Programme - (opex - 8)

- 39. Asset Management seeks to carry forward a total of \$3.5m for the continuation of the multiyear Regional Water Security Programme, including the Water Demand Study as planned in the LTP, and the Te Tua and CHB water storage and reticulation infrastructure (the latter of which is expected to begin construction in 2023-2024).
- 40. Financial Assessment: The Regional Water Security Programme was underspent in 2022-2023 by \$3.5m.
- 41. Recommendation: That Council approves the carry forward of \$3.5m from the long-term investment reserve.

Kotahi and Tangata Whenua Partnerships - (opex - 9 & 10)

42. Policy & Regulation and Governance & Partnerships seek to carry forward a total of \$1.5m, for tangata whenua engagement regarding te mana o te wai, which stalled due to the inability to progress discussions 'at place' for visions and values (for Kotahi) and set up contracts with

- tāngata whenua. This was due to a change to the work programme direction from All Governors and exacerbated by the inability to meet at place because of Cyclone Gabrielle.
- 43. The visions and values work programmed for 2022-2023 is still required as per the NPSFM. The budget was established for Kotahi not on a year on year spend but an anticipated total amount for the 3 years of the LTP to enable this work to be undertaken. Visions and values is one piece of the work which needs to be progressed and contracted. The next stage which will require funding is attributes, limits, targets and matauranga maori, and this stage will fully utilise the existing budget allocated to Kotahi in the 2023-2024 annual plan.
- 44. Financial assessment: Tangata Whenua Partnerships were underspent by \$783k and the Kotahi external expenses budget was underspent by \$1.5m. The remainder of the underspend will be factored in to the LTP process for future years.
- 45. Recommendation: That Council approves the carry forward of \$1.5m from the general reserve and notes that officers may come back to Council to approve bringing forward some LTP funding if required to maintain momentum in the delivery of tangata whenua engagement regarding te mana o te wai.

Passenger Transport - (opex - 11)

- 46. Policy & Regulation seek to carry forward the \$763k shortfall funding received from Waka Kotahi to contribute towards increased operational costs. The additional operational costs will impact in the 2023-2024 financial year as indexation costs on the GoBus contract are applied.
- 47. Financial Assessment: The passenger transport cost centre had a \$947k surplus in the 2022-2023 financial year. Note a carry forward of surplus only addresses cost pressures for one financial year, and ongoing cost pressures will need to be addressed in the 2024 LTP.
- 48. Recommendation: That Council approves the carry forward of \$763k from external funding. This will be done via the transport reserve as the Waka Kotahi funding needs to be recognised in the year it is received.

Software-as-a-service ICT - (opex - 12)

- 49. ICT seeks to carry forward \$500k for the digital transformational work programme, which was not progressed due to the suspension or slowing of work on the Finance and Biodiversity systems, caused by unavailability of business teams to assist with scoping due to staff turnover, and reprioritisation to work on the cyclone response.
- 50. Financial Assessment: The \$500k loan funding was not drawn in 2022-2023, but repayment and interest costs have been accounted for in the 2023-2024 annual plan as if it had been.
- 51. Recommendation: That Council approves the carry forward of \$500k in loan funding.

Capital expenditure carry forward requests

Activi	ty / Project	Amount	Type of funding				
		Requested	General Funds	Reserve	Debt		
Integ	rated Catchment Management (ICM)						
1	SOE ground water monitoring drilling	\$275,000		\$208,000	\$67,000		
2	Enviro info technical equipment	\$102,000		\$102,000			
Asset	Management						
3	Flood protection schemes	\$397,000		\$397,000			
4	Flood risk assessment & warning	\$113,000	\$113,000				
5	Forestry	\$45,000		\$45,000			
6	Regional cycleways	\$115,000	\$115,000				
7	Regional Parks	\$707,000			\$707,000		
8	IRG – HPFCS and gravel extraction	\$1,101,000		\$212,000	\$889,000		

Activi	Activity / Project		Type of funding				
		Requested	General Funds	Reserve	Debt		
Corpo	orate Services				Ħ		
9	Office renovations (including furniture & fittings)	\$730,000		\$164,000	\$566,000		
10	Radio network	\$44,000		\$44,000			
11	ICT network & equipment	\$72,500		\$72,500			
12	Aerial Imagery (GIS)	\$104,000			\$104,000		
Total		\$3,805,500	\$228,000	\$1,244,500	\$2,333,000		

SOE Ground water monitoring drilling - (capex – 1)

- 52. ICM seeks to carry forward \$275k to cover the contractually committed drilling programme delayed into 2023-2024. Resource capacity of drilling companies continues to be a limiting factor to achieving the annual programme of work in line with the financial year, and this was exasperated in 2022-2023 by the cyclone disruptions.
- 53. Financial Assessment: The groundwater monitoring drilling workstream was underspent by \$275k.
- 54. Recommendation: That Council approves the carry forward of \$67k loan funding and \$208k of asset replacement reserve funding.

Environmental monitoring equipment replacements - (capex - 2)

- 55. ICM seeks to carry forward \$102k for scheduled equipment replacements postponed due to staff capacity redirected to repair and replacement of equipment damaged in the cyclone.
- 56. Financial Assessment: The environmental monitoring equipment cost centres were underspent by \$102k.
- 57. Recommendation: That Council approves the carry forward of \$102k of asset replacement reserve funding.

Flood protection schemes - (capex - 3)

- 58. Asset Management seeks to carry forward a total of \$397k for cyclone-disrupted projects as follows:
 - 58.1. Wairoa River and streams scheme \$120k for the extension of the rock wall bank protection of the true right of the Wairoa River upstream of the mouth.
 - 58.2. Ohuia- Whakaki \$277k for renewal works including pump installations, power supply and pump station screens.
- 59. Financial Assessment: The Wairoa scheme opex budget was underspent by \$120k, and it is this budget that is requested to be carried forward and converted to capex. The Ohuia-Whakaki workstream was underspent by the amount of carry forward requested above.
- 60. Recommendation: That Council approves the carry forward of \$120k from the Wairoa river and streams scheme reserve (representing the unspent targeted rates collected in 2022-2023) and \$277k from the asset replacement reserve.

Flood risk assessment & warning - (capex - 4)

- 61. Asset Management seeks to carry forward \$113k for software developments for flood forecasting, where the project was not started due to reprioritisation of staff capacity for the cyclone response.
- 62. Financial Assessment: The flood risk assessment and flood forecasting workstreams were underspent by the amount of carry forward requested above. There is no budget for this work in the 2023-2024 annual plan.

63. Recommendation: That Council approves the carry forward of \$113k from the general reserve.

Forestry - (capex - 5)

- 64. Asset Management seeks to carry forward \$45k for the development of roading and access for three blocks around the Devil's Elbow due to be harvested, which were unable to be accessed due to closures of SH2 following the cyclone.
- 65. Financial Assessment: The forestry capex workstream was underspent by the amount of the carryfoward requested.
- 66. Recommendation: That Council approves the carry forward of \$45k from the long-term investment fund reserve.

Regional cycleways - (capex - 6)

- 67. Asset Management seeks to carry forward a total of \$115k for the extension of the Ngaruroro explorer cycleway, which will be progressed once repairs on the cyclone-damaged section of the trail are completed. This project has co-funding contributions from MBIE and Hastings District Council and is the only such project still supported by MBIE. Other cycleway projects will be reassessed as part of the LTP as a reflection of the withdrawn MBIE cofounding.
- 68. Financial Assessment: The regional cycleways capex budget was not spent in 2022-2023.
- 69. Recommendation: That Council approves the carry forward of \$115k from the general reserve.

Regional Parks - (capex - 7)

- 70. Asset Management seeks to carry forward a total of \$707k for Regional Park developments unable to be progressed in 2022-2023:
 - 70.1. Hawea Historical Park and Waitangi Park (toilet block) \$605k
 - 70.2. Ahuriri Regional Park, establishment of project manager for planning work \$102k
- 71. Whilst the budgets are being carried forward the drawdown of the loan and actual spending will need to be consistent with decisions around new infrastructure in Open Spaces being framed in the preparation of the LTP.
- 72. Financial Assessment: The \$707k loan funding was not drawn in 2022-2023, but repayment and interest costs have been accounted for in the 2023-2024 annual plan as if it had been.
- 73. Recommendation: That Council approves the carry forward of \$707k of loan funding.

IRG - Heretaunga Plains Flood Control Scheme (HPFCS) and gravel extraction - (capex - 8)

- 74. Asset Management seeks to carry forward a total of \$1.101m for the planned programme of works for HPFCS improvements and Upper Tukituki gravel extraction, which was significantly impacted by the cyclone. This multi-year programme of work is co-funded by Kanoa/MBIE, and an extension to the funding deadline will be sought.
- 75. Financial Assessment: The \$889k loan funding was not drawn in 2022-2023, but repayment and interest costs have been accounted for in the 2023-2024 annual plan as if it had been.
- 76. Recommendation: That Council approves the carry forward of \$889k of loan funding and \$212k of HPFCS scheme reserves funding.

Office renovations (including furniture & fittings) - (capex – 9)

- 77. Corporate Services seeks to carry forward a total of \$730k for the accommodation refurbishment project postponed due to consent and engineering report delays.
- 78. Financial Assessment: The accommodation and furniture & fitting workstreams were underspent by the value of the carry forward request above. The \$566k loan funding was not drawn in 2022-2023, but repayment and interest costs have been accounted for in the 2023-2024 annual plan as if it had been.

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79. Recommendation: That Council approves the carry forward of \$566k of loan funding and \$164k of asset replacement reserves funding.

Radio network - (capex - 10)

- 80. Corporate Services seeks to carry forward a total of \$44k for the final deliverables of Project Tarsier.
- 81. Financial Assessment: The RT Network capex workstream was underspent by \$234k in 2022-2023.
- 82. Recommendation: That Council approves the carry forward of \$44k asset replacement reserves funding.

ICT network & equipment - (capex - 11)

- 83. Corporate Services seeks to carry forward a total of \$72.5k for the purchase of extended hardware warranty support. This will improve the resilience of the ageing parts of our ICT infrastructure.
- 84. Financial Assessment: The Servers & Storage capex workstream was underspent in 2022-2023 by the amount requested to be carried forward.
- 85. Recommendation: That Council approves the carry forward of \$72.5k asset replacement reserves funding.

Aerial imagery - (capex – 12)

- 86. Corporate Services seeks to carry forward a total of \$104k for the acquisition of aerial imagery. This will be necessary to develop models and storage systems to support the increased volume of datasets collected following Cyclone Gabrielle.
- 87. Financial Assessment: The \$104k loan funding was not drawn in 2022-2023, but repayment and interest costs have been accounted for in the 2023-2024 annual plan as if it had been.
- 88. Recommendation: That Council approves the carry forward of \$104k loan funding.

Options Assessment

- 89. **Option 1**: Council approves the carry forwards as proposed from 2022-2023 to 2023-2024 to enable all the projects to be completed, service levels to be achieved, commitments to external organisations to be fulfilled and the future work to be funded), acknowledging this would require a drawdown of accumulated funds to fund the general and external funded expenditure.
- 90. **Option 2**: Council approves the carry forward of reserve, debt and externally funded expenditure only, leaving the general-funded carry forward expenditure requests to be reprioritised through 2023-2024 annual plan budgets.
- 91. **Option 3**: Council does not approve the carry forwards as proposed and provides officers with guidance on which carry forwards, if any, should be approved.

Financial and Resource Implications

- 92. Debt funded expenditure can be carried forward with no impact to the ratepayer in future years as the repayment of these funds have already been included in the LTP and Annual Plan.
- 93. Funding from reserves can be carried forward with no impact, as the expenditure has not been drawn from the reserve and is therefore available to be drawn in 2023-2024 instead.
- 94. Funding from targeted rates will be automatically carried forward through the associated reserve to enable the funds to be drawn down to complete the work in subsequent years.
- 95. The carry forward of \$2.640m in general funding and \$0.863m in external funding from 2022-2023 to 2023-2024, will impact the general reserve as there is not expected to be a surplus of general funds for the 2022-23 financial year. The actual quantum of the general fund deficit will

- be confirmed once the final funding and reserve movements have been completed for the Annual Report.
- 96. Approved general funded and external funded carry forward requests would be funded from the general reserve in 2023-2024, drawing from accumulated funds.

Decision Making Process

- 97. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded:
 - 121.1 The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 121.2 The use of the special consultative procedure is not prescribed by legislation.
 - 121.3 The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 121.4 The persons affected by this decision are Council's ratepayers.
- 98. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

- 1. That the Council receives and notes the 2022-2023 Carry forwards staff report.
- 2. The Hawke's Bay Regional Council:
 - 2.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
 - 2.2. Approves the carry forward of all expenditure requests from the 2022-2023 to the 2023-2024 budget, being:

Operating expenditure carry forward requests

Acti	vity / Project	Amount	Source of funds						
		Requested	General	Reserve	External	Debt			
Inte	grated Catchment Management (ICM)								
1	Biodiversity	\$429,000			\$229,000	\$200,000			
2	Predator Free Hawkes Bay	\$423,000			\$423,000				
3	Land for life	\$277,000		\$277,000					
4	Environmental Science data models	\$502,000				\$502,000			
5	Environmental Enhancement Programme	\$320,000	\$208,000		\$112,000				
6	Land research & investigations	\$99,500			\$99,500				
Asse	et Management								
7	Central & Southern Rivers – flood protection	\$30,000	\$ 3,750	\$26,250					
8	Regional Water Security	\$3,500,000		\$3,500,000					
Gov	ernance & Partnerships								
9	Tangata Whenua Partnerships	\$450,000	\$450,000						
Poli	cy & Regulation								
10	Kotahi (policy & planning)	\$1,050,000	\$1,050,000						

Acti	vity / Project	Amount	Source of funds					
		Requested	General	Reserve	External	Debt		
Trai	nsport							
11	Passenger Transport	\$763,000			\$763,000			
Corporate services								
12	Software-as-a-service development	\$500,000				\$500,000		
Tota	al .	\$8,343,500	\$1,711,750	\$3,803,250	\$1,626,500	\$1,202,000		

Capital expenditure carry forward requests

Activ	ity / Project	Amount	Type of fund	Type of funding				
		Requested	General	Reserve	Debt			
Integ	rated Catchment Management (ICM)							
1	SOE Ground water monitoring drilling	\$275,000		\$208,000	\$67,000			
2	Enviro info technical equipment	\$102,000		\$102,000				
Asset	: Management							
3	Flood protection schemes	\$397,000		\$397,000				
4	Flood risk assessment & warning	\$113,000	\$113,000					
5	Forestry	\$45,000		\$45,000				
6	Regional cycleways	\$115,000	\$115,000					
7	Regional Parks	\$707,000			\$707,000			
8	IRG – HPFCS and gravel extraction	\$1,101,000		\$212,000	\$889,000			
Corp	orate Services							
9	Office renovations (including furniture & fittings)	\$730,000		\$164,000	\$566,000			
10	Radio network	\$44,000		\$44,000				
11	ICT network & equipment	\$72,500		\$72,500				
12	Aerial Imagery (GIS)	\$104,000			\$104,000			
Total		\$3,805,500	\$228,000	\$1,244,500	\$2,333,000			

2.3. Notes that officers may come back to Council to approve bringing forward some LTP funding if required to maintain momentum in the delivery of tangata whenua engagement regarding te mana o te wai.

Authored by:

Amy Allan SENIOR BUSINESS PARTNER

Chris Comber CHIEF FINANCIAL OFFICER

Approved by:

Nic Peet

CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 September 2023

Subject: STRATEGIC PROJECTS REPORT TO 31 AUGUST 2023

Reason for Report

- 1. This agenda item presents the Project Management Office's (PMO) *Strategic projects report to 31 August 2023* for information.
- 2. HBRC's key strategic projects are tracked by the Project Management Office (PMO) and reported monthly throughout their lifecycle. These projects were selected because of their significance in terms of investment, risks, benefits, and interdependencies.
- 3. This report is backward looking and reports on activities in the prior month specifically. In line with good project management discipline, particular emphasis is given to scheduling, budgeting and risk management.

Key

Project performance indicators (RAG): = Off Track = At Risk = On Track = Not available

Status Change over last 6 months: how the status has tracked between January 202 and July 2023. *Risk status is inherent (eg. prior to mitigations and controls implemented) vs residual.

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months					
1. HBRC Recovery Programme					Apr	May	Jun	Jul	
(Monthly reporting)				Sch	1	•	•	- 1	
(Monthly reporting)				Risk	•	•	•	•	
				Bud	•	•	•	•	

Project summary: The Recovery Programme coordinates and tracks recovery planning and community communication and engagement activities across HBRC. This connects and aligns this work under the Hawke's Bay Regional Recovery framework to support regional coordination of recovery. Under this framework HBRC will be the lead agency for the Environmental Resilience pou, the supporting agency for the Primary Sector pou, and will input into relevant workstreams under the other pou that will make up the Regional Recovery Plans. This programme will support teams working within this framework during the planning phase and help prepare the organisation for adoption of recovery initiatives into BAU programmes of work.

Schedule – the focus this month was working through a large number of land categorisation reassessment requests, and working closely with TLAs to notify affected landowners of their outcome. Our principal engineer has undertaken many site visits to assess and talk to property owners, as well as phone calls. Scoping and planning for the 2nd edition of the Environmental Resilience Plan is complete. Plan writing will commence in September. Community engagement will begin mid-late September. The development of mini business cases for recovery initiatives is ongoing due to be complete by mid-September.

Risk - additional funding confirmation won't align with LTP budget review timeframe. Community having low appetite for engagement for Environmental Resilience Vision for HB, due to the level of engagement that has occurred over the past 6 months. Many communities will not be ready to discuss long-term goals for their communities.

Budget - the RRA has been discussing additional funding for the recovery initiatives that are outside of the Crown cost-share offer. Early indication is that more funding at this time is unlikely and we will need to revisit this with the new incoming government early next year.

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months					
2. Recovery Claims - Insurance					Apr	May	Jun	Jul	
(Monthly reporting)				Sch	- 1	•		1	
(Working reporting)				Risk	•	•		•	
				Bud				1	

Project summary: This is a project to recover asset and business interruption losses arising from the impacts of Cyclone Gabrielle and how we will maximise recovery of costs to replace assets through our insurance policies.

Schedule – we have onboarded five resources so far to this project. Staffing has been tricky here due to the fixed term nature and other BAU commitments. We now have one dedicated resource with a second being onboarded to assist part time.

Risk – data accuracy is an ongoing risk for the project. Our Project team have been working with Assets team to unify both financial data with operational information with a number of BI dashboards being created. There is a huge amount of information to collate and assess quality of data to ensure accurate information.

Budget - a prepayment of insurance of \$4.25m has been proactively given (in April) to HBRC by Insurance.

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months												
3. Recovery Claims - NEMA					Apr	May	Jun	Jul								
(Monthly reporting)				Sch		•	•									
(worthly reporting)										Risk	•	•		•		
				Bud				1								

Project summary: This is a project to recover costs incurred through CDEM response (and HBRC) including response costs for infrastructure.

CDEM - Welfare Claims

- Total CDEM welfare costs to date are \$8.5m and of this we have identified \$6m is recoverable.
- NEMA has to date paid HBRC \$4 million for welfare claims with a further \$2 million with NEMA for review. The \$2 million outstanding claim is for helicopter operator invoices.

INFRASTRUCTURE

- NEMA advised HBRC that Works Group costs are not claimable under Section 33 of the Emergency Management reimbursement framework given Works Group is an internal Council cost.
- To date, HBRC have spent \$39m on infrastructure repairs across an array of our assets.
 - Stop banks \$27m
 - Pump stations \$3.8m and
 - Drains/culverts \$3.5m
- There are some complexities in and around the claim process and the hierarchy of funding that applies in particular to 'flood critical' assets (such as stopbanks and pump stations). Due to the different policies these sit under there are different ways we have to claim these.

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
4. IRG Flood Control & Drainage					Jan	F/M	Apr	May	Jun	Jul
Programme				Sch	•		1	I		-
(Monthly reporting)				Risk	•		1	1	1	1
(Monthly reporting)				Bud	•	1	- 1	- 1	- 1	1

Project summary:

Project 1: Heretaunga Flood Control & Drainage Scheme

We are reviewing and where appropriate upgrading flood protection assets across the Tūtaekurī, Ngaruroro, Lower Tukituki and Te Awa o Mokotūāraro (Clive) rivers, with the intention of increasing the level of service with regard to flood protection across the scheme.

Project 2: Upper Tukituki Flood Control Scheme: Gravel Extraction

We are removing gravel from the Upper Tukituki River to improve flood protection in Central Hawke's Bay. Decreased demand for gravel has seen a build-up of gravel (aggradation). Extracting gravel from the riverbeds helps increase river capacity and reduces the risk of water inundation of neighbouring properties during a flood.

Schedule – the delay in progress caused by Cyclone Gabrielle and the ensuing repairs has had a significant impact on programme. Physical works for the Ngatarawa Stopbank Upgrade progressed well and will now be complete at the end of September, two months early. The planting of native trees at Ngatarawa and Taradale has been completed. The development Cultural Impact Assessments for Moteo and Omarunui has recommenced. Confirmation of an extension to the funding deadline and/or additional tranches of funding is awaited before any new initiatives are commenced.

Risk - work currently underway will not be completed in the current funding window. Confirmation of an extension to the funding deadline and/or additional tranches of funding is awaited before any new initiatives

are commenced. We are in discussions with Kānoa (co-funder) to review the funding deadline and programme extents in order to identify practical project hold points and funding timeframes.

Budget - the programme is significantly underspent. Resourcing, both internally and externally will constrain the programme in the foreseeable future.

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
5. Kotahi Plan					Jan	F/M	Apr	May	Jun	Jul
(Monthly reporting)				Sch		I	I	I	- 1	
(Working reporting)				Risk	•	- 1	1	1	1	- 1
				Bud	1	1	1	1	1	1

Project summary: Developing a combined resource management plan for the Hawke's Bay region. It will refresh how we manage the use and protection our natural and physical resources looking at all aspects of the environment. This includes land and freshwater, air, the coastal and marine area, climate change, biodiversity, urban form and development, natural hazards and risks, energy, transport, and infrastructure. Kotahi will combine and update the existing Regional Policy Statement, the Regional Resource Management Plan, and the Regional Coastal Environment Plan into one, while also giving effect to the new policies, planning and technical standards from central government.

Schedule - a variation to the Mohaka contract is proposed which will focus on stages 1 & 2 of the engagement programme. Work continues to progress on other contracts.

Risk - as teams, mana whenua and the wider community begin to transition out of recovery, resourcing risk for necessary Visions & Values work needs to be managed.

Budget – it is envisaged that contracts with PSGEs/taiwhenua will be in place prior to year-end to support the delivery of locality plans incorporating visions and values for freshwater plan development.

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
6. Land for Life					Jan	F/M	Apr	May	Jun	Jul
(Monthly reporting)				Sch	•				T	- 1
(Risk	•	1	1	1	1	1
				Bud	•	1	1	- 1	1	1

Project summary: A pilot on up to five farms with loans offered to landowners to plant trees on marginal land that can earn a return and enhance regenerative farming practices. Run in collaboration with The Nature Conservancy (TNC) and the Ministry for Primary Industries (MPI) to accelerate erosion control work and extend the programme to more farms.

Schedule – the project is on time with business case is complete and is being socialised by HBRC, government and TNC to consider whether to scale the project.

Risk - HBRC, TNC and government decide not to fund and move forward with the project. May need to consider alternative phasing and costing scenarios for the project.

Budget - subject to roll over of last year's funds and decision from Council about whether to support additional funding through LTP process.

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
7. Regional Water Security					Jan	F/M	Apr	May	Jun	Jul
Programme				Sch	•	- 1	1	1	1	1
(Monthly reporting)				Risk	•	1	1	1	1	1
(Working reporting)				Bud	•	- 1	- 1	- 1	- 1	- 1

Project summary: Investigating water supply options aiming to ensure Hawke's Bay has long-term, climateresilient, and secure supplies of freshwater for all. This supports the Kotahi Plan and includes:

- exploring above ground, medium-scale water storage options in the Ngaruroro catchment for and on behalf of the community
- setting up a Managed Aquifer Recharge (MAR) trial in Central Hawke's Bay to determine whether MAR is a viable water storage option and can contribute to water security in the area
- we will also work with water users to drive more efficient and effective use to complement water storage following the completion of a comprehensive 40-year Regional Water Assessment.

CHB MAR

Consent decision issued. MAR Resource consents now granted. Media Release and social media issued post resource consent decision. Relatively low-key release. Joint communications with Kānoa, CHBDC and Tamatea Taiwhenua. Detailed design phase to commence – Technical Site Investigation Proposals sought.

Ongoing Landowner engagement in preparation to site investigations / detailed design phase. Budget review in light of extended concept / consenting processes, inflation and escalation of construction estimates.

Go/No Go decision point to be made when detailed designs have been confirmed and costed for construction and three-year operation.

Heretaunga Water Storage:

Damwatch Engineering, independent technical peer reviewers, provided draft report and feedback on the Tonkin & Taylor Stage 2 technical study for Option 3 Dam site. Awaiting issue of final report (delayed and due Sep). Anticipate Kānoa loan funding of \$200k to be processed in Aug/Sep. HBRC budget expected to be expended.

Regional Water Assessment (RWA):

A Water Demand Assessment report focused on the Industrial and Territorial water users has been issued. HBRC data to be confirmed to finalise report. Internal discussions conducted to better understand current and potential levers already used to manage demand. Draft memo for HBRC's ELT is being prepared for discussion. Memo delayed and anticipate discussions to be held with Exec in late September/October depending on availability. Separate funding of \$1M was ear-marked in the Long Term Plan to progress priority recommendations.

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
8. Transport Choices					F/M	Apr	May	Jun	Jul	
(monthly reporting)				Sch	- 1	- 1	- 1	- 1	- 1	
(monthly reporting)				Risk	- 1	- 1	- 1	- 1	- 1	
				Bud						

Project summary: HBRC secured funding of \$1.39 million from central government to upgrade eight bus stops in the region and create two new stops. The funding is part of a *Transport Choices* package included in the Government's Climate Emergency Response Fund (CERF) led by Waka Kotahi NZ Transport Agency.

Schedule – behind schedule but will be delivered to the final timeframe required.

Risk - delays in getting the designs from the manufacturer. Waka Kotahi requiring more supporting information. Safe System review also has some issues. We plan to continue to communicate with parties involved to make this as efficient as possible.

Budget - due to the late handover to the incoming Transport Manager we have had to take a more generic view of standardising the shelters rather than pursuing a custom build. This will mean the cost per shelter is lower than originally estimated.

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
9. Revenue & Financing Policy/					Jan	F/M	Apr	May	Jun	Jul
Rates Review				Sch	•	- 1	1	- 1	T	
(Monthly reporting)				Risk	•	1	1	1	1	1
(Monthly reporting)				Bud	•	1	1	1	1	1

Project summary: First principles review of our Revenue and Financing Policy, and full review of our rating system. The aim is to improve transparency for who pays what, ensure legal compliance, simplify the Policy and provide more flexibility in applying the Policy. Consultation is planned to take place towards the end of 2023 prior to the next Long Term Plan when the amounts rated for many Council services will likely change.

Schedule – this project is on schedule with two workshops in August. The first was covering the big areas of flood protection & control works, and drainage & pumping. The second workshop covered sustainable land management, biodiversity, biosecurity, primary production pests, and fees & charges relating to consents, compliance and maritime safety. However, an additional workshop has been set up to cover a discussion on the Fees & Charges schedule relating s36 science charges (set for 20 September).

Risk – the main risk remains the reliance on one or two people for the modelling. Staff are prioritising this work on modelling where possible and delivery spread over two or more workshops.

Budget - the budget for this project is resourced from existing Finance budget. An external contractor has been engaged to facilitate the workshops and process.

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
10. Emissions Reduction Plan					Jan	F/M	Apr	May	Jun	Jul
(Monthly reporting)				Sch	•	1	•		1	
(Montany reporting)				Risk	•	1	•	1	1	- 1
				Bud	•	1	•	1	1	1

Project summary: Development of an inaugural Regional Emissions Reduction Plan by July 2023 with broad community involvement, support, and engagement, which will integrate with the next long term plans of the region's councils. The Emissions Reduction Plan will be informed by a greenhouse gas emissions inventory to establish the carbon footprint at the city, district, and regional level. A first for Hawke's Bay.

Schedule – the emissions reduction plan is largely paused until guidance is received from the Climate Action joint committee. A wānanga for the committee to set a purpose and vision for their work is planned for October and there is a joint committee meeting in December. Any project progress or updates will be reported as and when anything noteworthy occurs.

Risk – please see above

Budget - please see above

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
11. Enterprise Asset Management					Jan	F/M	Apr	May	Jun	Jun
(Monthly reporting)				Sch	•	I	•	•	•	•
(Worthly reporting)				Risk	1	- 1	•	•	1	1
				Bud	•	- 1		•	•	•

Project summary: Aims to embed an Asset Management Information System that integrates into and expands on the Enterprise Resource System (ERP) that was introduced during the Finance Upgrade Systems & Efficiency (FUSE) project. The goal is to improve efficiency, allowing us to confidently identify assets (both spatially and uniquely within a register), manage and maintain our current infrastructure through whole-of-life, and assess risk to determine when changes or additions are required.

Schedule – project schedule is on track. Work continues on the design of the Work Model & Product Lifecycle Management. Asset Register moved to pre-production with testing completed for CAB sign-off into production.

Risk – financial architecture interface issue unresolved and escalated to the Steering Group. Work with stakeholders and consultants to determine optimum solution.

Budget - on track.

Project/Programme Title	Schedule	Risk*	Budget	Status Change over last 6 months						
12. Synergy					Jan	F/M	Apr	May	Jun	Jul
(Monthly reporting)				Sch	•		[•	•	•
(Worthly reporting)				Risk	•	1	1	•	•	•
				Bud	•	- 1	1	•	•	•

Project summary: The enhancement of already implemented TechnologyOne modules to ensure a stable foundation for the future stages of the TechnologyOne ERP deployment at HBRC.

Schedule – AP- Implementation of ABBYY Vantage (OCR) is almost complete and will be going live early September. Finance: General agreement to set up project team to revisit financial architecture as a result of implementing Asset Management - we believe this will help Finance better understand and utilise the Chart of Accounts, which likely means apart from Payroll, Synergy will pause. Payroll: First draft of audit report has been received and we are working through what has been raised focusing first on another review of the payroll components. Legacy Apps: NAV Viewer has been decommissioned. Other: WalkMe Implementation is still underway.

Risk - limited resource continues to be a risk. Finance resource essential for the review of financial architecture. Pause financial elements of Synergy and refocus resource on the financial architecture work. SEAM and Finance will need to work closely to ensure both pieces of work are aligned.

Budget - on track. ABBYY, WalkMe and Atturra consulting within budget. If anything we have been underspending due to slower pace.

Note: ABBYY = OCR (optical character recognition) tool used by finance to scan and read information from invoices / credit notes and update TechOne.

WalkMe = digital adoption / training / change management tool to trial with TechOne. Simplifies software usage by overlaying instructions & automating some steps.

Key Strategic Projects - pipeline											
Title	Group	Estimated Start									
Freshwater Farm Plans (formerly Farm Environment Farm Plans)	Policy & Regulation	July 2024									
Regional Water Efficiency Programme (Future Water Use)	Asset Management (Water Security)	ТВС									
Biosecurity Information System	Integrated Catchment Management	ТВС									

Te Awa o Mokotūāraro (Clive) River Dredging 2030	Asset Management (Regional Assets)	TBC
On Demand Public Transport (Napier trial)	Policy & Regulation (Transport)	TBC
Urban Catchment Plans (Te Karamū & Ahuriri)	Asset Management (Regional Assets)	TBC

Decision Making Process

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

Recommendation

That Hawke's Bay Regional Council receives and notes the *Strategic projects report to 31 August 2023*.

Authored by:

Sarah Bell Jason Doyle

TEAM LEADER STRATEGY AND PERFORMANCE PROJECT MANAGER POLICY & PLANNING

Approved by:

Desiree Cull

STRATEGY AND GOVERNANCE MANAGER

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 September 2023

Subject: SIGNIFICANT ORGANISATIONAL ACTIVITIES THROUGH OCTOBER 2023

Reason for Report

1. The following commentary is for councillors' information to highlight significant areas of Council activity, particularly initiatives that have a high external profile.

Significant activities by group

Project /Activity description	Significant upcoming milestone(s)	Team or Section Regional Assets
Napier urban waterways	 A review of the Awatoto and Pākōwhai Drainage Areas has commenced using a consultant. The review has been split, with the Awatoto area being worked on first. It is expected that this will be completed by the end of September. The Pakowhai review will be completed by the end of October. 	
Wairoa	 Scheme reviews are being carried out on Opoho and Ohuia schemes by PDP. A hydrological review of the Mahanga wetland and stream is underway, also by PDP. The Silt Taskforce has set up a specific team in Wairoa to manage woody debris. This is focusing on 4 areas – Wairoa, Mohaka, Mahia and 12 bridge sites. Ohuia Pump Station screen renewal and culvert repair in progress. Scheme ratepayer meetings scheduled for Ohuia (26 September) and Kopuawhara (October 2023). A team has been formed by HBRC and WDC staff to explore flood resilience in Wairoa. This has now been incorporated into the land categorisation process and is working to help facilitate the optioneering of design solutions. 	Operations / Regional Assets
Central Hawke's Bay	 Waipawa River at SH50 scour and erosion repairs are in progress. Discussions are underway with NZTA regarding funding for river work upstream of the SH50 bridge, to ensure that the Waipawa River maintains its alignment. Makara Dam #4 – dewatering is ongoing to allow outlet repair and desilting to be undertaken. This work has been assigned to the Regional Projects team, and a project manager has been assigned. Upper Tukituki Scheme Review is underway. T&T are conducting the review. A meeting has been set up with CHBDC to develop the final scope of the review. 	Operations / Regional Assets
Napier Meeanee NCC MOU	13. PDP has been engaged by NCC to develop the business case for asset transfer.14. Progress is slow given recovery priorities of both Councils	GM
Gravel extraction	 Tangata Whenua Gravel Operational Group Hui's second meetings scheduled for 20/21 September. Consent/industry meeting scheduled for 27 October. Gravel extraction authorisations for 2023-24 year are being processed in large numbers, including facilitating the Tukituki River Controlled Area Notice. 	Operations

Asset Managem	nent Group		
Project /Activity description	Significant upcoming milestone(s)	Team or Section	
Hastings Karamu Scheme Review	18. The HPFC scheme review is underway. T&T are conducting the review. Elements of the Karamu will be reviewed as part of the HPFC scheme review.		
Cyclone Gabrielle Response	19. All breaches on the Tūtaekurī and Ngaruroro rivers have been completed. The work programme now consists of scour repairs and work packages for river management works. This work is progressing well with all scours in the Heretaunga Plains likely to be completed by October, weather permitting.	Regional Assets/ Operations	
	20. Breach and scour repairs in Central Hawke's Bay are well advanced with one remaining breach site having been delayed due to wet weather and high river levels. Several breach sites that were on hold awaiting technical review have been released and work is now underway on these repairs.		
	21. Further asset inspections have been carried out, and the inspections analysed and prioritised.		
	22. So far over 1800 inspections have been completed and 153 work packages developed.		
	23. A review of the pumpstations at Pakowhai, Mission and Brookfields is underway, as noted above. The outcome of the review will inform future development around those pumpstations.		
	24. The drain silt excavation programme is in progress; currently working in the Moteo area		
	25. Asset Management maintenance contracts 2023-24 have been finalised.		
	26. Wood waste removal from the rivers is being coordinated through the silt taskforce.		
Regional Parks	27. Pekapeka: Main carpark is open to the public, however, major damage to boardwalks still requires repair.	Regional Projects/	
	28. Tūtira: Still closed due to significant damage and access issues due to blocked outlet. Working with MPI/HBRC Science.	Operations	
	29. Spring Equinox Karakia at the Ātea a Rangi - Watangi Regional Park - 5.30 am on Friday 22 September.		
Cycle Networks	30. A second Managing Great Rides (MGR) Extreme Events application for \$1,925,570 was made to MBIE in June for repairs to closed sections of trails 30% or 58km. MBIE approved funding September 2023.	Regional Assets / Operations	
	31. NOTE: The \$1.926 million includes redirected MBIE funding of \$750,000. This is from the \$1,343,324 funding from the NZCT Fund approved in February 2019 Business Case for three extensions to the Hawke's Bay Trails.		
	32. The \$750,000 was allocated towards two of the three approved-in- principal projects: the Bayview to Whirinaki extension and the Karamu Stream Extension. This leaves only \$593,324 approved-in- principal for the co-funding of Ngaruroro Explorer project only.		
	33. Total of \$2.219 million (1. \$293k May 23 & \$1.926 M Sept) for repairs to Hawke's Bay Trails Great Ride network.		

Integrated Catchment Management Group Project /Activity Team or Section			
description	Significant upcoming milestone(s)	ream or section	
Hill Country Erosion Fund (HEF)	34. Milestone report to be completed with invoice by 30 September.	Catchment Management	
Soil Conservation Nursery	 35. Pole shed consent in process due to be completed. 36. Fires assessment to be completed. 37. Planting another 7k poles in the Harris block. 	Catchment Management	
Erosion Control Scheme	38. This winter's planting and associated works will be inspected over the next three months. Seedling establishment management is ongoing. ECP works targeted for the summer months will be developed and finalised.	Catchment Management	
Hydrology and Water Quality	39. Telemetry sites continue to be rebuilt and/or upgraded and digital mobile radios are being installed in the southern area to give better coverage.	Environmental Information	
	40. Scoping and testing to install more camera sites continues, this will enable monitoring of river conditions and heights at selected sites and the data will be put onto HBRC web.		
	41. Water Quality and Ecology team will continue its extra sampling to accurately define changes in streams and rivers.		
Science	42. In collaboration with NIWA, an air quality monitoring site, measuring PM10, has been installed at Waiohiki to capture post-cyclone impacts on air quality in the area. Data communication is currently being worked on with NIWA.	Environmental Science	
Biosecurity	43. Alligator weed - Lake Whatumā. EPA monitoring plan/risk assessment for aquatic control work is being worked on in conjunction with an external provider.	Biosecurity	
	44. Contract signed for CNG review with contractor and review progressing.		
	45. Biosecurity have begun rook surveillance work across the region prior to rookery control via helicopter.		
	46. The Controlled Area Notice allowing cyclone recovery-related gravel extraction from the Tukituki/Waipawa rivers has been extended in duration and amended. Eligibility criteria has been adjusted to allow more cyclone affected landowners in the wider Tukituki catchment to apply for gravel from the area for recovery-related works.		
Biodiversity and Priority Ecosystems	47. A consultant has been engaged and ground truthing of the region's priority ecosystem sites is underway with the Central Hawke's Bay area being the first area targeted.	Biodiversity	

Project /Activity description	Significant upcoming milestone(s)	Team or Section
Community Engagement	Rural Recovery Team 48. Rural Recovery Team (RRT) delivery of Community Engagement	Rural Recovery
66	events and workshops in collaboration with Rural Advisory Group and Territorial Authorities.	
	49. RRT remains active participation and contribution to the Rural Advisory Group and the Horticulture Advisory Group. RAG has recently undertaken a facilitated assessment of its response to Cyclone Gabrielle, and a report on this is expected by the end of October 2023.	
	50. There are three Rural Advisors as part of the HBRC Rural Recovery Team. There is one based in Wairoa, covering the Northern Region, and this role is a part time contracted role. There is a second Advisor based in the Central Region, and this role is a permanent HBRC staff member. There is a third Rural Advisors allocated to the Southern Region based in Waipawa, and this role is a part time contracted position. Advisors can work with individual landowners, catchment and community groups to act as connectors to HBRC services, resources and information.	
	51. RRT facilitated workshops in Waikare and Waipukarau to assist landowners understand and complete their funding applications for the Silt & Debris fund application. These were well received by the community with around 15 attendees at Waikare and nearly 30 attendees in Waipukarau (these were held in the last 10 days of the fund being available and were supported by Gus Charteris).	
Resilient Land Businesses	52. Rural Recovery Advisors (as part of RRT). There is one based in Wairoa, covering the Northern Region, and this role is a part time contracted role. There is a second Advisor based in the Central Region, and this role is a permanent HBRC staff member. There is a third Rural Advisors allocated to the Southern Region based in Waipawa, and this role is a part time contracted position. Advisors can work with individual landowners, catchment and community groups to act as connectors to HBRC services, resources and information.	Rural Recovery
	53. RRT have been working closely with a group of cropping farmers in Wairoa severely impacted by Cyclone Gabrielle. There are eight cropping farmers who are working to identify land use and restoration options.	
	54. RRT has been working collaboratively with LandWISE Micro-Farm to understand impacts on soil health (soil testing) and options to return silt/sediment-impacted land to use. Areas being researched — Wairoa, Esk Valley, Swamp Road, Okawa. Early indications are of low nutrient status and low levels of organic matter in impacted soils.	

Policy and Regulation Group			
Project /Activity description	Significant upcoming milestone(s)	Team or Section	
Plan Change 9 (TANK plan) appeals	 55. HBRC has commenced proceedings with the Environment Court and appellants. There are sixteen appeals and over 600 individual appeal points. There are 25 parties that have joined as interested parties to one or more of those appeals. 56. Dates for Court-assisted mediation sessions are yet to be scheduled and we have informed the Court that we can accommodate an October start. 	Policy	
Plan Change 7 (Outstanding waterbodies) appeals	57. Four appeals were lodged with the Environment Court. The Court had originally scheduled a hearing to commence on or after 20 November 2023, but that is now more likely to be postponed into Feb-April 2024 due to limited Court availability. HBRC and the Appellants have circulated their respective experts' evidence. Other interested parties and HBRC's rebuttal evidence is due to be circulated later this year.	Policy	
Napier-Hastings Future Development Strategy (FDS)	58. Next meeting of the FDS Joint Committee is currently scheduled for 31 October 2023. In meantime, FDS project team leads from three councils are undertaking some preliminary public engagement and engagement with Treaty partner groups. That engagement is focusing on key issues and options for urban development, plus following up with those parties that had responded to an earlier 'call for opportunities' (i.e. preliminary nominations for potential sites of future growth).	Policy	
Ngaruroro River Water Conservation Order (WCO) High Court appeal	59. High Court appeal hearing was scheduled to commence on 8 May 2023 but cancelled pending clarification from one of the parties about their status and interests in proceedings. New High Court hearing date is yet to be confirmed.	Policy	
Spatial Planning Act and Natural and Built Environment Act passing into legislation	60. In September, the following new Orders in Council under Severe Weather Event Recovery Legislation Act (SWERLA) were gazetted: Severe Weather Emergency Recovery (Waste Management) Order 2023 Covering silt and debris disposal and temporary sorting sites, including those by HBRC/Taskforce (commencing 20 Sept 2023). Severe Weather Emergency Recovery (Resource Management—Time Extensions) Order 2023 Covering extensions for RMA prosecutions, some stock exclusion regulations, national planning standards and freshwater planning instruments (including an extension from 31 Dec 2024 to 31 Dec 2027 for HBRC to publicly notify a freshwater planning instrument to implement the 2020 National Policy Statement for Freshwater Management). Severe Weather Emergency Recovery (Resource Management—Extension of Water Permits) Order 2023 Covering extensions for late applications for replacement water permits in TANK catchment area. Severe Weather Emergency Recovery (Resource Management—Streamlined Planning Process) Order 2023 A special RMA plan-making process for providing for	Consents Compliance and Enforcement Policy Planning Policy Implementation	
	Extension of Water Permits) Order 2023 Covering extensions for late applications for replacement water permits in TANK catchment area. Severe Weather Emergency Recovery (Resource Management—		

Decision Making Process

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

Recommendation

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

Authored by:

Mell Anderson Paul Barrett

PROJECT MANAGER HILL COUNTRY EROSION PRINCIPAL CONSENTS PLANNER

SCHEME

Peter Davis Ceri Edmonds

MANAGER ENVIRONMENTAL INFORMATION MANAGER POLICY & PLANNING

Dan Fake James Feary

FRESHWATER ECOLOGIST OPERATIONAL RESPONSE MANAGER

Craig Goodier Sandy Haidekker

PRINCIPAL ENGINEER TEAM LEADER FRESH WATER & ECOLOGY

Simon Harper Nathan Heath

TEAM LEADER HYDROLOGY & GROUNDWATER AREA MANAGER NORTHERN HAWKE'S BAY

SCIENCE

Rob Hogan Gavin Ide

MANAGER COMPLIANCE PRINCIPAL ADVISOR STRATEGIC PLANNING

Jon Kingsford Dr Kathleen Kozyniak

MANAGER REGIONAL PROJECTS
TEAM LEADER MARINE AIR & LAND SCIENCE

Anna Madarasz-Smith Astra McKellow

MANAGER SCIENCE SENIOR GRAVEL ASSURANCE OFFICER

Louise McPhail Malcolm Miller

HBRC RECOVERY MANAGER MANAGER CONSENTS

Ken Mitchell Thomas Petrie

ASSET MANAGEMENT ENGINEER PROGRAMME MANAGER PROTECTION &

ENHANCEMENT PROJECTS

Kate Proctor Antony Rewcastle

PASTORAL SECTOR PRIORITISATION & MANAGER OPERATIONS

ENGAGEMENT LEAD

Becky Shanahan Matthew Short

SENIOR SCIENTIST MARINE & COASTS CATCHMENT MANAGEMENT LEAD -

BIOSECURITY

Jolene Townshend Paul Train

MANAGER CATCHMENT OPERATIONS

CATCHMENT MANAGEMENT LEAD SOUTHERN

Richard Wakelin
MANAGER RURAL RECOVERY

Andrew Burton
CATCHMENT MANAGEMENT LEAD - CENTRAL

Approved by:

Katrina Brunton
GROUP MANAGER POLICY & REGULATION

Chris Dolley
GROUP MANAGER ASSET MANAGEMENT

Anna Madarasz-Smith MANAGER SCIENCE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 27 September 2023

Subject: RECOMMENDATION FROM THE CORPORATE & STRATEGIC COMMITTEE - HBRIC CHAIRPERSON APPOINTMENT

That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 12 Recommendation from the Corporate & Strategic Committee - HBRIC Chairperson Appointmentwith the general subject of the item to be considered while the public is excluded. The reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are:

General subject of the item to be considered	Reason for passing this resolution	Grounds under section 48(1) for the passing of the resolution
Recommendation from the	7(2)s7(2)(a) That the public conduct of this agenda item would	The Council is specified, in the
Corporate & Strategic	be likely to result in the disclosure of information where the	First Schedule to this Act, as a
Committee - HBRIC	withholding of the information is necessary to protect the	body to which the Act applies.

privacy of natural persons.

Authored by:

Allison Doak
GOVERNANCE ADVISOR

Chairperson Appointment

Approved by:

Desiree Cull STRATEGY AND GOVERNANCE MANAGER